
MAIN CASE

Reference No: 17/00689/FUL

Proposal: 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 & Sparrow

Case Officer: Oli Haydon Planning Officer

Parish: Witcham

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

Date Received: 20 April 2017 **Expiry Date:** 8th June 2018

[T14]

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 Archaeological Investigation
- 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 seeks consent for the construction of eight detached dwellings on land currently 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) and is allocated for residential development within the Submitted Local Plan 2017 for 10 dwellings in line with this outline. Historically, the redevelopment of the site has been supported by ECDC 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 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 Amended plans have been received during the course of the application reducing the size of the dwellings and altering the layout of the site.
- 2.6 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.**
- 2.7 The application has been called before Planning Committee as it concerns a site under the ownership of a Council Member. In order to maintain transparency it is considered that delegated powers would not be suitable in determination of this proposal.

3.0 **PLANNING HISTORY**

3.1

13/00734/OUM	Construction of 7 dwellings plus 3 flexible dwellings with potential for employment use	Approved	06.03.2015
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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 - demolition of garage and service station and erection of 8 bungalows	Approved	08.03.1999
91/00615/OUT	Demolition of garage and service station and erection of 8 bungalows	Approved	15.11.1993

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is approximately 0.41 hectares in area housing a car showroom and servicing garage, together with car parking areas, and grassed areas to the rear of the main building. The building to the front of the site is the showroom/reception area, and is single storey and of brick construction under a corrugated sheet roof. It has large areas of timber windows and a 'conservatory' style office extension. Behind this building is the workshop area, consisting of a steel framed building with partial brick wall and sheet cladding, with a corrugated sheet roof.
- 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 and contains the main access into the garage, with a secondary access for car sales.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Witcham Parish Council – “The Council still has concerns about the application. The Council was pleased to note that the plans had been improved by the alignment of the house on Plot 1 being brought into similar line to existing properties either side

of the development, and windows and doors at Plot 1 not directly overlooking 6 The Slade. However, many of the issues raised in our response to the application in May 2017 remain unresolved". These include:

- Too many houses
- Density out of keeping with the street-scene
- Houses on the front of the site too high (outline required max ridge of 7.5m)
- Destruction of hedges
- Sewage and drainage problems
- Lack of footway

Following a reconsultation after an amendment to Plot 6 was submitted, the previously raised Parish Council comments were reiterated and overbearing concerns were raised for Plot 1.

Ward Councillors - No Comments Received

Local Highways Authority – *On original plans:* "The Highway Authority has no objection in principal to this application"

Local Highways Authority – *On amended plans:* As far as can be determined there is no proposed changes to the access with The Slade. Although this is now 5.5m wide it is still proposed that this is a private road as such I have no further comments. The internal road is not laid out and proposed materials are not to an adopted standard."

Senior Trees Officer (on receipt of tree survey) – "This application is for a small development upon the grounds of a disused motor vehicle garage. There are a number of trees at the rear of the site potentially affected by the proposal. The most significant trees are within the site boundary vegetation. An Arboricultural report has been submitted to support the application.

I support the application as a worthwhile development of a neglected site. The boundary vegetation is the most valuable landscape asset, being fairly representative of the landscape character of the area and is mostly for retention. I also accept the Arboricultural report which supports the proposal as it indicates all the significant trees can be retained within the development.

The Arboricultural report only supports an indicative tree protection plan. Therefore I recommend a condition identifying no development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority (Condition TR2A)."

Anglian Water Services Ltd - No Comments Received

County Archaeology – No objections subject to a condition requiring a scheme of investigation.

Minerals And Waste Development Control Team - No Comments Received

Environmental Health – No objections subject to conditions relating to contamination, construction times and the submission of a Construction Environmental Management Plan.

Waste Strategy (ECDC) - The Proposed plan shows no storage or collection points for wheeled bins and bags and the waste team is working on the assumption that the driveway into the site will not be adopted, therefore all residents would need to present bins and bags at the boundary of the development and The Slade which would likely cause an obstruction to visibility for vehicles leaving the site on collection days. ECDC Waste team would be prepared to enter the site to collect from individual properties if the developer can confirm the roadway will be built to adoptable standard capable of supporting the collections vehicles and is prepared to indemnify ECDC against any damage that may occur in the regular collection of bins/bags. No other comments subject to general informatives.

5.2 **Neighbours** – 17 neighbouring properties were notified and a site notice was posted and the 9 responses received are summarised below. A full copy of the responses are available on the Council's website.

