

PLANNING COMMITTEE



Date: Thursday, 20 April 2017

Democratic and Members' Services

Quentin Baker

LGSS Director: Law and Governance

10:00hr

Shire Hall
Castle Hill
Cambridge
CB3 0AP

Kreis Viersen Room

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

1. **Apologies for Absence**

2. **Declarations of Interest**

*Guidance for Councillors on declaring interests is available at
<http://tinyurl.com/cccd-dec-of-interests>*

3. **Minutes - 16th March 2017**

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PLANNING APPLICATIONS

4. **H-5003-14-CM Low Road Fenstanton**

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ITEMS FOR INFORMATION

5. **Enforcement Update Report**

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6. **Summary of Delegated Decisions - April 2017**

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The Planning Committee comprises the following members:

Councillor David Connor (Chairman) Councillor Mandy Smith (Vice-Chairwoman)

Councillor Peter Ashcroft Councillor Barbara Ashwood Councillor Lynda Harford Councillor Bill Hunt Councillor Sebastian Kindersley Councillor Alan Lay Councillor Mervyn Loynes Councillor Mike Mason Councillor Jocelyne Scutt

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

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Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <http://tinyurl.com/cambs-constitution>.

The Council does not guarantee the provision of car parking on the Shire Hall site and you will need to use nearby public car parks <http://tinyurl.com/ccf-car-park> or public transport

PLANNING COMMITTEE: MINUTES

Date: Thursday 16th March 2017

Time: 10.00am – 11:20am

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors P Ashcroft, B Ashwood, D Connor (Chairman), L Harford, B Hunt, S Kindersley, A Lay, M Loynes, M Mason, J Scutt and M Smith (Vice Chairwoman)

233. APOLOGIES AND DECLARATIONS OF INTEREST

None.

234. MINUTES – 16TH FEBRUARY 2017

The minutes of the Planning Committee meeting held on 16th February 2017 were agreed as a correct record and signed by the Chairman subject to the alteration of the title of minute 230 from Black Fen to Black Bank.

235. EXTENSIONS TO THE COLLEGE TO PROVIDE 3,938 SQUARE METRES OF ADDITIONAL FLOOR-SPACE CONSISTING OF 22 NEW CLASSROOMS (INCLUDING MUSIC AND DRAMA STUDIO), 9 MUSIC PRACTICE ROOMS, 3 STAFF OFFICES, 2 STAFF PREPARATION ROOMS, ADDITIONAL CHANGING ROOMS, WIDENING CORRIDORS, ERECTION OF A NEW CORRIDOR LINK, ALTERATIONS TO THE EXISTING BUILDING INCLUDING RELOCATION OF THE MAIN SCHOOL AND COMMUNITY ENTRANCE WITH NEW CANOPY AND COVERED CANOPIES; RELOCATION AND REBUILDING OF 219 SQUARE METRES OF GREENHOUSE/OUTBUILDINGS; EXTERNAL ALTERATIONS TO CREATE A NEW ACCESS FROM LODE ROAD TO SERVE THE NEW STAFF CAR AND COACH PARK, TRAFFIC BARRIERS TO CAR PARK, FORMATION OF A BIN STORE, ALTERATIONS TO THE EXTERNAL LANDSCAPED AREAS, SECURE FENCING AND ASSOCIATED INFRASTRUCTURE; AND DEMOLITION OF 386 SQUARE METRES OF FLOOR-SPACE TO ACCOMMODATE THE NEW DEVELOPMENT.

AT: BOTTISHAM VILLAGE COLLEGE, LODE ROAD, BOTTISHAM CB25 9DL

FOR: CAMBRIDGESHIRE COUNTY COUNCIL

LPA REF: E/3007/16/CC

The Committee received a planning application that sought to expand the current facilities at Bottisham Village College through the provision of two rear extensions, new car and coach parking, relocated community buildings, improved front entrance and new hard and soft landscaping throughout the site with associated infrastructure. Members' attention was drawn to the amendment sheet that sought to delete condition 20 'Operational Noise Mitigation' and to renumber condition 21 'Plant Noise' as new condition number 20.

Officers drew attention to the current location of the school and its boundaries, including the Green Belt and the surrounding roads. The locations of the 5 objections received in relation to the school were illustrated on a map of the area. Officers drew attention to the

site plan in the agenda pack for Members and in particular highlighted the proposed new access road leading to the proposed new car and coach park, including the new Red to Green area; the amenity area and two-storey rear extension. Members noted the planning permission granted in December 2016 by East Cambridgeshire District Council for an all-weather sport playing field to replace the existing facilities that would be lost as part of the two-storey rear extension proposed.

Front and rear elevation drawings together with the proposed landscaping scheme that would be planted with additional trees and shrubs that would provide visual screening were presented to Members. This was in addition to a number of photographs being used to show the proposed new entrance on Lode Road; the boundary on Bradford's Close; view of the proposed car and coach park area which included a view of the gated access to the land at present; the existing building on Warden's Lawn to show how the new proposed two-storey building will link; the area to extend the changing room; and of the current Red to Green buildings to be demolished and repositioned at the front of the site.

As a result of the photograph showing the view of the proposed car and coach park area Members asked what the existing gated access was used for and whether this was where the new access was to be located. Officers confirmed that there is an existing gated access to the playing fields, where the new proposed access is set to be located and that this is currently used by maintenance vehicles.

