
MAIN CASE

Reference No: 19/00179/FUM

Proposal: Application for 16 residential dwellings (including 40% affordable) comprising two 5xbed houses, one 4xbed house, four 3xbed houses and nine 2xbed houses along with access, car parking, landscaping and associated infrastructure

Site Address: Potters Cottage 39 Church Street Ashley Newmarket Suffolk CB8 9DU

Applicant: The Henry Lord Fairhaven Discretionary Settlement

Case Officer: Anne James, Planning Consultant

Parish: Ashley

Ward: Woodditton
Ward Councillor/s: Alan Sharp
Amy Starkey

Date Received: 15 February 2019 **Expiry Date:** 20 April 2020

[U205]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit
- 3 SUDS
- 4 Unexpected Contamination
- 5 Construction Environmental Management Plan
- 6 Construction times
- 7 Materials
- 8 Boundary Treatment
- 9 Fire Hydrants
- 10 Written Scheme of investigation
- 11 Layout of estate road
- 12 Access points

- 13 Visibility Splays
- 14 Details of Bin Stores
- 15 Future maintenance and management of the internal estate roads
- 16 Soft landscaping
- 17 Hard landscaping
- 18 Landscape Maintenance
- 19 Biodiversity Improvements
- 20 Bird Breeding season
- 21 No external lighting
- 22 Tree works
- 23 Sustainability
- 24 Travel Plan
- 25 Tree Replacement scheme
- 26 Mitigation and Enhancement Measures of Ecology Report
- 27 Maintenance of SUDS

2.0 SUMMARY OF APPLICATION

2.1 The application seeks full planning permission for 16 residential dwellings with access, car parking, landscaping and associated infrastructure.

2.2 The accommodation is a combination of market and affordable housing (40% = 6 units) comprising:

Affordable

Dwellings 1, 2, 5 and 6	2no bedroom cottages
Dwellings 3 and 4	3no bedroom cottages

Market

Dwelling 6a	Bungalow designed for wheelchair user
Dwellings 8, 9, 11 and 12	2no bedroom bungalows
Dwellings 7 and 13	3no bedroom houses
Dwelling 10	4no bedroom house
Dwelling 14	5no bedroom house (barn conversion)
Dwelling 15	5no bedroom Farmhouse

2.3 The application has been accompanied by the following documents:

- Design and Access Statement
- Heritage Statement
- Transport Assessment
- Ecological Impact Assessment
- Utilities Statement
- Ground Contamination Assessment
- Arboricultural Impact Assessment/Arboricultural Method Statement

- Flood Risk Assessment

2.4 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.**

2.5 This application is being determined by Planning Committee in accordance with the Council's Constitution and has been called in to Committee by Councillor J Schumann on the basis that Application Ref: 17/00387/OUM was refused by Committee in 2017 and therefore it is a matter of public interest that the resubmitted scheme is considered by Committee.

3.0 **PLANNING HISTORY**

3.1

17/00387/OUM	Outline application for 28 dwelling houses (including site layout) with some matters reserved (including individual house layouts, appearance and landscaping)	Refused	19.09.2017
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4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site comprises an irregular shaped area of arable farm land measuring approximately 1.68 hectares located to the rear of properties 21- 39 Church Street. The majority of the site lies outside of, but adjacent to in places, the established development envelope of Ashley. The access into the site lies within Ashley Conservation Area with the main bulk of the site on which the dwellings are proposed outside of this area. The Parish Church of St Mary, a Grade II Listed Building, is located to the south-east of the site on the opposite side of Church Street. There are also a number of other Grade II Listed buildings close by, including Nos 29 and 33 Church Street, the former adjoining the southern boundary of the site.

4.2 Planning permission was approved for the use of the land to the north of the site as a stud enterprise.

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.

Ashley Parish Council – 05.03.20 - The Parish Council objects for the following reasons:

- Due to the use of deepbore soakaways (30) that will be necessary to deal with the surface water run-off from the site.
- No management and maintenance of the SUDS. Clarity required.
- How will the water run-off from the turning circle be collected and cleaned and stored prior to entering the watercourse.
- Who is the social housing provider
- Conflict between the drainage strategy and access plans regarding the road width and 2m grass verge to the east. Is this a grass verge to be used as an extension of the road or a swale for drainage. SUDs features conflict with the grass verge that has been removed to enable the road at this point to be 7m wide. In this drainage plan the grass verge is still present and is part of the SUDS system.
- Land to the north of the site has been approved as part of a stud. A drainage scheme has been approved that foresees that at times of extreme rainfall there is likely to be run-off onto the Potters Cottage site. No mention has been made in this application of the ditch at the south side of this site and how this would be affected.

15.03.2019 - The Parish Council objects to the proposed development for the following reasons:

- Damage to the historic significance of the area
- Ashley is considered by ECDC to be an 'infill village'
- Not supported by infrastructure
- Design flaws
- Highway Safety
- Parking
- Drainage
- Matters on which the Design and Access Statement is silent
- No consultation with the village

Ward Councillors – No comments received.

CCC Archaeology – No objection

We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (17/00387/OUM, within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

CCC Growth and Economy – Contribution requested.

CCC Local Highways Authority - 18th February 2020 - No objection in principle to the scheme, however, the internal roads are not laid out to an adoptable standard and therefore we will not be able to adopt them or any part thereof.

