

MAIN CASE

Reference No: 18/00775/FUL

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

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

Applicant: Mr Jason Constable

Case Officer: Rebecca Saunt, Planning Manager

Parish: Little Downham

Ward: Downham Villages
 Ward Councillor/s: Councillor Anna Bailey
 Councillor Mike Bradley

Date Received: 7 June 2018 **Expiry Date:** 11th February 2019
[T193]

1.0 **RECOMMENDATION**

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

- 1 Approved Plans
- 2 Time Limit
- 3 Sample materials
- 4 Foul and Surface water drainage
- 5 Soft landscaping scheme
- 6 Site Characterisation
- 7 Reporting of unexpected contamination
- 8 Biodiversity Improvements
- 9 Construction Environmental Management Plan
- 10 Construction/Delivery Times
- 11 No Burning of Waste
- 12 Archaeological Investigation
- 13 Gates - restriction
- 14 New access - width
- 15 Parking & turning
- 16 Access drainage

- 17 Boundary Treatments
- 18 Soft Landscaping Maintenance
- 19 Tree Protection Measures
- 20 Method Statement Great Crested Newts and Reptiles
- 21 Energy and Sustainability Strategy
- 22 Biodiversity Management Plan

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal seeks consent for the demolition of the dwelling at 51 Cannon Street and the construction of 2no. 4 bedroom dwellings fronting Cannon Street, 3no. 2 bedroom dwellings to the rear and 1no. 3 bedroom dwelling fronting White Horse Lane.
- 2.2 The application is a resubmission of a previously refused application (17/00667/FUL) which was subsequently appealed and dismissed. This application was presented to Planning Committee on the 24th September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site. Following the deferral the applicant has submitted amended plans and additional information including:
- Reptile Survey
 - Preliminary Ecological Appraisal
 - Plans to include addition of a wildlife corridor and additional planting
 - Plan showing an amended access and clarified parking arrangement
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application was called into Planning Committee by Cllr Bailey 'given the number of comments raised by nearby residents and the planning history of the site'.

3.0 PLANNING HISTORY

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

18/00775/FUL – This application was presented to Planning Committee on the 24th September 2018 and deferred to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site.

4.0 THE SITE AND ITS ENVIRONMENT

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

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees since the last application was presented to Planning Committee and are summarised below. All other consultee responses are contained within the previous Planning Committee report attached at appendix 2. The full responses are available on the Council's web site.

Parish (19th October 2018) – Little Downham Parish Council has concerns regarding the amended application dated 2/10/2018 and unanimously recommended outright refusal for the following reasons:

1. The amended application does not address all the concerns that the Parish Council has previously stated with this proposed development.
2. The developer should not be permitted to submit piecemeal applications. No amendments should be considered or approved until the ECDC Planning Committee's requirement of an Amphibian (Great Crested Newt) Survey has been completed, which cannot take place until Spring 2019 when the Great Crested Newts come out of hibernation in March/April.

Parish Council (25 November 2018) - Little Downham Parish Council had concerns regarding the amended application dated 19/10/2018 and unanimously recommended outright refusal for the following reasons:

1. The amendment does not address the concerns that the Parish Council had express previously regarding this proposed development.
2. No amendments should be considered or approved until ECDC Planning Committee receives an Amphibian (Great Crested Newt) Survey, as requested at the 24/09/18 meeting, which cannot take place until spring 2019 when Great Crested Newts come out of hibernation in March/April. The developer should not be permitted to submit piecemeal applications in the meantime.

3. The Council believes this amendment was an attempt to circumvent the planning committee's request and planning process.

4. The Reptile survey -

- Great Crested Newts are amphibians and not reptiles. This survey cannot be used as a substitute survey for Great Crested Newts.
- The Parish Council believes that the survey was not carried out during the most profitable months of activity for Reptiles, those being April, May and September, but that it was squeezed in at the beginning of the hibernation period, which is mostly October to March. Thus, it resulted in no reptiles being found during the seven visits from 04/10/18 to 12/10/18.
- There are anomalies with the survey report. Table 1 states that the 1st visit was on the 04/10/18, the 2nd was on 02/10/18 and the 7th visit was on 13/10/18 (Pages 6 & 7) and it makes reference to the site being of 7 dwellings (a previous refused application) instead of 6 dwellings (this application).
- The Parish Council questions the results of the survey because of the low and limited experience of the two surveyors (Page 7).