Speaking in support of the application, Lisa Skinner on behalf of the applicant introduced Kate Evans, Chief Executive of the college who was available to answer Member questions. Mrs Skinner drew attention to the Green Belt that lay to the west of the site and the consideration it had been given through the design of the buildings. Attention was drawn to improved external and internal access to the college. The location of community buildings that accommodated the Red2Green charity would be re-located, which would increase the profile of the charity and the associated shop. Landscaping and barriers would be installed to prevent anti-social behaviour and 60 trees re-planted. Mrs Skinner highlighted the BREEAM environmental rating of very good, with a particular focus on energy and water, and was confident that condition 13 set out in the officer report would be achieved. Community access to the existing sports field would be maintained, as agreed with the Parish Council, but with clear boundaries during school hours to ensure that the appropriate safeguarding of pupils could be provided.

In response to a Member question Mrs Skinner confirmed that contractors were working closely with the college to ensure that access to the sports field was maintained during the construction phases and disruption minimised to the local community.

Local Member, Councillor Matthew Shuter addressed the Committee and declared an interest in that he was a Governor at Bottisham Village College. Councillor Shuter drew attention to the concerns raised by the Parish Council regarding the application and the compromise that had been reached. There was a growing pressure for places at the college and it was vital that children living within the catchment area of the college were able to attend their local school. In conclusion, Councillor Shuter highlighted the number of correspondence from parents whose children were unable to attend the College due to it being oversubscribed and expressed his support for the application.

Councillor Kindersley proposed, seconded by Councillor Ashwood, with the unanimous agreement of the Committee that the recommendation be put.

It was resolved unanimously to grant planning permission subject to the conditions attached at Appendix A to these minutes.

236. THREE SINGLE STOREY EXTENSIONS; SURFACE GRASS PLAY AREA WITH ARTIFICIAL SURFACE; EXTENSION OF CAR PARK; NEW PEDESTRIAN ACCESS FROM BLINCO GROVE; EXTENSION OF MULTI-USE GAMES AREA AND ERECTION OF 2.2 METRE HIGH PERIMETER FENCE AND NEW PEDESTRIAN ACCESS FROM BALDOCK WAY.

AT: MORLEY MEMORIAL PRIMARY SCHOOL, 91-100 BLINCO GROVE, CAMBRIDGE, CB1 7TS

APPLICANT: CAMBRIDGESHIRE COUNTY COUNCIL

APPLICATION NO: C/5008/16/CC

The Committee received an application concerning Morley Memorial Primary School, Cambridge for three single storey extensions, surface grass play area with artificial surface, extension of the car park, new pedestrian access from Blinco Grove, the extension of the multi-use games area and the erection of a 2.2 metre high perimeter fence and new pedestrian access from Baldock Way.

The presenting officer drew Members' attention to the location of the school in context with the wider area together with the locations of representations received from local members of the public. Aerial photographs of the school were shown to Members together with site plans that illustrated the relationship between the split school site and location of the proposed extensions and artificial surface games area.

Elevation drawings were presented to the Committee together with photographs of the reception and play areas. Members noted the shrubs planted along the length of the front boundary of the school would have to be removed but would be replaced.

A Member confirmed that trees depicted in dark green on the site plan were existing trees that would be retained.

The Chairman informed Members that a member of the public that had requested permission to speak from officers earlier in the planning process, but did not register to speak with Democratic Services, had requested permission to speak. The Chairman therefore exercised his discretion and allowed the member of the public to speak on the application at Committee. In the interests of consistency, the Chairman agreed all speakers could have 5 minutes in which to address the Committee but reminded speakers that they must not exceed the allotted 5 minutes.

Speaking in support of the application Mrs Nikki Brown, Headteacher at Morley Memorial Primary School addressed the Committee. Mrs Brown informed Members of the practical approach taken to education at the school and highlighted a 'young engineer' project that had recently taken place at the school; an approach that was compromised by the current facilities. The importance of the children being located on one site was emphasised as it took a long time for young children to get ready and be moved across to the main site. This resulted in lost learning time and increased health and safety risks for the children. The planning application would provide for children with Special Educational Needs (SEN) as the current buildings were often inappropriate for SEN children and Mrs Brown highlighted a recent application from child with Special Educational Needs as they could

not be accommodated within the buildings. Refurbishment of the classrooms was urgently required and the poor ventilation and heating systems currently installed at the school were drawn to Members' attention. The grassed play area was currently unusable for most of the year and its proposed replacement would be of great benefit to the school children.

Speaking in objection to the application Mrs Mary O'Flynn, a local resident highlighted the problems experienced by local residents regarding traffic and car parking, which had steadily grown worse since 100 Blinco Grove was leased to a full-time nursery. The residents' car parking scheme forced cars to be parked in nearby streets that did not have the same parking controls and therefore resulted in additional danger to children who cycled and walked to school. Increased traffic in the area would also result in poorer air quality which was a recognised health risk to children. Mrs O'Flynn drew attention to the proposed reduction in outdoor play area and the impact it would have upon the children's health as there would not be sufficient space in which ball games and physical play could take place. In conclusion Mrs O'Flynn emphasised that the area was saturated with traffic and the application before the Committee would exacerbate the issues and suggested road closures to alleviate traffic problems and allow the two sites to be joined together permanently. Also acknowledged that she had an interest in this project as she had five children go through the school.