Refer to previous comments on 11.03.19 and apply same conditions and informatives.

CCC Lead Local Flood Authority – No objection subject to conditions

07.04.20 - Based on these, as Lead Local Flood Authority (LLFA) we can now remove our objection to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of deep-bore soakaways at a depth of 19 metres, allowing water to infiltrate into the ground. The development will also benefit from a linear swale and filter strips for conveyance, and permeable paving and bio-retention areas for additional surface water treatment.

The Environment Agency have confirmed their support for the use of deep-bore soakaways, subject to evidence that they have been designed to the shallowest viable depth. It is recommended that the Environment Agency are re-consulted to confirm their support of the proposed soakaway depth. The SuDS treatment train is particularly vital at this site, given the nature of the drainage proposals and its location above a Principal Aquifer and Source Protection Zone 3. The site is located entirely within Flood Zone 1 and whilst the site itself is at low risk to surface water flooding, the area has a predominant slope from north to south, resulting in a high surface water flood risk to the south of the site. The introduction of a positive drainage system is likely to act in reducing downstream flood risk. Moreover, a swale will be constructed directly north of the site on the proposed stud farm to intercept and store runoff from the north, providing an additional level of flood risk management.

02.03.20 – Maintain objection. Due to more detailed surface water drainage strategy, infiltration testing, proposed depth of soakaways required and surface water runoff issues from adjacent site.

30.05.19 – Objects. Due to issues with infiltration testing, insufficient level of detail in the Drainage Strategy and the storage estimates are not detailed enough.

CCC Fire And Rescue Service – No objection

Subject to the provision of fire hydrants.

ECDC Conservation Officer - Objects

'In terms of heritage impact, the proposal would fundamentally alter the character of the area and would alter views out of the conservation area to the north...The application site, due to the use of a long access drive, feels detached from the street and would neither preserve nor enhance the character or appearance of the conservation area or its immediate setting in this location.'

ECDC Environmental Health – Scientific Officer - no objection

Subject to conditions regarding unsuspected contamination

ECDC Environmental Health – Domestic - no objection.

No objection subject to conditions regarding Construction Environmental Management Plan, construction times and deliveries as well as solid construction of driveway/access.

ECDC Trees Team – objects

Still has concern regarding the scale of the development which will have a negative impact upon the landscape character of the area which would be in conflict with guidance in Policy ENV1 of the Local Plan 2015.

The movement of Plots 1 and 2 outside of the RPA of the trees in G5 is an improvement for the existing trees but consider the scheme would still impact on the landscape character.

ECDC Waste Strategy– 21.02.20 Should the roads not be adopted by the Local Highways Authority, then alternative waste collection arrangements would need to be made. Two storage areas for bins would also not be acceptable. Each property to be provided with individual bins and a suitable storage point provided.

ECDC Strategic Housing Team – 2nd December 2019

The developer intends to deliver the affordable dwellings as 2x 2 bed houses as affordable rented and 2 x 2 bed house and 2 x 3bed house as intermediate housing. The council would be happy to support the same dwellings types but would need to see these delivered as 2 x 2 bed house and 2 x 3bed house as rented and 2x 2 bed houses as intermediate housing. This affordable housing mix will help address the housing needs of those applicants on our housing register.

Historic England – No objections

We have considered the documentation submitted with the current application; including the Heritage Impact Statement produced by Purcell, Heritage Statement produced by John Selby and drawings produced by architects Francis Johnson and Partners, and are satisfied that the quantum of development, scale, massing and detailed design of the houses would be contextually sympathetic to the adjacent Ashley Conservation Area. We are of the view that our concerns regarding previous proposals for this site have been addressed in that the development of the application site would not cause harm to the significance of the conservation area in terms of the NPPF, paragraph 194.

Environment Agency – 07.04.2020 - No objection subject to conditions

06.03.2020 No objection Do not object in principle to the suggestion that post installation tests be undertaken on the first one or two boreholes to be installed. However, prior to agreeing to this staging we require further details specifying the location and depths for the proposed initial boreholes.

5.12.2019 - As commented previously.

1.3.2019 No comments to make but offer advice that if the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted.

Technical Officer Access – No objection

By including bungalows in the scheme, an improved design would provide accommodation for those with restricted mobility. The en-suite facilities of the bungalows show all doors opening inwards, these should open outwards.

Step free access required to all properties.

Design Out Crime Officers – No objection

Thank you for the opportunity to comment on this application. I have noted that we have consulted previously and whilst we would support this application it would be useful to consult with the Applicant to ensure principles of Secured by Design are achieved should planning approval be agreed.

Anglian Water Services Ltd –

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.

Cambridgeshire Wildlife Trust – 29th November 2019

Satisfied with the proposed mitigation and enhancement measures given in Section 5 of the EclA report. Recommend the production of a Biodiversity Management Plan providing details of habitat creation and enhancement measures, and long term management measures to maintain the condition of on-site habitats.