5. The Preliminary Ecological Appraisal -

- The appraisal makes reference that GCNs are known to be present in ponds in Little Downham Local Nature Reserve, of which the closest is 340m south of the site. The Parish Council informs that surveys carried out by Mr Terry Moore, a licensed Triturus cristatus surveyor since 1975, over the past 10 years confirms that GCNs are nesting in Holts Meadow Pond. Great Crested Newts have been seen in adjacent neighbouring properties of the development site, which strongly indicates there would be GNCs on site too. Evidence of GCNs is building up with the Wildlife Trust.
- The appraisal also makes reference to 7 dwellings (a previous refused application) instead of 6 dwellings (this application).

The Parish Council considered its comments based on Members' views and following direct representations from local residents expressing objections in correspondence and attending the Council's meeting.

Parish Council (22 January 2019) - Little Downham Parish Council had concerns regarding the amended application dated 21/12/2018 and unanimously recommended outright refusal for the following reasons:

1. The amendment does not address the concerns that the Parish Council had expressed previously regarding this proposed development, which are still relevant
2. No amendments to this application should be considered or approved by the planning authority until EDCD Planning Committee receives an Amphibian (Great Crested Newt) Survey, as requested at the 24/09/18 meeting, which cannot take place until Spring 2019 and when Great Crested Newts come out of hibernation in

March/April. The developer should not be permitted to submit piecemeal amendments/applications in the meantime.

3. There is growing evidence locally that Great Crested Newts are in neighbouring gardens to the development site and therefore, as a protected species, this amendment and the application should not be approved.

The Parish Council considered its comments following direct representations from local residents expressing objections in correspondence and attending the Council's meeting.

Ward Councillor Anna Bailey

Reptile Survey

Natural England's standing advice for surveying for reptiles is that it should be carried out in April, May and September. If ecologists decide they cannot follow the standing advice, they need to include a statement with the application explaining why - one would expect such an explanation to be a justification as to why the standing advice couldn't be followed.

The Reptile Survey report states that survey visits were undertaken between 4th and 12th October, which is outside of Natural England's standing advice, a point acknowledged within the report. I find the explanation given on page 7 to be unjustified - it is more an explanation as to why the advice doesn't matter in this case than anything else! I believe the real reason is more to do with the convenience of the applicant in relation to the timing of the application rather than with trying to actually establish the presence or absence of reptiles on site, which would both assist the Local Planning Authority to reach a decision based on all material information as well as guide and design suitable mitigation measures. Given that reptiles are known to have been present on site in the past, and given that the habitat is deemed to be suitable, I don't consider the Local Planning Authority has enough information of sufficient robustness to determine the application at this time.

The report incorrectly states that the application is for 7 properties, which leads me to believe they are basing their information on the previous application. Regardless of this, the report acknowledges the NPPF requirement that planning decisions should aim to maintain and enhance, restore or add to biodiversity and geological conservation interests. The report acknowledges the suitable habitat for reptiles and acknowledges their presence in the past and nearby, yet the application does nothing towards the maintenance, enhancement, restoration or addition to biodiversity conservation interests. In fact quite the opposite is true, with the site being given over in its entirety to buildings, hard standing and gardens, none of which are suitable to support reptiles; this is purely down to the over-development and backland nature of the site, an issue which could easily be overcome with a more modest proposal solely fronting Cannon Street. The suggestion in the report that "any available area adjacent to the ditches should be planted with a mix of native species and managed in a low intensity manner to produce rough grassland..." (page 10) and the following suggestion about exploration of log piles are nothing but lip service and cannot be argued to satisfy the requirements of the NPPF in this location.