- No issues, good design.
- Assurances sought that the hedge/ditch won't be disturbed during works
- Loss of light from two-storey dwellings onto dwelling and gardens of 6 The Slade
- Increase in traffic
- Impact on visibility
- Increase in parking on The Slade
- Amendments are great improvement
- No reference to waste sewerage provision on plans
- Plots 1 and 2 are very close to side boundary
- On-street parking needs to be prevented
- Impact on road safety on The Slade
- Big improvement on the outline
- Proximity of Plot 2 to neighbours
- Overlooking if windows not frosted
- Hedges should be retained and maintained
- Problems with surface and foul water
- Noise associated with neighbouring farm
- Should consult water authority
- 6 The Slade is incorrectly marked as 9 The Slade
- Overlooking into 6 The Slade from Plots 2 and 3
- Query as to why the application has taken so long to determine
- Discrimination against the disabled in the form of the lack of pavement provision within the site - contravenes Equality Act 2010.
- Impact existing failing sewer – main sewer may not be designed for the density of waste from the site. Impact on the continued use of the public sewer.
- Lack of detailed contamination survey
- High density, cramped and out of place

- Narrow access for emergency and delivery vehicles
- Should be fewer dwellings with large rear gardens and no rear development
- Noise and disturbance of 8 families moving in to the site
- No space for refuse lorry to turn in the site
- Overshadowing
- Against the low density of The Slade
- Lack of turning provision
- Impact on ecology
- Risk of flooding and water contamination
- Noise pollution from construction
- Bends on The Slade not suitable for parking
- Roadways are too narrow and would make passing difficult
- The application time-limit has expired and should be given the status of 'not decided'
- Insufficient ecology survey – applicant should undertake a nesting bird survey
- Cannot see what species of trees are assessed and whether they would qualify for TPOs
- Reduction in size of Plot 6 is insufficient and would continue to have an overbearing impact

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

- 11 Conserving and enhancing the natural environment
- 7 Requiring good design
- 6 Delivering a wide choice of high quality homes

6.4 Submitted Local Plan 2017

- LP16 Infrastructure to Support Growth
- 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
- LP8 Delivering prosperity and Jobs
- 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
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- Witcham 3 Allocation Sites
- LP27 Conserving and Enhancing Heritage Assets

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, highway safety, drainage and flood risk and biodiversity and ecology.

7.2 **Principle of Development**

7.2.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

7.2.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in

principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Wiltcham is one such settlement and the application site lies within defined development boundary for the village.

- 7.2.3 The Council is currently preparing a replacement Local Plan covering the period from 2014 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. The Local Plan was submitted for examination on the 16th February 2018. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.2.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy.
- 7.2.5 The site is located within the village framework for Wiltcham and is in close proximity to the limited range of facilities and services on offer. The site has been allocated under the Submitted Local Plan for approximately 10 dwellings under policy Wiltcham 3; in accordance with the principles established by consented scheme reference 13/00734/OUT.
- 7.2.6 2015 Local Plan Policy EMP1 and 2017 Submitted Local Plan LP8 seek to retain employment sites unless it can be demonstrated that continued use of the site is no longer viable. The site was previously a Volvo dealership and in the early 1990's employed 15 people. At the time of the 2013 approval (13/00734/OUT) there were 8 employees, and the company could no longer depend on loyal customers, but needed to grow the customer base to protect and increase the workforce by relocating to a more customer-convenient location, preferably with the benefit of passing trade. The business owner has stated their intent to relocate the business within the district to a

more sustainable location. As can be seen by the planning history, a number of planning applications have been made over the years for residential development of the site, most of which were approved. The 2013 permission stated 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”*. Considering the precedents established throughout the planning history on the site and the desire for relocation and expansion of the business the principle of the redevelopment of the site is considered acceptable.

7.2.7 If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.

7.3 Visual Amenity

7.3.1 The application seeks consent for 8 dwellings on the 0.4ha site. The existing site contains a variety of mismatched structures with corrugated roofing and an industrial aesthetic. 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.

7.3.2 The proposal’s overall density and built form has been reduced through amendments and represents a density of 20 dwellings/ha (8 dwellings/acre). This is not considered excessive and would not be out of place in this village, which has areas of higher densities than this. The two main residential developments in the village to the west of the site have higher densities than the proposal; namely The Orchards (22 dwellings/ha) and Westway Place (28 dwellings/ha) whilst Witcham High Street represents a relatively dense linear pattern to the east of the site. It is considered that visually the development will not appear out of keeping with the densities exhibited elsewhere in Witcham and thus maintain a level of visual cohesion with the rest of the village. Additionally, considering the potential visual impact of the allocated 10 dwellings (a density of 27 dwellings/ha), the density proposed by these 8 dwellings would be a visual benefit of this smaller scheme.

7.3.3 The design of the dwellings is that of a traditional village dwelling, the materials palette will be secured by condition to ensure a level of cohesion within the site and also within the wider area. 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.