Statutory Consultation

5.2 In terms of statutory publicity, the application was advertised by way of a site notice displayed on the boundary of the site on 21st February 2019 and in the Cambridge Evening News on 21st February 2019. Neighbours – 42 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Landscape Impact

- Form and character of Ashley
- Landscape Impact

- Affects public views
- Isolated nature of housing estate
- Agricultural land
- Design does not relate to Ashley

Heritage Impact

- Impact on Conservation Area
- Listed Buildings

National and Local Policy

- Outside development envelope
- Contrary to the NPPF
- Contrary to Local Plan Policy
- Overdevelopment of village

Access, Highway safety and parking

- Access and poor visibility in Church Street
- Bus service poor
- Highway safety
- Parking and turning
- Not sustainable, reliance on car
- Increase in traffic

Infrastructure

- Pressure on existing infrastructure, services and facilities
- Flooding and drainage
- Primary school is full

Housing

- Affordable housing should be community led

Residential amenity

- Pollution
- Noise sensitive
- Impact on village and village life

Natural environment

- Ecology and biodiversity, owls and GCNs

Other

- Gaming of the planning system

- Profits on housing at the cost of the ordinary person
- Previous reasons for refusal apply

6.0 **THE PLANNING POLICY CONTEXT**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of Growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Village Vision - Ashley

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
 Design Guide
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated
 Flood and Water
 Ashley Conservation Area

6.3 National Planning Policy Framework 2019

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

6.4 Planning Practice Guidance and National Design Guide

Due regard has been had to the information contained within these documents.

7 **PLANNING COMMENTS**

The main issues to consider in the determination of this application are the principle of development, cultural heritage, visual amenity, housing mix and affordable housing, residential amenity, drainage and flood risk, highway safety and ecology.

7.1.1.1 **Principle of Development**

7.1.1.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of sustainable development, as set out in the NPPF, and the East Cambridgeshire Local Plan 2015.

7.1.1.2 Local planning authorities are charged with delivering a wide choice of high quality homes and to significantly boost the supply of housing by identifying sites for development; maintaining a supply of deliverable sites, and, to generally consider housing applications in the context of the presumption in favour of sustainable development.

7.1.2 An assessment has been made of the benefits together with any harm that would arise from the failure to meet these objectives and how the considerations should be weighed in the overall planning balance.

7.1.3 For the purposes of assessing the proposal, and, in relation to the presumption in favour of sustainable development, it is pertinent to consider the previously refused scheme.

7.1.4 An outline planning application for 28 dwellings on the same site was refused planning permission in September 2017 for the following reason:

1. The proposal would introduce modern housing to the north of Ashley Conservation Area, which is characterised by historic development around the crossroads and along Church Street, which runs east to west through the village. The development would be visible in key views out of the conservation area as identified in the Ashley Conservation Area Appraisal. The proposal would result in building beyond the established historic pattern of development separating the historic village core from the fields to the north. The proposal would therefore result in substantial harm to the historic significance of the area by eroding the setting that contributes to that significance. The proposal is therefore contrary to Policies ENV1 and ENV11 of the East Cambridgeshire Local Plan 2015 and Paragraphs 6, 7, 14, 17, 132, 134 and 137 of the NPPF.

7.1.5 In 2017 when the above application was first considered by committee, the local planning authority was not able to demonstrate that it had an adequate five year supply of land for housing. Policy GROWTH 2 requires that development be

permitted only within defined development envelopes unless certain criteria are applied. Whilst the application did not meet the criteria in terms of schemes for affordable housing exception sites or dwellings for essential rural workers, given the absence of the 5 year land supply position, the presumption in favour of sustainable development applied, as set out in para 11 of the NPPF.

- 7.1.6 The scheme represented a modern housing development to the north of the Ashley Conservation Area which it was considered resulted in substantial harm to the historic significance of the area. In applying the presumption in favour of sustainable development as set out in para 11 of the NPPF, the adverse impact of the scheme significantly and demonstrably outweighed the benefits.
- 7.1.7 In the application currently under consideration, the quantum of development has been significantly reduced from 28 dwellings down to 16 dwellings. The applicants have also sought design advice from Historic England, and in turn have been supported in the design of the development. As a consequence the development would no longer result in harm to the conservation area. The layout of the scheme has also been improved with the majority of the development located towards the western end of the site in the form of a 3-sided courtyard, comprising a variety of farm buildings, using the narrative of a Model Farm from the early 19th century enclosures with cottages, farm house and barns. Views from the access road and Church Street, which are located in the conservation area have been improved as a consequence.
- 7.1.8 As set out in the NPPF the harm to listed buildings, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted above, the proposal includes 16 dwellings of which 40% would be affordable homes as well less than substantial harm on public viewpoints both of which are public benefits.
- 7.1.9 In terms of the impact on flood risk, the applicants have liaised with both the Local Lead Flood Authority and the Environment Agency and have provided satisfactory information on a drainage strategy to the satisfaction of the technical consultees who have raised no objection to the scheme, subject to conditions.
- 7.1.10 Similar circumstances in 2017 apply in the current scheme as again the Council are unable to demonstrate a 5 year land supply of housing and again the presumption in favour of sustainable development as set out in para 11 of the NPPF applies. The application has therefore been assessed on the basis of whether the resubmitted scheme has addressed the previous reasons for refusal, namely, the impact on the Ashley Conservation Area.
- 7.1.11 In evaluating the scheme and taking into consideration the material planning considerations mentioned above, the advice from technical consultees and concerns expressed in the letters of representation, it is considered that the scheme has addressed the reason for refusal and can now be supported in principle.