Preliminary Ecological Appraisal

Natural England's standing advice for Great Crested Newts (GCN) states that surveys for GCNs should be carried out if:

- distribution and historical records suggest newts may be present
- there's a pond within 500 metres of the development, even if it only holds water some of the year
- the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows

The Preliminary Ecological Appraisal acknowledges:

- records show 8 instances of GCNs within 2km of the site
- the site contains suitable habitat for GCNs
- there are multiple ponds within 500 metres of the development
- there is a pond next door with an anecdotal report of GCN presence (the report states that fish are present in this pond, but that does not eliminate the possibility of the presence of GCNs, as per the Natural England standing advice which states: "Great crested newts may be present even if: the site has been ploughed, soil stripped or had ponds filled in within the last 4 years; the breeding pond was destroyed several years ago; the pond is muddy, heavily shaded or vegetated; the pond contains fish; the pond is temporary")
- in relation to the pond next door, the report acknowledges that it cannot rule out the presence of GCNs and it also acknowledges that if the pond did have GCNs present then the outcome of the risk assessment would be red, meaning an offence would be highly likely
- Little Downham Local Nature Reserve which is 220m away from the development site supports a breeding population of GCNs (page 22)
- additional GCNs are present 375m to the north east of the development site
- page 22 references the "residual risk" of GCNs being present on site, and page 29 talks about the status of the surrounding GCN population being uncertain.

There is no justification in the report as to why the author thinks it should not have to follow Natural England's advice and carry out proper surveys for GCNs. Rather, it attempts to bypass the requirement to survey for GCNs altogether. The points above, which come from the report itself, make it absolutely clear that a full GCN survey, in accordance with Natural England's standing advice, must be undertaken before the application is determined by the Local Planning Authority to establish the presence or absence of GCNs.

Like the Reptile Survey report, this report also appraises the site on the basis of 7 dwellings, which is the old application not the new one, which only has 6 dwellings. The report references the National Planning Policy Framework 2012 - the NPPF has been revised in 2018.

In summary, I do not believe that this application currently has sufficient information for it to be determined.

Cambs Wildlife Trust (17th December 2018) - Further to my previous comments on the above planning application, it has now come to my attention that local

residents have reported the potential presence of great crested newts in a pond adjacent to the development. The pond in the adjacent garden was not considered suitable for great crested newts by MKA ecology, and this and other site specific factors contributed to their recommendations for a precautionary approach rather than further surveys.

However, as there is now some uncertainty and reports that newts may in fact be present adjacent to the site (and I understand there may be other nearby garden ponds which do not appear on base maps of the area as well – it would be helpful to know the locations of these), I suggest one of the following approaches may be appropriate, to ensure that no harm to newts results from the proposed development:

- Carry out additional great crested newt surveys of the garden pond(s) in 2019, followed up with mitigation recommendations as appropriate. eDNA surveys could be planned for early in the survey season, and depending on the results of these, further traditional surveys may or may not be needed.
- or
- Based on the assumption that great crested newts may be present, alter the design of the development to retain a corridor of undisturbed habitat as a refuge for newts, linking the south of the site (adjacent to other habitat areas) with the area adjacent to the garden pond.

This would be addition to recommendations 3, 4 and 5 of the MKA report.

I suggest the applicant discuss this further with their ecologist, who should be able to provide updated recommendations.

I also note there were queries as to the timing of the reptile survey. This year, due to the prolonged warm weather, the season when conditions were suitable for reptiles to be active was extended and therefore I consider the survey timing was acceptable.

As per my previous comments, should permission be granted, the development should be undertaken in accordance with the recommendations in section 5 of the Preliminary Ecological Appraisal Report, in order to deliver a net gain in biodiversity. It should be noted that the proposed site plans do not currently appear to have incorporated these recommendations (in particular retention and enhancement of the orchard within the design – retaining orchard trees within private gardens will not achieve this). Therefore, revisions may be necessary to the plans to avoid a net loss in biodiversity.

Cambs Wildlife Trust (11th January 2019) - Further to my previous comments on the above application, I welcome the revised plan submitted which includes additional planting and incorporation of a wildlife corridor into the site layout. However, as this corridor and the previously discussed retained orchard trees are all within what will be private gardens, I remain concerned about how it will be ensured that these habitats are retained and managed in the long term, to ensure that there is no net loss in biodiversity.

I recommend that if permission is granted, a suitably worded condition(s) is attached to require the retention of the orchard trees, enhancement of the wildlife corridor area, and to prevent removal of or damage to these habitats in future. It would be helpful to have an additional written statement making clear the intentions for these areas of habitat and how they should be managed in the long term, to inform such a condition or conditions.