In response to Members' questions Mrs O'Flynn confirmed that she suggested Blinco Grove be closed to traffic to create pedestrian access and the potential traffic and road safety problems were sufficient grounds for refusal of the application particularly taking account of the increased numbers involved.

Speaking in objection to the application Mrs McLeman, a local resident, educational psychologist and parent of a child that attended the school highlighted the loss of play space caused by the planned all-weather play area. The reduction in play area would result in a lack of area for fast moving play. Although it was acknowledged that there was some compensation, this would be based on there being enough staff to take the children across the road. Mrs McLeman did not accept that the current buildings could not be adapted in order to accept SEN children and expressed concern at the school prioritising indoor space over outdoor space, stating that a simple solution would be to put the older children in the Annex site and not the youngest children. Mrs McLeman stated car parking in the area was saturated and additional traffic would only increase the issues. The school had issued 19 safety warnings to parents regarding traffic and Mrs McLeman, in conclusion drew attention to a park and walk scheme that had been trialled at the school but had failed.

Local Member Cllr Amanda Taylor addressed the Committee. Councillor Taylor informed the Committee that she was the Local Members for the Queen Edith's division and had until recently had a child that attended the school. Councillor Taylor praised the school that was named after Liberal MP Samuel Morley who proclaimed that it was the birth-right of every child to receive education. The school encouraged learning through practical activities and through play and it was therefore important that easy access to outdoor areas be provided. Improved access to the school was also important for children with disabilities. The split nature of the site was challenging and led to lost learning time for children due to the length of time that it took to get children ready. Councillor Taylor acknowledged the concerns raised by local residents regarding car parking in the area and emphasised the importance of addressing those issues separately, as they were wider than this planning application. Councillor Taylor drew attention to condition 9 of the officer report that concerned construction hours including construction delivery hours, and requested that that the delivery hours in the afternoon be amended as there could be

potential conflict between school children leaving the site and construction deliveries. In conclusion Councillor Taylor urged the Committee to support and approve the application.

In response to a Member question, Councillor Taylor confirmed that she had been closely involved in resolving car parking issues in the area and informed Members that a resident's car parking scheme had been recently implemented.

During the course of discussion Members:

- Questioned how many out children were accommodated at the school that did not live within the schools catchment area. Officers confirmed that the school was oversubscribed from within its catchment area, which was demonstrated by using by both low and high education in-take figures from previous years.
- Expressed sympathy for residents regarding the parking issues but emphasised that the issues were common at all schools and required parents cooperation in order to resolve.
- Queried how many school staff travelled to work by car and whether the lack of car parking affected recruitment. Mrs Brown, Headteacher at the school explained that many did drive to work because they could not afford to live in the local area and that recruitment was affected as a result.
- Questioned whether how construction workers were transported to site could be conditioned as part of the application. Officers explained that it was not possible for such a condition to be included, but it could be accounted for within the Travel Plan. The Committee requested that it be recorded in the minutes that they supported construction workers transported by mini-bus to and from the site in order to minimise car parking issues in the surrounding area.
- Noted the objections raised regarding the overall reduction in outside play area but highlighted that due to the proposed all-weather surface the overall play area available throughout the year had increased.
- Noted the plans that were sympathetic to the Victorian architecture of the school.
- Confirmed that there was a 20mph speed limit and traffic management consisting of a raised area in front of the school.

It was proposed by Councillor Kindersley and seconded by Councillor Harford with the unanimous agreement of the Committee that condition 9 of the officer report be amended to specify that construction deliveries be completed by 2:45pm in term time only.

It was resolved unanimously to grant planning permission subject to the conditions set out in Appendix B to these minutes following the alteration of condition 9.

237. SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

It was resolved to note the decisions made under delegated powers.

238. DATE OF NEXT MEETING – 20TH APRIL 2017

Chairman

1. Commencement of Development

The development hereby permitted shall be commenced not later than three years from the date of this permission. Within 14 days of the commencement of the development hereby approved, the County Planning Authority shall be notified in writing of the date at which the development commenced. This written notification should include the anticipated phasing of the programme and anticipated commencement date for the proposed two-storey rear extension labelled as 'Proposed Building' on the Proposed Site Plan Drawing No 2016-009/9100 Rev P dated 24/02/17.

Reason: *In accordance with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.*

2. Occupation of the development

Within one month of the occupation of the two-storey rear extension labelled as 'Proposed Building' on the Proposed Site Plan Drawing No 2016-009/9100 Rev P dated 24/02/17, the County Planning Authority shall be notified in writing of the date at which the two-storey rear extension was first occupied.