7.2 Residential Amenity

- 7.2.1 Policy ENV2 of the adopted Local Plan 2015 requires development proposals to ensure that there is no significantly detrimental effect on residential amenity of nearby occupiers and that future occupiers enjoy high standards of amenity.
- 7.2.1 In terms of the impact on the residential amenities of existing occupiers, Nos 21 – 39 Church Street are a linear row of dwellings located to the south of the site which benefit from substantial rear garden lengths. Therefore between inter-visible windows a distance in excess of 50m can be achieved. This separation distance is sufficient to ensure that the proposed dwellings will not be overbearing or cause any significant loss of privacy to existing residents on Church Street. The land rises to the north but the difference in levels would not affect this assessment.
- 7.2.2 In assessing the amenity of future residents of the accommodation, the layout of the scheme indicates that plot sizes accord with the Design Guide SPD. The dwellings on the western boundary of the site will be located approximately 15m from a number of agricultural buildings accessed via Mill Road. There are no openings on the eastern elevations of these buildings and given that they are located in close proximity to dwellings on Mill Road, their presence is not considered to adversely affect residential amenity. All new dwellings benefit from an acceptable outlook with adequate sunlight/daylight penetration to habitable rooms as well as private rear garden amenity space.
- 7.2.3 On balance it is considered that the proposal adequately addresses residential amenity and complies with the advice provided in the East Cambridgeshire Design Guide SPD and Policy ENV2 of the adopted Local Plan.

7.3 Housing mix and affordable housing

- 7.3.1 The proposal includes a range of dwelling types and sizes ranging from bungalows, terraced cottages, barn conversions as well as detached dwellings. In accordance with Policy HOU3 40% of the dwellings would be affordable units.
- 7.3.2 The Council's Strategic Housing Team is happy to support the same dwelling types but would need to see them delivered as 2 x 2 bed houses and 2 x 3 bed houses as rented and 2 x 2 bed houses as intermediate housing. This affordable housing mix would help address the housing needs of those applicants on the Council's housing register. The proposal would be subject to the affordable units being secured by a S106 Agreement.
- 7.3.3 The scheme complies with the requirements of Policies HOU2 and HOU3 of the adopted Local Plan 2015 and due weight is afforded to this matter.

7.4 Cultural heritage and visual amenity

- 7.4.1 Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or

historic interest which it possesses. Cultural heritage encompasses a wide range of features, both visible and buried, including archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.

- 7.4.2 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Policy ENV11 of the adopted Local Plan 2015 seeks to ensure that development proposals preserve or enhance the character or appearance of conservation areas and policy ENV12 requires new development that affects the setting of a Listed Building to only be permitted where they would preserve or enhance those elements that make a positive contribution to or better reveal the significance of the heritage asset, nor materially harm the immediate or wider setting of the Listed Building.
- 7.4.3 The majority of the site lies outside the Ashley Conservation Area but the access road and POS are located within the conservation area. There are a number of Grade II Listed Buildings close-by and the Grade II Listed Parish Church of St Mary which is located on the southern side of Church Street, opposite the main access point.
- 7.4.4 The Ashley Conservation Area SPD makes reference to the access point describing it as a small gap between Potters Cottage, which adjoins the access road but not included within the application site, and the cemetery that adjoins the eastern boundary of the access. This gap allows views through to and over surrounding fields. The SPD also goes on to refer to the greater dispersal of buildings at this end of Church Street as being an indication that the village's most outermost limits are being reached.
- 7.4.5 Despite the reference to a greater dispersal of buildings at this end of Church Street, the built form along the frontage of Church Street is close-knit with a number of dwellings spanning the width of their plots and with limited views of the land to the north. Nos 29 and 33 Church Street which are Grade II listed buildings benefit from approximately 60m separation distance with the proposal and this is considered to be sufficient to reduce any harm to a negligible level. Furthermore in the current scheme there is no longer any development on the eastern side of the access road which instead comprises a paddock and development along the western edge of the access road has been set back sufficiently to allow views through the conservation area to the open countryside further north.
- 7.4.6 The Council's Conservation Officer has objected to the scheme on the basis of previous concerns that have not been addressed in the current scheme. These relate to the character and appearance of the area and the altered views out of the conservation area to the north. Other concerns with regard to the long access drive creating a detachment from the street would neither preserve nor enhance the character or appearance of the conservation area or its immediate setting in this location. In the current scheme, views of the site from Church Street would be improved as the modern housing estate has been reduced in size and scale and the development has also been moved away from the newly created access. As such, views from Church Street are still of open countryside with parts of the scheme still visible to the north-west of the site where the design of the farm house, barns and cottages provide a more sympathetic background to the conservation area. The

access road into the estate does offer a degree of separation from Church Street, however, this is similar to most farm complexes which are located off-road and therefore this scheme would not introduce a totally unnatural feature into the landscape.