I also recommend that in order to retain these habitats as accessible areas for wildlife, a condition requiring fencing within the development to be permeable to wildlife (i.e. through gaps designed to allow passage of species such as great crested newts and hedgehogs).

5.2 Neighbours – 3 rounds of public consultation have taken place on the 8th and 23rd October and the 28th December 2018 and 40 neighbouring properties were notified and the 22 responses received are summarised below. Comments received prior to the previous Planning Committee can be found in the committee report, attached at appendix 2. A full copy of the responses are available on the Council's website.

Ecology

- How can a survey be conducted for Newts when they are hibernating?
- Inadequate and wrong timing – meaningful surveys must be undertaken;
- Threat to protected species will potentially be a wildlife crime;
- Application accepted by planners with a knowingly flawed Biodiversity Statement;
- Survey completed to satisfy developers needs and does not produce an accurate picture of wildlife/reptiles onsite;
- Survey makes reference to previous planning application and not the current one, irrelevant and should not be accepted;
- Survey conducted over short period of time (2 weeks) at start of hibernation period and not during spring/summer as stated in Natural England's guidelines;
- Wildlife survey meant placing tiles around the site to attract wildlife – as shipping containers on site, unlikely a flimsy tile will attract wildlife. Wood and rubbish piles on site will attract wildlife;
- Little Downham very active area for wildlife and should be protected from over development and backfill into the open countryside;
- Great Crested Newts were seen in the garden of No.5 White Horse Lane in October 2018;
- Undue haste and proposed solution is inadequate;
- Consideration should be deferred until outcome of a properly conducted Spring 2019 survey is known;
- Green space element of the site reduced;
- Healthy population of Great Crested Newts in area looking for suitable habitats and bearing in mind the many back gardens along the south side of Cannon Street could become areas of newt populations – this has never been investigated and a in depth survey should be carried out;
- Will remove last village historic orchard;
- Trees will be in gardens of properties – not sufficient to secure future of natural environment and nothing to stop gardens being paved or un-kept;

- A good population of newts in Holt Pond which I have been monitoring since 2008 and a good chance of occupancy of ponds along Cannon Street if the conditions of the pond are or have been right for them;
- Happy to survey the ponds and share the results;
- There are grass snakes in the area – need to be protected from any heavy machinery or toxic chemicals.

Highways/Parking

- Highways in the past turned down application's as didn't want any more access onto White Horse Lane – where will the cars park?
- Proposed changes to respond to adoptable standards raised at committee meeting in relation to parking and highlights the 3No. 2 bed houses are actually 3 bed properties;
- Applicant claims will reduce level of traffic on road
- Traffic calculations are flawed and will affect people living in area;
- No adequate bus service;
- Will increase amount of light and noise pollution with the internal road being in-line with lounge and bedroom windows;
- No mention of additional parking and safe access for proposed property fronting White Horse Lane;
- White Horse Lane barely capable of coping with existing traffic and additional dwelling will put unnecessary strain on road;
- Refuse collection lorry is too large to gain access to lane;
- Lane already congested and nowhere to park or turn;
- No footpath on White Horse Lane – issues with pedestrian safety;
- Property on White Horse Lane should be removed;
- Increased volume of vehicles;
- Traffic issues on Cannon Street due to incorrect parking scheme;
- Left with unadopted road and rubbish piled on the street;
- Disturbed by engines revving to get up the hill;
- Unsafe junction in Cannon Street;
- Lane not wide enough for two-way traffic;
- No visibility for cars coming out of the development;
- Access to houses 4 and 5's proposed parking appears extremely narrow and unrealistic;
- House 3 does not have a clear defined parking space;
- Insufficient parking for houses 1 and 2;
- Area highlighted for garages behind the 2 houses fronting Cannon Street;
- Who will maintain the road?