Reason: *In order to be able to establish the timescales for the approval of details reserved by conditions.*

3. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the application form dated 21/09/2016 and the following information and plans (received 23/09/2016, unless otherwise stated), except as otherwise required by any of the conditions set out in this permission:

- Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17 (received: 06/03/2017);
- Existing Location Plan, Drawing No 2016-009_P-100 Rev C dated 20-09-2016;
- Proposed Plan – Ground Floor New Building, Drawing No 2016-009_P-214 Rev A dated 16-09-16;
- Proposed Masterplan Ground Floor, Drawing No 2016 – 009_P-210 Rev / dated 16/09/16;
- Proposed Masterplan First Floor, Drawing No 2016-009_P-211 Rev / dated 16-09-2016;
- Proposed Plan – First Floor New Building, Drawing No 2016-009_P-215 Rev A dated 16-09-16;
- Proposed Plan – Second Floor New Building, Drawing No 2016-009_P-216 Rev A dated 16-09-16;
- Proposed Elevations Corridors, Drawing No 2016 – 009_P-281 Rev – dated 29-09-2016 (received: 11/10/2016);
- New Build Elevations, Drawing No 2016 – 009_P-283 Rev B dated 26-09-2016 (received: 11/10/2016);
- Proposed Sections, Drawing No 2016 – 009_P-290 dated 16-09-16;
- Proposed Plan – Roof New Building, Drawing No 2016 – 009_P-217 dated 29-09-16 (received: 11/10/2016);
- Existing and Proposed Elevations Main Entrance, Drawing No 2016 – 009_P-280 Rev A dated 16-09-2016;
- Changing Room Elevations, Drawing No 2016 – 009_P-282 Rev B dated

- 29-09-2016 (received: 11/10/2016);
- Red2Green PR. Ground Floor Plan, Drawing No 2016 – 009_P-218 dated 16-09-16;
 - Red2Green Proposed Elevations, Drawing No 2016 – 009_P-284 Rev - dated 16-09-2016;
 - Red2Green Proposed Site Plan, Drawing No 2016 – 009_P-111 dated 16/09/16;
 - Biodiversity Enhancement Drawing, Drawing No 2016-009/9115 Rev B dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout Plan - Detail Parking & Red2Green, Drawing No 2016 – 009/9103 Rev B dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout Plan Detail - Parking & Pupils, Drawing No 2016 – 009/9105 Rev C dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout Plan Detail – Site Frontage, Drawing No 2016 – 009/9104 Rev C dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout 1 of 2, Drawing No 2016 – 009_9108 Rev E dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout 2 of 2, Drawing No 2016 – 009_9109 Rev F dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout Plan Detail - New Building Area, Drawing No 2016 – 009/9101 Rev C dated 07/10/16 (received: 11/10/2016);
 - Landscape Layout Plan Detail - Bus Drop & Access, Drawing No 2016 – 009/9102 Rev C dated 07/10/16 (received: 11/10/2016);
 - Landscape Outline Demolition Plan, Drawing No 2016 – 009_9111 Rev B dated 14/10/16 (received: 11/10/2016);
 - Security Schematic, Drawing No 2016 – 009/9112 Rev O dated 10/02/2017 (received: 10/02/2017);
 - Access Schematic, Drawing No 2016 – 009/9113 Rev H dated 07/10/2016 (received: 11/10/2016);
 - Bottisham Village College Lighting Design, Drawing No 12890-1-C Rev C dated 12/09/16;
 - Unit/Package Substation with Standard Plinth Detail & GRP Enclosure Detail, Drawing No EDS 07-0102.01 Rev E Sheet 1 of 3, dated 25-11-14 (received: 06.03.07);
 - Earthing Arrangement for Unit/Package Substation with Standard Plinth Detail & GRP Enclosure Drawing No EDS 07-0102.01 Rev E Sheet 2 of 3, dated 22.04.14 (received: 06.03.17);
 - Extended Phase 1 Habitat Survey Report by AB Ecology dated February 10, 2017 (received: 10/02/2017);
 - Bat Survey Report by AB Ecology dated September 1, 2016;
 - Tree survey, Aboricultural Impact Assessment, Preliminary Aboricultural Method Statement & Tree Protection Plan, Ref 5392/DG.AG/DC/MM, Survey date 19/05/2016, Rev Original by Hayden's Aboricultural Consultants dated 06/09/2016;
 - Demolition Management Plan Rev 2 by Morgan Sindall dated March 2017 (received: 06.03.2017).
 - Outline 5 year Landscape Management Plan Ref 9016-009/SP2 Rev -, by DLA Landscape & Urban Design dated 31 August 2016
 - Flood Risk Assessment by MTC Engineering Ref 1746-FRA June 2016;
 - External Lighting Statement by Roger Parker Associates Limited, Ref 1607/ExLtg Rev A dated September 2016;
 - Renewable Energy Report by Roger Parker Associates Limited, Ref 1607/RenEN Rev B dated August 2016;

- Transport Statement + Appendices by WSP Parsons Brinckerhoff, Project no 70021299 dated August 2016;
- Transport Technical Note 1 by WSP Parsons Brinckerhoff dated 17 November 2016 (received: 23/11/2016);
- Transport Technical Note 2 by WSP Parsons Brinckerhoff dated 03 January 2017 (received: 04/01/2017); and
- Environmental Noise Survey 23150/ENS1 by Morgan Sindall Construction dated 12th May 2016.

Reason: *To define the scope and extent of this permission and to ensure that the development is carried out as approved in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan (April 2015).*

4. Construction Hours

No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0730 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: *To protect the amenity of the adjoining properties in accordance with policy ENV 9 of the East Cambridgeshire Local Plan (April 2015).*

5. Construction Delivery Hours

No deliveries to, or removal of waste or materials from the site shall take place except between the hours of 0730 and 1800 Monday to Friday, 0800 and 1300 on Saturdays and at no time on Sundays, bank or public holidays.