- 7.4.7 Historic England has commented in detail on the scheme and in particular refer to the conservation area as being characterised by mainly single dwellings facing onto the street with gardens bordering agricultural land beyond as well as some farmstead buildings which have the same relationship to the fields. They consider the relationship between the boundaries of rear gardens and this land is a long-standing part of the settlement's character and a key element in the setting of the Ashley Conservation Area contributing to an understanding of the historic village in a rural community. The conservation area character appraisal identifies several key views from the north-west where the rear of the houses can be seen across the application site and from the south where it can be seen from the street and beside the churchyard extension. The current proposals for 16 dwellings would introduce modern housing immediately to the north of the conservation area, beyond the established historic pattern of development separating the historic village core from the fields.
- 7.4.8 Historic England are, however, satisfied that the quantum of development, scale, massing and detailed design of the houses would be contextually sympathetic to the adjacent Ashley Conservation Area and that previous concerns regarding proposals for this site have been addressed, in that the development of the application site would not cause harm to the significance of the conservation area in terms of the NPPF, para 194.
- 7.4.9 Whilst there is a difference of opinion, the scheme has been assessed on the basis that the level of harm to designated heritage assets is balanced against the benefits of the scheme.
- 7.4.10 The County Archaeologist has commented on the proposal indicating that the site lies in an area of archaeological potential, situated to the north of the Icknield Way, an ancient trackway which runs from Norfolk to Wiltshire. To the south and east are a series of designated sites, including moated sites and the remains of Saint Mary's church. While to the south of the Icknield Way between the High Street and The Green is the former site of the Old Chapel.
- 7.4.11 This area has had little archaeological investigation and while no known archaeological evidence is recorded within the application area, it is located in the historic core of the village of Ashley, which includes numerous listed buildings. A written scheme of investigation is required and this can be imposed by condition.
- 7.4.12 The listed Church and buildings have been comprehensively assessed and the degree of harm is considered to be less than substantial in terms of the NPPF and within the lower end of the spectrum of harm. As such, caselaw makes it clear that s66 of the Act requires consideration, importance and weight to be afforded to that harm. The NPPF and Policies ENV11, ENV12 and ENV14 emphasise that the conservation of archaeological interest is a material consideration in the planning process.

- 7.4.13 In terms of the NPPF, the harm to listed buildings, being less than substantial, should be weighed against the public benefits of the proposal including where appropriate, securing their optimum viable use. As noted above, the proposal includes housing 40% of which would be affordable and the retention of public viewpoints both of which are public benefits.
- 7.4.14 It is considered therefore that the scheme would not adversely affect the character and amenities of the conservation area and listed buildings located within it, such that the weight to be afforded is considered to be moderate.

7.5 Highways

- 7.5.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved. Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.5.2 The parish of Ashley has been described in the adopted Local Plan as a small village about 4 miles east of Newmarket. The village benefits from a post office, church, public hall, public house and a sports field. The village also has a regular bus service which runs to Newmarket. In terms of housing Ashley is likely to continue to grow at a slow rate, with new housing being built on suitable 'infill' sites within the village.
- 7.5.3 As the site lies on the edge of the established settlement boundary it is considered that future residents would be able to access the limited goods and services and public transport on offer in the village both on foot and by bicycle. However, it is acknowledged that given the rural nature of the village that residents would to a certain extent be reliant upon the private motor vehicle to access places of work and schools. The proposal therefore conflicts with Policy COM7 in this regard.
- 7.5.4 The proposal does however include the provision of an additional 16 dwellings, 40% of which would be affordable units, to add to the district's housing stock. The proposal is therefore considered to make a meaningful contribution towards the current housing shortfall and this attracts significant weight in the planning balance. The proposal would also offer some short and long term economic benefits in relation to the construction process and the purchase of local goods and services.
- 7.5.5 In terms of access and the impact on highway and pedestrian safety, the Local Highways Authority has not objected to the scheme and has accepted the speed survey submitted which has informed the dimensions of the visibility splays as shown on the submitted plans. However, the internal layout is not to an adoptable standard.
- 7.5.6 As has been raised previously, a number of comments have been made on the application referring to current congestion on Church Street caused by parked vehicles and the fact that the footpath along Church Street is narrow in places. Concerns have also been raised regarding the safety of a number of key junctions

within the centre of the village. It is acknowledged that there are often vehicles parked on Church Street, however, this cannot be controlled by the District Council. The imposition of parking controls could not reasonably be required as part of this application and given that they have to be made by Traffic Regulation Order, there is no guarantee that they can be put in place.

- 7.5.7 Bearing in mind the scheme has been reduced in number, the Local Highway Authority does not consider that the proposal would have wider implications on the highway network and the level of traffic generated would not significantly increase the risk of accidents on and around the junctions raised in the letters of objection. It should also be noted that a proposal cannot be held accountable for an existing problem.
- 7.5.8 Although the proposal conflicts with parts of Policy COM7 with regard to the locational sustainability of Ashley, in respect of highway, access and pedestrian safety the scheme is considered to comply with Policy COM7 of the adopted Local Plan such that this weight can be tempered accordingly.

Parking

- 7.5.9 Policy COM8 sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling.
- 7.5.10 From the layout accompanying the planning application an opportunity exists on the site to provide an acceptable parking scheme and the scheme would be policy compliant in line with Policy COM8 of the adopted Local Plan.
- 7.5.11 To conclude, whilst there will be a reliance on the car for higher order services and facilities, local facilities can be accessed on foot and the scheme can provide appropriate on-site parking as well as a safe access and would not result in an unacceptable impact on highway and pedestrian safety which on balance would accord with Policies COM 7 and 8 of the adopted Local Plan 2015. These factors are therefore afforded neutral weight.

7.6 Ecology

- 7.6.1 The application has been accompanied by an Ecological Impact Assessment [agn dated 20th December 2018]. This study has been informed by a walkover survey, desk based study, preliminary ecological appraisal and a reptile survey. This Assessment indicates that the site has low ecological value being made up of arable farmland/improved grassland framed by hedgerow.
- 7.6.2 Policy ENV7 of the adopted Local Plan requires that development proposals protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.
- 7.6.3 The site falls within the impact risk zones of Devil's Dyke and Newmarket Heath but does not meet the criteria for impacts that would likely lead to a significant effect on these sites.