Other

- Original comments still remain and have not been addressed;
- Amendment should be considered as part of the full application;
- 46 permitted developments for new houses in Little Downham area, no indication of when they will be completed, why do we need more?
- Full review required by an independent body;
- Fully support comments made by neighbours and Parish Council;
- Site could be easily developed within existing development boundaries;
- No regard for the neighbourhood, village or anything else other than profit;

- Removal of 1 property does not make application any better or suitable;
- Development outside development envelope and no need for housing in Little Downham;
- If it were not for the administrative failings of ECDC the Local Plan would be adopted and planning envelopes would be enforced;
- Efforts would be far better focused on bring forward schemes already approved;
- Multiple errors and misrepresentations within application;
- Worsening outlook from rear of our property which would resemble a car park and encroachment to rear of our property;
- Backfilling and will affect Isle feel of the village from views of Ely, hardening village edge;
- Only bring a moderate economic benefit;
- Adverse impact would significantly outweigh benefits;
- No viable drainage option;
- Partly located on land used for commercial business – so change of use;
- Development will be overlooked by neighbouring properties and loss of privacy;
- Left with an open door that will spread down the whole of Cannon Street;
- Will limit views of the Cathedral from settlement edge;
- Sprawl into the countryside and intrusive on rural landscape;
- Historic Environment Team asked for a written plan to comply with NPPF – this has been ignored;
- Conflicts with ECDC policies and this should be given significant weight.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

6.2 Supplementary Planning Documents

Design Guide
 Developer Contributions and Planning Obligations
 Flood and Water

Contaminated Land

6.3 National Planning Policy Framework 2018

- 5 Delivering a sufficient supply of homes
- 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

6.4 Submitted Local Plan 2018

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP6 Meeting Local Housing Needs
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

6.5 Planning Practice Guidance

7.0 PLANNING COMMENTS

- 7.1 The application seeks consent for a residential development comprising 6 detached residential dwellings along with access, car parking and associated landscaping following the demolition of the existing building on the site at 51 Cannon Street. Two of the dwellings would front Cannon Street with a further three built in vacant land to the rear, a single dwelling would be constructed off White Horse Lane to the east.
- 7.2 The report which was presented to Planning Committee on the 24th September 2018 is attached at appendix 2 of this report and covers the main considerations of the application in relation to the planning history and principle of development on the site, residential amenity, visual impact, highways safety and parking, ecology and drainage and needs to be read in conjunction with this report.
- 7.3 This report covers the amendments which have been made to the scheme following the deferral at Planning Committee to allow further discussion regarding the Ecological Survey with particular regard to the alleged presence of Great Crested Newts on or near the site and the subsequent comments received as part of the consultation process.
- 7.4 Following the committee deferral amended plans have been received which include the creation of a wildlife corridor connecting the site from east to west and additional planting proposed within the site, following comments received from the Wildlife

Trust. Amendments have also been made to the access road to the rear of the site and the applicant has indicated the car parking spaces for the three units and also introduced a visitor space here as well following comments that were made at the previous Planning Committee meeting.

- 7.5 The applicant has also submitted a Reptile Survey and a Preliminary Ecological Appraisal for the site. All of the information submitted in respect of ecology and biodiversity has been extensively discussed with the Wildlife Trust.

Reptile Survey

- 7.6 The Reptile Survey submitted concludes that no reptiles were found during the survey. However, there are records of reptiles which have been returned from the local records centre and sightings of grass snakes have also been reported by local residents. Therefore there remains a residual risk that reptiles may be present on site. All reptile species are protected by the Wildlife and Countryside Act 1981 and to minimise the risk of harming or killing individuals, a method statement detailing a destructive search will need to be produced and this can be secured by condition. In accordance with the NPPF further enhancements to the design of the overall proposal to try and minimise the impact of the development on the local reptile populations have been recommended in the report and these can be secured by condition.
- 7.7 The Reptile Survey does not cover great crested newts as they are amphibians and not reptiles and at no point has the applicant claimed that this survey is a substitute survey for great crested newts. A lot of comments have been received in relation to the timings of the survey as well and how it has not been undertaken in the months outlined in Natural England's Standing Advice. This has also been raised with the Wildlife Trust and they have advised that due to the prolonged warm weather last year, the season where conditions are suitable for reptiles to be active was extended and therefore they consider the timing of the survey to be acceptable.
- 7.8 The survey does refer to the incorrect number of dwellings proposed. However, this does not impact the outcomes of the survey.