Reason: *To protect the amenity of the adjoining properties in accordance with policy ENV 9 of the East Cambridgeshire Local Plan (April 2015).*

6. Travel Plan

Within 9 months of the occupation of the new two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), a revised full School Travel Plan shall be submitted to, and approved in writing by, the County Planning Authority. The approved School Travel Plan shall be implemented in full and regularly reviewed in accordance with the approved timetable.

Reason: *In the interests of highway safety and to promote sustainable travel in accordance with policy COM 7 of the East Cambridgeshire Local Plan (April 2015).*

7. Surface Water Drainage Scheme

The surface water drainage scheme shall be constructed in full in accordance with the Surface Water Drainage Strategy prepared by Peter Dann Consulting Engineers (ref:10-6669 dated September 2016) and associated Infiltration Test Results undertaken by Harrisons Geotechnical Engineering ref:GC20073 dated 01-02/06/2016.

Reason: *To prevent an increased risk of flooding and protect water quality in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework and policy ENV 8 of the East Cambridgeshire Local Plan (April 2015).*

8. Drainage Maintenance Arrangements

Prior to the first occupation of the two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), details of the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the County Planning Authority.

The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the submitted details shall clarify the access that is required to each surface water management component for maintenance purposes. The approved maintenance arrangements shall be carried out in full thereafter.

Reason: *To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework and policy ENV 8 of the East Cambridgeshire Local Plan (April 2015).*

9. External Facing and Roofing Materials

Construction of the external walls or roofs of the permitted two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17) shall not commence until the external wall and roof materials of the permitted two-storey rear extension have been submitted to and approved in writing by the County Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: *To ensure that the appearance of the external surfaces are of high quality and relate to the existing building(s) in accordance with policy ENV 2 of the East Cambridgeshire Local Plan (April 2015).*

10. Protective Tree Fencing

Tree protective fencing and ground protection as detailed in Section 5 of the Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan (Hayden's Arboricultural Consultants dated 06/09/2016) must be installed prior to the commencement of works in the associated areas.

Reason: *To ensure existing trees are safeguarded and adequately protected during the construction period in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan (April 2015).*

11. Landscaping Scheme

Prior to the first occupation of the two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing 2016-009/9100 Rev P dated 24/02/17) a hard and soft landscaping schedule shall be submitted to and approved in writing by the County Planning Authority.

These details shall include hard surfacing materials; and details of minor artefacts and structures (e.g. furniture, refuse or other storage units, cycle hoops etc.) to also include details and location of the proposed sparrow terrace. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with tree, plant and grass establishment); schedules of trees and plants, noting species, tree and plant sizes and proposed numbers / densities where appropriate; precise location of the sparrow terraces; and an implementation programme.

The landscaping works shall be carried out in full in accordance with the approved details, completed prior to the occupation of the two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), or in the first planting season following occupation, and maintained on site thereafter..

Reason: To ensure that the development is appropriate and adequately landscaped and in the interests of the visual appearance in accordance with policies ENV 1, ENV 2 and ENV 10 of the East Cambridgeshire Local Plan (April 2015).

12. Replacement Planting and Seeding

If within a period of five years from the date of the planting any tree, shrub or seeding fails or is removed other than in accordance with the approved details, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, it shall be replaced by like for like replanting at the same place, unless the County Planning Authority has given prior written consent for any variation.

Reason: To ensure that there is no net loss in biodiversity and in the interests of the visual appearance in accordance with policies ENV 1, ENV 2 and ENV 10 of the East Cambridgeshire Local Plan (April 2015).

13. BREEAM Design Stage

Within 9 months of the commencement of the permitted two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17):

- i) Evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a 'BREEAM Buildings scheme, or a 'bespoke BREEAM') and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of no less than 5 credits in the Energy category (Ene01 – Ene08), and no less than 3 credits in the Water category (Wat01 – Wat04) of the relevant BREEAM assessment within an overall BREEAM rating of 'Very Good' shall be submitted to the County Planning Authority.

And;

- ii) A BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of no less than 5 credits in the Energy category (Ene01 – Ene08), and no less than 3 credits in the Water category (Wat01 – Wat04) of the relevant BREEAM assessment within an overall BREEAM rating of 'Very Good' shall be submitted to, and approved in writing by, the County Planning Authority. A completed pre-assessment estimator will not be acceptable. Where the design stage certificate shows a shortfall in credits for BREEAM 'Very Good', a statement shall be submitted identifying how the shortfall will be addressed.

Reason: In the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction and efficient use of buildings in accordance with policy ENV 4 of the East Cambridgeshire Local Plan (April 2015).

14. BREEAM Post-Construction Stage

Within 12 months of the occupation of the two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the part of the development to which it relates has achieved a BREEAM rating of no less than 5 credits in the Energy category (Ene01 – Ene08), and no less than 3 credits in the Water category (Wat01 – Wat04) of the relevant BREEAM assessment within an overall BREEAM rating of 'Very Good' shall be submitted to, and approved in writing by, the County Planning Authority.