- 7.6.4 The site does fall within 2km of Mill Road Hedgerow CWS, Ashley B1085 RSV CWS, Track West of Lower Windmill CWS and Hawson Hills CWS. In view of the distance away from these sites it is not considered there would be a detrimental impact.
- 7.6.5 The site does not contain any standing water bodies and according to records held by the County Records Centre, populations of great crested newts have not been recorded as present in the vicinity of the site. The Ecological Impact Assessment has found that two ponds are located within 250m of the site and these had been tested for the presence of GCNs in 2017 and had come back negative. A concern identified within the letters of representation that a further pond had not been considered by the Assessment is acknowledged, although as the site has been actively farmed and there was poor connectivity between the water bodies then the site would be unlikely to support this protected species.
- 7.6.6 In terms of bats, as there are no buildings or structures within the proposed site to support roosting bats, surveys centred on mature trees which would offer opportunities for either roosting, commuting and foraging purposes. The majority of the trees on the site are to be retained save for a small group within the south-western corner and these were recorded as having a low suitability for roosting bats. The farm building located along the western boundary had not been surveyed due to the building being outside the site boundary. It is considered that provided appropriate precautionary measures are adopted during construction that any harm would be mitigated.
- 7.6.7 Standing advice from Natural England regarding reptile surveys state that a survey is required if the site has habitat suitable for reptiles; will alter the water levels of the site or surrounding area; will break apart suitable habitat for reptiles or distribution and historical records suggest they may be present. A reptile survey was carried out in September 2016 and County Environmental Records Centre holds no records of reptiles from within 2km of the site. It is fair to say that there has been no significant changes within the site since 2016 and therefore the results of the reptile survey remain valid.
- 7.6.8 No badger setts or signs of badger activity were recorded on or within 30m of the site boundary although County Records Centre returned one confidential record of badger field signs within 2km of the site. General precautionary measures would be observed.
- 7.6.9 Japanese knotweed has been identified on the site and a specialist contractor would be appointed to oversee the removal of this invasive plant species.
- 7.6.10 The Wildlife Trust has been consulted and is satisfied with the proposed mitigation and enhancement measures given in the Ecology report. They recommend the production of a Biodiversity Management Plan to be submitted which would provide details of habitat creation and enhancement measures, and long term management measures to maintain the condition of on-site habitats.

Trees

- 7.6.11 There are a number of trees on the periphery of the site which are shown on the submitted layout plan. An Arboricultural Impact Assessment/Arboricultural Method Statement [agb Environmental dated 30th January 2019] has been submitted with the application and indicates that apart from a small group of trees on the western boundary of the site, all the trees on the periphery of the site would not present a significant constraint to development. The Council's Tree Officer has raised no objection to the impact of the scheme on existing trees within the site save that the scheme would have a negative impact upon the landscape character of the area. This matter has been comprehensively assessed in the preceding sections of the report.
- 7.6.13 The scheme would provide an opportunity to seek a suitable tree replacement scheme and therefore the loss of a small group of existing trees is acceptable.
- 7.6.14 Subject to a number of precautionary mitigation measures and enhancements set out within the Ecology Impact Assessment and the Arboricultural Reports, it is considered that the proposal meets the requirements of Policy ENV7 of the adopted Local Plan and this factor can be weighed neutrally.

7.7 Flood Risk and Drainage

- 7.7.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction. A Flood Risk Assessment and Drainage Strategy [Kingdom TP dated January 2019] has been submitted with the application.
- 7.7.2 The application site is located within Flood Zone 1 and therefore has a low probability of flooding. The Strategy states that due to the slope in land levels from north to south, surface water is being discharged by infiltration to land to the south. Historically ditches have been provided to prevent flows from the higher land and provide a degree of attenuation prior to routing flows to Church Street via the corridor of land forming part of the application site. The Strategy considers that most overland flows in the vicinity will follow the highway corridor to the village pond. When the pond capacity is exceeded it will overflow along the highway corridor to the west towards the watercourse.
- 7.7.3 In accordance with best practice alternative strategies have been considered based on the SUDS hierarchy, namely, infiltration; discharge to a watercourse; discharge to a sewer. The options of discharging to a water course or sewer have not been practical and therefore the applicants have adopted the use of infiltration measures by way of deep bore soakaways. The Environment Agency had no formal comment to make other than to offer advice on managing and reducing land contamination. The Local Lead Flood Authority had requested that the applicants provide a greater degree of detail with regard to storage estimates to calculate the volume of attenuation required. In the documentation submitted the SuDs design included at least two pollution prevention treatment steps prior to discharge into the deep bore soakaways. The scheme would include 30 boreholes at strategic locations within the site and at a depth of 25m and this has been agreed in principle with the

Environment Agency. However, the applicants have been required to undertake infiltration testing to be carried out at 3 boreholes. The borehole testing has been undertaken to a depth of 20m and the results indicate that the design depth of the soakaways can be reduced to 19m below ground level and additional work can be undertaken to agree the actual discharge rate of each soakaway (post construction) and determine the total number of soakaways required. The Local Lead Flood Authority has agreed with the findings and withdraws their objection.