- 7.3.4 As the site comprises three frontage dwellings with others at the rear, the impact on the street scene is not considered 'crowded' or detrimental to the character of The Slade; furthermore, the frontage dwellings will somewhat shield those behind from general public view, creating a cul-de-sac, which would not be unusual in a small village. The frontage dwellings will have their parking areas to the front, facing The Slade. Considering the prevalence of vehicles at the front of the existing business site this is not considered to cause significant visual harm. Furthermore, the garages proposed for the plots to the rear are modest and do not represent an incongruous additional built form within the site.
- 7.3.5 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.
- 7.3.6 The site is located outside, but in close proximity to, the Witcham Conservation Area. It's considered that due to the existing development on the site, the layout and design of the proposal and its distance 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 and 2017 Submitted Local Plan Policy LP27.
- 7.3.7 Considering the current business use of the site and the nature of the existing commercial buildings, the size of the dwelling's proposed and the existing permissions on the site, the proposal is considered to have satisfied the requirements of Policies ENV2 and LP22 in relation to design and the impact on the existing landscape features on the site does not conflict with Policies ENV1 and LP28

7.4 Residential Amenity

- 7.4.1 Policy ENV2 of the Local Plan and LP22 of the Submitted Local Plan, seek 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 change of use from vehicle serving garage to a residential development will clearly have an impact on the outlook and amenity of these neighbouring properties and they will be likely to experience a decreased level of noise and activity disturbance from the loss of this business. However, the redevelopment of the site to residential is likely to give rise to additional aspects of residential amenity that need to be assessed.

- 7.4.4 Both 6 and 8 The Slade are single-storey dwellings located adjacent to the north and south site boundary respectively. Plots 1 and 7 of the proposal are modest 7.5m high dwellings with a traditional design. Neither dwelling has any proposed first-floor side-facing windows ensuring no directly overlooking impact to the side. With regards to overbearing 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 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. An amendment was sought to reduce the two-storey length of Plot 6 as its impact on 8 The Slade was considered to lead to a harmful loss of outlook and an overbearing impact. This amendment was submitted and on balance it's considered that the impact on the dwelling and amenity space at 8 The Slade is acceptable. Furthermore, the overall shallow nature of the proposed dwellings will ensure that any loss of light to the neighbouring dwellings is minimal.
- 7.4.5 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.
- 7.4.6 Residential amenity within the site itself has been addressed through effective positioning of habitable rooms and ensuring separation distances between plots avoids any harmful levels of overbearing. Furthermore, sufficient private amenity spaces has been provided for the 8 dwellings in compliance with the SPD Design Guide 2012.
- 7.4.7 The impact of noise and disturbance from vehicular movements to and from the residential development is unlikely to represent any exacerbation when compared to the existing levels of noise arising from the business site at present.
- 7.4.8 Slade Farm is located adjacent to the site's southern boundary and could represent a source of amenity impact to the future residents of the site. However, the main farmyard is some 60m from this boundary with the main farm building dividing these two sites. A 2009 permission for a dwelling (09/00784/FUL) is located in closer proximity to the site and the existing dwelling at 10 The Slade is also adjacent to this farm operation. It is considered that the existing principle established on the site and the separation distances between the farm and the development are sufficient to avoid any significantly detrimental harm to the future occupiers of this scheme.
- 7.4.9 On balance it is considered that subject to appropriate conditions, the proposal complies with Policies ENV2 and LP22 in relation to residential amenity.

7.5 Highways

- 7.5.1 The Local Highways Authority have raised no concerns with the proposal, subject to previously recommended conditions as part of the 2013 application (13/00734/OUM). Each plot has been provided with two parking spaces (in a parallel arrangement) along with a double garage in accordance with the parking

standards within COM8 of the 2015 Local Plan and LP22 of the Submitted Local Plan 2017. Furthermore the development is served by a 5.5m wide private driveway and adequate visibility splays and turning areas.

- 7.5.2 Concerns have been raised regarding the accessibility of the proposal due to a lack of footway within the site; it's considered that the private driveway would form a shared-surface for pedestrians and vehicles to access the five dwellings towards the rear of the site.
- 7.5.3 With regards to concerns around a potential increase in on-street parking arising from the proposal's implementation; the highways officer addressed these concerns as part of the previous proposal. They stated that "parking controls in this location are not appropriate, that there is reasonable visibility, that on-street parking might serve to slow traffic down, and that this would not be a reason for refusal of the application". The scheme is a reduction on the previously approved (and allocated) 10 units and it is not considered that there would be significant and demonstrable harm caused to the efficiency and usability of the highways network as a result of the proposal.
- 7.5.4 A new footpath is 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 are content with this provision and have recommended planning conditions in respect of the footpath link and 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. 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, LP17 and LP22 in this regard.