Reason: In the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction and efficient use of buildings and in particular the use of energy, water

and materials in accordance with policy ENV 4 of the East Cambridgeshire Local Plan (April 2015).

15. New Sports Facilities

Prior to the occupation of the new two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), the new all weather sports facilities permitted by planning permission reference 16/01292/FUL dated 20th December 2016 (East Cambridgeshire District Council) shall be available for use and maintained on site thereafter.

Reason: *In order to ensure the provision of the all weather sports facilities for the College and community use in accordance with policy COM 4 of the East Cambridgeshire Local Plan (April 2015)*

16. Car, Coach and Cycle Parking

Prior to the occupation of the new two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), details of the car, coach and cycle parking across the whole Village College Site for 210 car parking spaces, 19 coach parking spaces and 124 cycle parking spaces, including a phasing programme for the delivery of these facilities, shall be submitted to and approved in writing by the County Planning Authority.

The details shall be installed as approved, made available for use and maintained on site thereafter.

Reason: *To encourage the use of bicycles by staff and pupils and discourage the use of private cars in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan (April 2015).*

17. External Lighting Hours of Use

All external lighting shown on the Bottisham Village College Lighting Design, Drawing No 12890-1-C Rev C dated 12/09/16 and discussed in the External Lighting Statement by Roger Parker Associates Limited Ref 1607/ExLtg Rev A dated September 2016, shall be switched off between 2300 hours and 0700 hours. In the event that any security or safety lighting is required outside of these permitted hours, then no such lighting shall be permitted until full details of their location and type are submitted to and approved in writing by the County Planning Authority.

Reason: *To protect the amenity of the adjoining properties and surrounding wildlife and to ensure the safety and security of pupils, staff and visitors in accordance with policies ENV 2, ENV 7, ENV 9 and ENV 11 of the East Cambridgeshire Local Plan (April 2015).*

18. Unexpected Contamination

If unexpected contamination is encountered whilst undertaking the development which has not previously been identified, works shall immediately cease on site until the County Planning Authority has been notified and/or the additional contamination has been fully assessed and the following remediation approved in writing by the County Planning Authority:

- a) A site investigation report detailing all works that have been undertaken to determine the nature and extent of any contamination, including the results of the soil, gas and/or water analysis and subsequent risk assessment to any receptors; and
- b) A proposed remediation strategy detailing the works required in order to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters. The strategy shall include a schedule of the

proposed remedial works setting out a timetable for all remedial measures that will be implemented.

Reason: *To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety in accordance with policy ENV 9 of the East Cambridgeshire Local Plan (April 2015).*

19. Construction Methods

No piling shall take place on the site.

If piling is found to be required it shall not commence until a construction noise and vibration impact report has been submitted to, and approved in writing by, the County Planning Authority.

The report shall be in accordance with the provisions of BS5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration.

The development shall be carried out in accordance with the approved details.

Reason: *To protect the amenity of the adjoining properties in accordance with policy ENV 9 of the East Cambridgeshire Local Plan (April 2015).*

20. Operational Noise Mitigation

~~Prior to the occupation of the new two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), details of the noise levels emanating from the rooftop plant of the new two-storey rear extension and how they have been minimised, including those of the new sub-station if applicable, shall be submitted to, and approved in writing by, the County Planning Authority.~~

~~The scheme shall be carried out in full accordance with the approved details, completed prior to the occupation of the new two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), and maintained on site thereafter.~~

~~**Reason:** *To protect the amenity of the adjoining properties in accordance with policy ENV 9 of the East Cambridgeshire Local Plan (April 2015).*~~

21. Plant Noise

Prior to the occupation of the new two-storey rear extension (as shown as 'Proposed Building' on the Proposed Site Plan, Drawing No 2016-009/9100 Rev P dated 24/02/17), details of how the noise levels emanating from the rooftop plant of the new two-storey rear extension will meet the plant criteria within Section 8.3 of the noise report entitled 'Bottisham Village College Lode Road Cambridge Environmental Noise survey report', reference number 23150/ENS1, dated 12 May 2016, including those of the new sub-station if application, shall be submitted to, and approved in writing by, the County Planning Authority and adhered to thereafter.

Reason: *To protect the amenity of the adjoining properties in accordance with policy ENV 9 of the East Cambridgeshire Local Plan (April 2015).*

Informatives

School Travel Plan

School Travel Plan Informative: It is recommended that the County Council's Modeshift STARS system is used to update the School's Travel Plan, based on the plan provided with this application. It is also recommended that the plan is updated on an annual basis in order to help schools quickly and effectively address any school travel issues that may arise on an ongoing basis. Modeshift STARS: <https://modeshiftstars.org>

Vehicular Access

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant. The applicant should be informed that a short form 278 agreement will need to be entered into with the Highway Authority in order to carry out the works within the highway.

The Highway Authority has advised that there is a bus infrastructure deficit that should be considered as part of the Section 278 agreement for the proposed development. The applicant is therefore requested to consider the provision of shelters within the project costs, to help encourage alternative modes of transport especially for the new staff members required as part of this development.