- 7.7.4 The Parish Council have raised a number of concerns namely the management and maintenance of the SUDs and this is covered by the S106 Agreement and the LLFA and Environment Agency have requested a number of conditions to cover all aspects of the SUDs features. Again, a social housing provider will be identified at a later stage of the development and this is included within the S106 Agreement. When an appropriate provider has been appointed they would be made aware of the commitment to maintain and manage the SUDs. The applicants have also confirmed that there is sufficient space within the internal road feature to provide a swale. The point regarding land to the north of the site, is outside of the control of the applicant, however the LLFA in their response dated 7th April 2020 refer to a swale which is to be constructed directly north of the site on the proposed stud farm to intercept and store runoff from the north, providing an additional level of flood risk management. The LLFA has also requested that a condition be imposed to ensure that a swale on land adjacent to the application site is constructed prior to the commencement of development on the application site. However, as this land is outside of the application site area, the applicants would have no control over this land. As such this condition would not meet with any of statutory tests and therefore would be unreasonable to impose. Details of the SUDs is already a condition on any future consent and this matter can be clarified at a later stage. In terms of the ditch to the south of the site which is currently the only method of existing attenuation, it is considered that the SUDs for the proposal will provide a robust drainage strategy which will improve drainage on the site without needing to rely on the drainage ditch to the south of the site.
- 7.7.5 Anglian Water has been consulted on the proposal and confirms that foul drainage is in the catchment of Newmarket Water Recycling Centre that will have available capacity. It also confirms that there is capacity in the foul sewerage system for the development.
- 7.7.6 It is considered that the applicants have adequately addressed the provisions of Policy ENV8 of the adopted Local Plan in relation to drainage and flood risk and this factor is afforded neutral weight in the planning balance.

7.8 Other Material Matters

Energy and Water Efficiency

- 7.8.1 All new development would be expected to aim for reduced or zero carbon development in accordance with the zero carbon hierarchy Policy ENV4 refers. A condition will be appended to secure an energy and sustainability strategy for the development.

Waste

- 7.8.2 There would be a requirement to provide satisfactory management of the site concerning waste awareness, storage and collection and this will be secured by condition.

CIL

- 7.8.3 The scheme will be subject to the Community Infrastructure Levy.

S106 Agreement

- 7.8.4 The applicant has submitted a draft S106 Agreement which offers 40% affordable housing, an education contribution, public open space and maintenance thereof.

Pollution and Contaminated Land

- 7.8.5 Policy ENV9 requires that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, and ensure no deterioration in air and water quality. A Phase I and II Geo-Environmental Assessment [eps dated 2nd November 2017] has been submitted with the application. The Environmental Health Officer is satisfied with the findings of the report and does not consider further site investigation necessary. However, would require a condition covering any unexpected contamination occurring on site. The proposal therefore satisfies the requirements of Policy ENV9 of the adopted Local Plan and this factor is weighed neutrally.

Open Space

- 7.8.6 Clarification on public open space has been raised in letters of representation, as well as the purpose served by the paddock area located along the eastern boundary and therefore issues of management and maintenance of this area would need to be understood.
- 7.8.7 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. For a development of this size there would be no requirement for the provision of on-site open space. However, the application scheme provide an area of public open space and this area has been incorporated into the s106 as well as landscaping conditions which would require planting details of the areas as well as management and maintenance strategies.

Setting of a precedent

- 7.8.8 In terms of the scheme setting a precedent, each planning application is assessed on the individual merits of a scheme having regard to planning policy, as well as advice from technical consultees.

Agricultural land

7.8.9 In considering the loss of Best Most Versatile agricultural land it is acknowledged that this land cannot be replaced. However, East Cambridgeshire is a predominantly rural district benefitting in a high proportion of BMV agricultural land. The loss of BMV agricultural land, as a reason for refusal, has never been supported before at appeal. Successive decisions have informed the Council that, as all land within the district benefits from Grade 1, 2 and 3a BMV agricultural land use classification, nothing would ever get built.

Pressure on existing infrastructure

7.8.10 Concerns have been raised with regard to the pressure on primary and secondary school places. The County Council have stated that in terms of early years provision they are working with the primary school on potentially incorporating early years there. As there is currently capacity in the primary school the County Council are not requesting a contribution. They have requested that a secondary school education contribution is made to Bottisham Village College and this is covered within the S106 Agreement.

7.8.11 Other issues regarding 'gaming of the planning system' and 'profits from housing at the cost of ordinary people' are not material planning considerations and are therefore not dealt with in the report to committee.

7.9 Planning Balance

7.9.1 The application has been evaluated against the extant Development Plan and the NPPF and the report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development. Para 11 of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.9.2 The development would make a contribution to the housing land supply (40% of which would be affordable housing), which in the context of the Council currently being unable to demonstrate a 5 year housing land supply, is a benefit to be attributed significant positive weight in the planning balance. However, in view of the number of dwellings proposed this factor is afforded considerable positive weight. There would also be economic benefits in terms of the construction of the development itself, those associated with the resultant increase in population and the contribution to the local economy to which moderate positive weight should be attached.

7.9.3 In terms of its impact on the landscape character, the conservation area and listed buildings being less than substantial, the weight afforded to these matters is moderate.

7.9.4 Compliance with some of the other core planning principles of the NPPF have been demonstrated in terms of impact on residential amenity, access and highway safety,

parking, biodiversity, ecology, flooding and drainage. However, these matters do not represent benefits to the wider area but demonstrates an absence of harm to which weight should be attributed neutrally.