Preliminary Ecological Appraisal

- 7.9 A Preliminary Ecological Appraisal has also been submitted by the applicant. The site consists of vegetation, grassland, scattered trees/orchard, scrub, buildings and hardstanding and is bordered by residential housing, a stable block, a dry ditch, hedgerow and fields. It is considered that the habitats found within the site could potentially support protected species groups, including nesting birds, reptiles and great crested newts.
- 7.10 An ecological desktop study was completed and data provided to the ecologists by Cambridgeshire and Peterborough Environmental Records Centre, which identified a small number of UK and European protected species, species and habitats of principal importance and species of conservation concern within 2km of the site. The data search returned one record of a protected or notable invertebrate within 2km of the site. However, the site did not contain the species common food plant and is therefore considered highly unlikely to support this butterfly species. A total of seven species of birds were recorded during the visit and some of these have the potential to utilize the site for breeding and overwintering. The site contains suitable

breeding bird habitats including scattered trees and therefore the use of the site by breeding birds is considered to be high. However, the report concludes that the likelihood of the site to support important assemblages of bird species, or protected bird species is considered to be negligible.

- 7.11 No records of badger were returned and no evidence of badgers were recorded on site. The building on site is not considered to be suitable to support roosting bats. However, one immature tree could have the potential to support roosting bats and is located just outside the site boundary, on the south side of the dry ditch. Overall the site is considered to provide moderate foraging potential for bats, with the grassland, scrub and fruit trees providing invertebrate foraging opportunities. The site also provides limited commuting potential for bats, with few linear features present. The report concludes that the overall site has low commuting potential, although is well connected to suitable surrounding habitat. The data search also returned one record of a water vole 1.7km east of the site. The ditch which borders the site is currently dry and therefore not suitable habitat for water voles. In 2017 when a previous survey was carried out this ditch was wet and was searched for evidence of water vole, but none was found. Therefore the report concludes that the likelihood of the site to support water vole or otter is negligible. A hedgehog was found nesting on the site and therefore the presence of this protected species is confirmed on the site.
- 7.12 The data search carried out by the ecologists returned eight records of great crested newts within 2km of the site, the closest of these records being 375 metres to the north east. No waterbodies were identified on the application site. The ecologists consulted Ordnance Survey maps and aerial photographs to locate standing waterbodies within 500 metres of the application site. Eleven waterbodies were identified. A garden pond located in an adjacent property was reported to contain great crested newts. The ecologists have confirmed that this pond was not surveyed but appeared to contain fish, have steep sides and limited vegetation and therefore did not provide suitable habitat for great crested newts.
- 7.13 The report concludes that the grassland, ruderal and scrub habitats on site are considered to provide suitable habitat for great crested newts in their terrestrial stage and these are connected to the surrounding suitable habitat by hedgerows and grassy fields. Therefore the overall likelihood of protected amphibians being present on the site is considered to be low to moderate and does caveat that with if they are present in the adjacent property then the risk would be higher.
- 7.14 The Wildlife Trust has reviewed the documents submitted and also the comments which have been received from the Parish Council and neighbours. As there is some uncertainty and reports that newts may in fact be present adjacent to the site the Wildlife Trust advised that the applicant should either carry out additional great crested newt surveys or based on the assumption that great crested newts may be present, alter the design of the proposal to retain a corridor of undisturbed habitat as a refuge for newts, linking the south of the site (adjacent to other habitat areas) with the area adjacent to the garden pond. The applicant submitted amended plans to introduce a corridor of undisturbed habitat, which the Wildlife Trust have reviewed and commented on and welcomed the revised plan. However, they did raise some concerns that these would be within private ownership and how would it be ensured that these habitats are retained and managed in the long term, to ensure that there

is no net loss in biodiversity. The Wildlife Trust has recommended a number of conditions, including the retention of the orchard trees, enhancement of the wildlife corridor area, fencing to be permeable to wildlife and also that the recommendations within the report are adhered to.

7.15 The applicant discussed this with their ecologist who has stated:

“The area designated as the wildlife corridor will provide naturalised habitats for a range of species, including great crested newt. Given the local history and habitat types that are present in the area an orchard habitat will be created along this corridor. This will enhance the site’s biodiversity, and also provide an attractive feature for residents. The area will be planted with a range of fruit trees (ideally local varieties) and seeded with a high species diversity wildflower mix. Management will mirror that of a traditional orchard with the added focus of improving and maximising the species diversity of the grassland below. Flowers will be allowed to set seed before cutting and arisings will be removed from the site to prevent crowding of wildflowers and build-up of nutrients.