Protection of Nesting Birds

The applicant should be aware that nesting birds, their eggs and (active) nests are protected under the Wildlife and Countryside Act 1981 and therefore, the applicant will need to take appropriate measures to avoid disturbing nesting birds and destruction / damage to active nests. Removal of vulnerable vegetation should ideally avoid the bird breeding season (1 March to 31 August inclusive) to avoid damage to nesting species. If this is not practicable then a nesting bird survey should be undertaken by an experienced ecologist prior to direct impact on suitable nesting bird habitat to identify whether active nests are present. If any are found they should be clearly marked and avoided until after the young have fledged and left the nest.

Bluebell mitigation planting

To take account of the bluebells that are likely to be lost during the construction phase, the applicants are requested to discuss a project for the replanting of the native bluebells with the Village College as soon as possible following occupation of the two-storey rear extension.

Plant Insulation

To satisfy the plant noise insulation condition, the rating level (in accordance with BS4142:2014) from all plant, equipment and vents etc (collectively) associated with this application should be less than or equal to the existing background level (L90) at the boundary of the premises subject to this application and having regard to noise sensitive premises.

Tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional correction in accordance with

BS4142:2014. This is to prevent unreasonable noise disturbance to other premises. This requirement applies both during the day (0700 to 2300 hrs over any one hour period) and night time (2300 to 0700 hrs over any one 15 minute period). It is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 2014 "Methods for rating and assessing industrial and commercial sound" or similar, concerning the effects on amenity rather than likelihood for complaints. Noise levels shall be predicted at the boundary having regard to neighbouring premises. It is important to note that a full BS4142:2014 assessment is not required, only certain aspects to be incorporated into a noise assessment as described within this informative.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring premises; noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked.

Substation

Electricity substations are known to emit electromagnetic fields. The NRPB has set standards for the release of such fields in relation to the nearest premises. With this in mind, an informative should be attached advising the applicant to contact The Health Protection Agency, Radiation Protection Division, Chilton, Didcot, Oxon, OX11 0RQ, tel: 01235 831600 for advice regarding the electric/magnetic fields that are associated with electric substations.

Trees

You are required to contact East Cambridgeshire District Council Trees Team on 01223 616336/616332 to apply for permission for any works to trees covered by a Tree Preservation Order.

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The County Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. The applicant has responded positively to the advice and recommendations provided and amendments have been made (where required) to satisfy concerns raised. All land use planning matters have been given full consideration, which resulted in overall support for the development proposal from statutory consultees.

Advisory Note

The Town & Country Planning (Development Management Procedure) (England) Order 2015 requires the Planning Authority to give reasons for the imposition of pre-commencement conditions. Conditions 4 and 5 below require further information to be submitted to protect the environment and are therefore attached as pre-commencement conditions. The developer may not legally commence operations on site until these conditions have been satisfied.

1. Commencement

The development hereby permitted shall be commenced no later than three years from the date of the decision notice. Within 14 days of the commencement of any development, the County Planning Authority shall be notified in writing of the first date on which any development commenced on that land.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to be able to establish the timescales for the approval of details reserved by conditions.

2. Occupation and first use of the development

Within one month of the occupation or first use of any part of the development hereby permitted, the County Planning Authority shall be notified in writing of the date at which the occupation or first use took place.

Reason: In order to be able to establish the timescales for the approval of details reserved by conditions.

3. Approved Plans and Documents

The development hereby permitted shall not proceed except in accordance with the planning application dated 11 August 2016 and the modifications and or supporting information set out in the agent's emails sent 12 October 2016 at 10:03 (surface water drainage), 22 November 2016 at 16:25 (construction hours and delivery times), 2 March 2017 at 17:35 (Annex Site Hours) and the supporting transport information from HSP Consulting Engineers Ltd received 24 January 2017 at 16:56 (providing further clarification, Queen Edith Parking Plan and Parking Zones surveyed with graphs to support the Transport Addendum) and Play Space Statement from Morley Memorial Primary School 10.2.17 (received 10 February 2017); and in accordance with the following plans and documents (received 15 August 2016 unless otherwise stated):

- 01: Site Location Plan dated 23/2/2012;
- Proposed Site Plan, Drawing Number 152 Revision 7 dated 13.09.2016 (received: 13 September 2016);
- Proposed Floor Plans Survey based GA, Drawing Number 154 Revision 7 dated 13.09.16 (received: 13 September 2016);