7.6 Ecology & Trees

- 7.6.1 Whilst the majority of the site is currently in use for the vehicle garage and servicing facility; the rear of the site contains a number of mature trees and hedging with a ditch and nearby ponds also in proximity of the site. A trees survey and ecology report were therefore requested as part of the application. The Trees Officer supports the application as a worthwhile development of a neglected site. The boundary vegetation is the most valuable landscape asset and is mostly for retention. Furthermore, the submitted reports stated that all the significant trees can be retained within the development.
- 7.6.2 With regards to ecology, a survey was completed and submitted to the Local Planning Authority. The survey concluded that the habitats on the site are of low to moderate ecological value although the terrestrial habitats on the site were considered suitable for Great Crested Newts. Surveys within the vicinity indicate a large population of GCNs 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 will be required. It is considered that in this instance, as the site is allocated for residential development and an updated mitigation strategy can be adhered to through the progression of works on site that it would be reasonable to condition an

updated survey report prior to construction. Furthermore, any works affecting great crested newts would require a mitigation licence from Natural England.

- 7.6.3 Following discussions with the ecologist responsible for the report, they have stated that “as we already have fairly recent data, as far as I am concerned it would be reasonable to condition an update survey prior to construction and the updated mitigation strategy can be adhered to through the discharge application”.

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 applicant proposes to incorporate surface water drainage into the scheme through the use of SuDS and the existing drainage channel on the site. A connection to the existing foul drainage system on The Slade is also proposed. Concerns have been raised regarding the foul water capacity of The Slade; Anglian Water were consulted on the application but no comments were received. Implementation of the drainage scheme will be subject to approval of the Building Control department when the capacity of the existing system will be scrutinised and assessed. It is considered that the submission of a detailed surface water drainage scheme can be secured by condition.

7.8 Other Material Matters

- 7.8.1 The Environmental Health department have recommended conditions relating to contaminated land surveys, construction timings and the submission of a Construction Environment Management Plan; to help safeguard the amenity of nearby residents during the construction phase.
- 7.8.2 The County Archaeology department have requested a written scheme of archaeological investigation, to be secured by condition.

7.9 Planning Balance

- 7.9.1 The proposal would provide the following benefits:- the provision of an additional 8 residential dwellings to the district’s housing stock in a sustainable location which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.9.2 The principle of development has been established through existing planning permissions and the allocation of the site in the 2017 Submitted Local Plan. The existing business on site has previously been considered unsustainable in its current location is to be relocated in order to expand and secure future viability.
- 7.9.3 The proposal is not considered to cause significant or demonstrable harm to the visual amenity of the area. Subject to appropriate conditions it is also considered that the proposal will not have a significant detrimental effect on residential amenity. The applicant provides sufficient parking and does not negatively impact on the highways network. The applicant has also provided acceptable information in regards to trees, ecology and drainage, all of which can be secured by way of condition.

8.0 **APPENDICES**

8.1 Appendix 1 – List of Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00689/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.gov.uk
13/00734/OUM	Ely	
12/01127/OUM		
02/00097/OUT		
96/00764/OUT		
91/00615/OUT		

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 - 17/00689/FUL 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	C	23rd April 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No development shall take place until a scheme to dispose of foul and surface 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 of the dwellings.
- 4 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 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.

- 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 and LP26 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 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 and LP26 of the Submitted Local Plan 2017.
- 7 No development shall take place until full details of the footway link to Silver Street including its construction have been submitted to and approved in writing by the Local Planning Authority. The footway 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 and LP17 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.
- 8 No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into onto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

- 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 and LP17 of the Submitted Local Plan 2017.
- 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 and LP22 of the Submitted Local Plan 2017.
- 10 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.
- 10 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 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.
- 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 and LP17 of the Submitted Local Plan 2017.
- 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 and LP17 of the Submitted Local Plan 2017.
- 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 Drawing 16;151-2 (B).
- 13 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.

- 14 The access 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 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 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 (B) 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 and LP22, LP28 and LP30 of the Submitted Local Plan 2017.
- 16 No development shall take place until a scheme for the protection during construction of the trees on the site, 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.
- 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 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 17 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.
- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the

Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 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 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 19 Prior to the commencement of development a survey of the proposed development site shall be carried out to search for evidence of terrestrial Great Crested Newt habitats prior to submission to the Local Planning Authority. If evidence of a terrestrial population is found then a detailed mitigation strategy outlining measures to limit the disturbance of Great Crested News shall be submitted to and approved in writing by the Local Planning Authority and implemented in full.
- 19 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.
- 20 Prior to first occupation the details of the bin store shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be implemented in accordance with the agreed details before any of the hereby approved dwellings are occupied.
- 20 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 21 Prior to first occupation, details of the proposed external lighting shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be implemented in accordance with the agreed details before any of the hereby approved dwellings are occupied.
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.