8 CONCLUSION

8.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015. The report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.

8.2 In principle, and having regard to the three dimensions of sustainable development, the scheme is considered acceptable and the benefits of the scheme would significantly and demonstrably outweigh the adverse impacts when assessed against the policies in the NPPF.

8.3 The proposal is recommended for approval, subject to conditions

9 COSTS

9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.4 In this case members' attention is particularly drawn to the following points:

- Historic England are no longer objecting;
- The Local Highways Authority do not object;
- 5 year land supply position

10 APPENDICES

10.1 Conditions – Appendix 1

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00179/FUM	Room No. 011	Anne James
17/00387/OUM	The Grange Ely	Planning Consultant 01353 665555 anne.james@eastc amb.s.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 ONE

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

Plan Reference	Version No	Date Received
1151/02/01 1		17 th March 2020
Location Plan		31st January 2019
Heritage Statement		31st January 2019
2795/4	C	2nd February 2020
H010		2nd February 2020
2795/5		31st January 2019
Geo-Environmental Assessment		31st January 2019
Heritage Impact Assessment		31st January 2019
Ecological Impact Assessment		31st January 2019
Transport Assessment		31st January 2019
Utilities Assessment		31st January 2019
2795/12		31st January 2019
2795/11		31st January 2019
2795/10		31st January 2019
2795/9		31st January 2019
2795/7		31st January 2019
2795/6		31st January 2019
2795/8		31st January 2019

- 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 works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.
The scheme shall be based upon the principles within the agreed Surface Water Permeability Calculations prepared by BMF Consulting Limited (ref: 1151) dated March 2020, and the Surface Water Drainage Layout prepared by BMF Consulting Limited (ref: 1151/02/01) dated February 2020 and shall also include:
 - a) Full results of the proposed drainage system modelling in the 1 in 1, 1 in 30 and 1 in 100 year events (as well as the 1 in 100 year event plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - c) Site Investigation and test results to confirm infiltration rates;

d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
e) Full details of the maintenance/adoption of the surface water drainage system;
f) Measures taken to prevent pollution of the receiving groundwater
The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

- 3 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development. In accordance with Policy ENV8 of the East Cambridgeshire Local Plan 2015.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 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.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 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 and 07.30 - 13.00 on Saturdays and none on Sundays, Public Holidays or Bank Holidays
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

- 7 No above ground construction shall take place on site until details of the bricks, stone, roof coverings, flashing, windows, doors, etc; 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.
- 7 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 8 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of any dwelling.
- 8 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 9 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.
- 9 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 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. 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 2795/4 C; in writing by the Local Planning Authority.
- 11 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 12 Access points with the highway to be laid out as per the approved drawing nos: 2795/4 B and H010 and constructed to CCC specifications.

- 12 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 13 Prior to above ground construction works; visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan H010; The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 14 No above ground construction shall commence until details of the design and location of bin stores have been submitted to and agreed in writing with the Local Planning Authority. The bin stores shall be in situ in accordance with the approved details prior to the occupation of the development.
- 14 Reason: To safeguard the character and appearance of the area, in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 15 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 unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 15 Reason: To ensure that the highways end appearance is acceptable and to prevent the roads being left in a poor/unstable state, in accordance with policies COM7 and ENV2 of the East Cambridgeshire adopted Local Plan April 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 16 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 16 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.

- 17 No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: parking areas, footpaths, courtyard and turning area and bin storage areas. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 17 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 18 Prior to any occupation of the development, a scheme for the maintenance of the shared common areas; for a minimum period of 5 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
- 18 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 19 Prior to any work commencing on the site a Biodiversity Management Plan shall be submitted to and agreed in writing with the Local Planning Authority regarding details of habitat creation and enhancement measures, and long-term management measures to maintain the condition of on-site habitats. These measures shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 19 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 20 Any tree or shrub removal shall be undertaken outside of the bird breeding season of 1st March to 31st August in any calendar year. If clearance works must occur within bird breeding season then any vegetation targeted for clearance must first be surveyed by an ornithologist and clearance works would only be permissible if the survey reveals no active bird's nests within the relevant vegetation.
- 20 Reason: To protect species and sites of nature conservation, in accordance with policies ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 21 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 21 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 22 All works shall be carried out in accordance with the Arboricultural Impact Assessment and Arboricultural Method Statement. If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.
- 22 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.
- 23 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.
- 23 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 24 Prior to first occupation the form and content of Welcome Travel Packs to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.
24. Reason: In order to encourage future residents to travel using sustainable modes of transport in accordance with Policy COM7 of the East Cambridgeshire Local Plan 2015.
25. Prior to the first occupation or commencement of use of the development, details of replacement tree planting, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority. Planting shall take place in accordance with the approved details within the first planting season following completion of the development or in accordance with the program of planting approved by the LPA. Any such trees that are removed die or become, in the opinion of the LPA, seriously damaged or defective within a period of 5 years of planting shall be replaced with specimens of a similar size and species as originally required.
- 25 Reason: To assimilate the development into its surroundings, in accordance with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
26. Works shall be carried out in accordance with the Mitigation and Enhancement Measures in the Biodiversity/Ecological Assessment [agn dated 20th December 2018].
- 26 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

- 27 Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
- 27 Reason To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.