It may be useful to provide further comfort to offer a biodiversity management plan to be conditioned. This is fairly common on development sites and would specify how habitats are created, location of bird and bat boxes, and how the biodiversity features will be managed in the long term.”

The Wildlife Trust has advised that this provides the basics and the Biodiversity Management Plan would secure the detail. A reptile and great crested newt method statement will also need to be produced by the applicant prior to the commencement of development to minimise any impact and if a great crested newt is found during works then work must stop immediately and the ecologist or Natural England contacted as a European Protected Species license will have to be obtained. This condition alongside the ones referenced above are all recommended conditions and can be read in appendix 1 of this report.

7.16 The Preliminary Ecological Appraisal contains a number of recommendations including bat boxes/bricks, bird boxes, planting of native species, timings for ground clearance and vegetation and building clearance and a condition is recommended to ensure that the development is carried out in accordance with these recommendations. A condition is also recommended that the boundary treatments shall be permeable to wildlife and include through gaps designed to allow passage of species, including great crested newts and hedgehogs, to maintain connectivity across the site.

7.17 Policy ENV7 of the adopted Local Plan 2015 LP30 of the Submitted Local Plan aims to manage, protect, enhance and create habitats. The NPPF states that when determining planning applications if significant harm to biodiversity resulting from the development cannot be avoided, adequately mitigated, or as a last resort compensated for then planning permission should be refused. Following the submission of the reports and the amended plans and extensive discussions with the Wildlife Trust it is considered that the proposal adequately mitigates against the impacts of the proposal and a net gain in biodiversity can be secured by the recommended conditions.

Highways and Parking

- 7.18 A number of comments have been received as part of the re-consultation in relation to highways and parking for both the access and dwellings using Cannon Street and the one dwelling using White Horse Lane. The proposal complies with the parking standards of the Adopted Local Plan and does not include any tandem parking. The Local Highway Authority has also raised no objections to the proposal and advised that the visibility splays are correct for the speed of the road and are located within the highway for both Cannon Street and White Horse Lane.

Other Matters

- 7.19 A view or outlook is not a material consideration and therefore cannot be considered as part of the assessment of an application.

All other matters in relation to the principle of development, residential amenity, visual amenity, flood risk and drainage and other material matters are covered in the initial report attached at Appendix 2.

Planning Balance

- 7.20 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.21 The social benefits of the scheme is the provision of 5 additional dwellings that would add to the District's housing stock and provide additional dwellings towards the Council's supply of deliverable housing land. The proposal also includes the replacement of an existing dwelling which will be built to modern standards. Due to the size of the scheme the overall benefit on terms of housing supply is limited, however, this needs to be given due weight in the consideration of the tilted balance. The scheme would also result in 5 additional households in the locality which would provide some benefits in terms of the viability of local services and facilities.
- 7.22 The economic benefits of the scheme include the construction of the dwellings which in itself brings temporary economic benefits, including employment gains. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight. There will be a beneficial impact on the local economy in terms of the use of local services and facilities and the increase in population may also contribute to the local labour market.
- 7.23 There is also some potential for environmental benefits from the proposal in terms of ecological enhancements.
- 7.24 A lot of concerns have been raised by residents in relation to the biodiversity and ecology implications. The application was deferred at Planning Committee to address this and the applicant has submitted subsequent surveys and amended the scheme to include a wildlife corridor, following discussions with the Wildlife Trust as an alternative to submitting further surveys in the spring time. The Wildlife Trust are satisfied with the proposals and it is considered that they comply with the relevant policies and the NPPF. Whilst this may be considered an adverse impact of the scheme this has to be weighed against the benefits of the proposal.

7.25 The site is situated adjacent to the development boundary and due to its links and close proximity is considered to be in a sustainable location, within walking distance of village facilities and public transport, with links to larger service centres. Given the lack of a 5 year housing land supply and the need it is considered that the benefits of the proposal outweigh any adverse impacts and the proposal is not considered to be significantly and demonstrable harmful and is therefore recommended for approval.

8.0 APPENDICES

Appendix 1 – Recommended Conditions

Appendix 2- Committee Report from 24th September 2018

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00775/FUL	Rebecca Saunt Room No. 011	Rebecca Saunt Planning Manager 01353 665555
17/00667/FUL	The Grange Ely	rebecca.saunt@eas tcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00775/FUL Conditions

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

Plan Reference	Version No	Date Received
Reptile Survey		19th October 2018
Ecological Appraisal		19th October 2018
PL-1-01	C	21st December 2018
PL-1-02	C	21st December 2018
Location		7th June 2018
PL-5-01	A	7th June 2018
PL-3-02	A	7th June 2018
16512-TOPO A		7th June 2018
PL-4-01	A	7th June 2018
PL-3-01	A	7th June 2018
PL-3-03	B	20th June 2018
PL-2-03	B	20th June 2018
PL-3-04	B	20th June 2018
PL-4-02	A	7th June 2018
PL-2-04	B	20th June 2018
PL-2-02	A	7th June 2018
PL-2-01	A	7th June 2018
PL-0-01		7th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 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 above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 4 No development shall take place until a scheme to dispose of surface and foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation of any dwelling.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work

prior to consent being granted and the details need to be agreed before construction begins.

- 5 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping schedule shall be in accordance with the details approved in the Biodiversity Management Plan (condition 22) and recommendation 2 in the Retile Survey by MKA Ecology. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 5 Reason: To assimilate the development into its surroundings and to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2018.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk

assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Submitted Local Plan 2018.
- 8 The recommendations as listed in Section 5 of the Preliminary Ecological Appraisal, prepared by MKA Ecology and dated 19 October 2018 shall be adhered to and implemented in accordance with the timeframes within the Appraisal. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2018.
- 9 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 10 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30-18:00 each day Monday-Friday, 7:30-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.
- 11 No burning of waste shall take place on site during the construction or clearance phases.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2018.

- 12 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 12 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 13 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicle access, as shown on Drawing PL-1-02 (Rev C).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 14 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity.
- 14 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 15 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 15 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2018.
- 16 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 16 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2018.
- 17 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of any dwelling. The boundary fencing shall be permeable to wildlife and include through gaps designed to allow passage of species including great crested newts and hedgehogs.
- 17 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. To protect and enhance species in accordance

with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.

- 18 Prior to any occupation of the development, a scheme for the maintenance of the soft landscaping scheme (in accordance with the Biodiversity Management Plan (condition 22) and recommendations of the Ecological Appraisal by MKA Ecology dated 19 October 2018) for a minimum period of ten years from last occupation, shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
 - i) methods for the proposed maintenance regime;
 - ii) detailed schedule;
 - iii) details of who will be responsible for the continuing implementation
 - iv) details of any phasing arrangements
- 18 Reason: To ensure the longevity of the landscaping scheme, in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2018. To protect and enhance species and deliver a net gain in biodiversity in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018.
- 19 No development shall take place until a scheme for the protection during construction of the trees on the site to ensure the retention of the orchard trees, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 19 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area and protect biodiversity, in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP22, LP28 and LP30 of the Submitted Local Plan 2018. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 20 Prior to the commencement of development, a detailed reptile and great crested newt method statement shall be submitted to and approved in writing by the Local Planning Authority and implemented in full. The method statement shall be created by a suitably qualified ecologist and include methodology for a destructive search under an ecological watching brief and will instruct construction staff on ecologically safe working practices specific to the site and the development which will minimise the risk of disturbing,

injuring or killing any reptiles or great crested newts if they are present onsite during the works.

- 20 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 21 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 21 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP24 of the Submitted Local Plan 2018. This condition is pre-commencement as some of the measures may be below ground level.
- 22 Prior to the commencement of development a Biodiversity Management plan based on the information provided by MKA Ecologist in an email dated 15 January 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan will include details of the enhancement of the wildlife corridor as shown on Drawing No. PL-1-01 Rev C and set out how the removal or damage to these habitats will be prevented.
- 22 Reason: To protect and enhance species and deliver a net gain in biodiversity in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2018. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.