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- Proposed Roof Plan Survey based GA, Drawing Number 156 Revision 1 dated 18.01.2016;
- Proposed Elevations Survey based GA Drawing 1 of 2, Drawing Number 158 Revision 4 dated 15.06.2016;
- Proposed Elevations Survey based GA Drawing 2 of 2, Drawing Number 159 Revision 4 dated 15.06.2016;
- Proposed Development Strategy, Drawing Number 160 Revision 1 dated 03.03.2014;
- Classroom Extension (before and after views), Drawing Number 161 Revision 1 dated 03.03.2014;
- Activity Hall Extension (before and after views), Drawing Number 162 Revision 1 dated 03.03.2014;
- Reception Classroom Extension (before and after views), Drawing Number 163 Revision 1 dated 03.03.2014;
- Proposed Security Line, Drawing Number 166 Revision 5 dated 13.09.2016 (received: 13 September 2016);
- Elevations, Drawing Number 3744/P03 Revision 01 dated 28.06.16;
- Landscape Proposals, Drawing Number 3744/P01 Revision 10 dated 09.09.16 (received: 13 September 2016);
- Landscape Proposals Reception Play, Drawing Number 3744/P02 Revision 01 dated 21.06.16;
- Outline Planting Plan, Drawing Number 3744/P05 Revision 03 dated 13.09.16 (received 13 September 2016);
- Hayden's Arboricultural Consultants TS & AIA, Drawing Number 5346-D Revision - dated 24/06/16 (received: 05 January 2017);
- Proposed Drainage Layout by Richard Jackson Engineering Consultants, Drawing Number 45087/C/005 Revision F dated 05.08.16;
- Proposed Drainage for New Hard Surfacing Area by Richard Jackson Engineering Consultants, Drawing Number 45087-C-007 Revision E dated 05.08.16;
- Morley Primary School Schedule of Materials rev 04 by Livingston Eyre Associates landscape architects + urban designers (received: 13 September 2016);
- Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method statement & Tree Protection Plan In Accordance with BS 5837:2012 by Hayden's Arboricultural Consultants reference Proj. No 5346 dated 26/07/2016;
- Preliminary Ecological Appraisal Morley Memorial Primary School by Morgan & Stuckey Ecological Consultants reference Report No. J 3087-0516 dated June 2016;
- Construction Phase Health and Safety Plan (CPHSP) –(PEP Part 2) Appendix F Traffic Management Plan (TMP) Rev 4 dated Mar 15 (received: 1 November 2016);
- School Travel Plan reference C1854 – School Travel Plan for Morley Memorial Primary School by HSP Consulting Engineers Ltd dated December 2016 (received: 22 December 2016);
- Transport Statement reference C1854 – Transport Statement Revision 1 for proposed extension of Morley Memorial Primary School and Day Nursery by HSP Consulting Engineers Ltd dated 21st December 2016 (received: 05 January 2017);
- Framework Travel Plan reference C1854 – Framework Travel Plan for proposed Day Nursery by HSP Consulting Engineers Ltd dated December 2016 (received: 22 December 2016);

- Technical Note Addendum to the Transport Statement titled 'Response to CCC Highways comments received 13th Jan 2017' by HSP Consulting Engineers Ltd dated 24th January 2017 (received: 24 January 2017).

Reason: To define the development and minimise harm to the locality in accordance with Policies 3/1, 3/4, 3/6 and 3/7 of the Cambridge City Council Local Plan (2006) and emerging Policies 1, 55 and 56 of the Cambridge Local Plan 2014: Proposed Submission.

4. Great Crested Newt Survey

No development shall commence on the land shown edged yellow on Plan CCC1, until a Great Crested Newt Survey of the land shown edged blue on Plan CCC1 has been carried out, submitted to and approved in writing by the County Planning Authority.

In the event Great Crested Newts are found as a result of the above survey, no development shall take place until a mitigation strategy approved in writing by the County Planning Authority has been implemented in full.

Reason: To ensure that there is no net loss in biodiversity and there is no harm to protected species in accordance with Policies 3/1, 3/11, 4/3 and 4/7 of the Cambridge Local Plan (2006) and emerging Policies 1, 59 and 70 of the Cambridge Local Plan 2014: Proposed Submission. The Great Crested Newt survey and potential protection strategy needs to be in place prior to the commencement of development on the Annexe site to ensure adequate protection of this protected species.

5. Tree and Root Protection

No development shall commence until full details of tree protective fencing and the root protection details including no dig construction methods referred to in paragraphs 4.4.1 to 4.6.1 inclusive of Hayden's 'Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan dated 26/07/2016' shall have been submitted to and approved in writing by the County Planning Authority. No development shall commence until all approved protective fencing has been erected in its entirety in accordance with the approved details and it shall be thereafter retained throughout the duration of the construction works hereby approved. No development hereby permitted shall take place other than in accordance with the approved details.

Reason: To ensure the protection of the existing trees so there is no net loss in biodiversity and in the interests of the visual appearance in accordance with Policies 3/1, 3/11, 4/3 and 4/4 of the Cambridge Local Plan (2006) and emerging Policies 1, 70 and 71 of the Cambridge Local Plan 2014: Proposed Submission. The tree and root protection measures need to be in place prior to the commencement of the development to ensure that works do not damage the existing trees, in accordance with the recommendations of the submitted preliminary arboricultural method statement and tree protection plan.

6. Landscaping Scheme

Within three months of the date of commencement of development, confirmed under condition 1 of this permission, a detailed landscaping scheme for both parcels of land, which are edged red on '01 Site Location Plan dated 23/2/2012', shall be submitted

to and approved in writing by the County Planning Authority. The landscaping scheme shall include but not be limited to:-

- replacement planting and hedgerow gap planting including size, species, and spacing details;
- a native wildflower seed mix (indicative of the local area) to be sown between the hedgerow and new path;
- shall take account of and address the habitat needs of any Great Crested Newts that may be identified on the land south of Blinco Grove;
- a detailed timetable for implementation of the scheme.

The approved planting and seeding shall be carried out in its entirety in accordance with the approved details and timetable for implementation.

Reason: To ensure that the suitable conditions for biodiverse habitats are provided for and to ensure that there is no net loss in biodiversity and in the interests of the visual appearance in accordance with Policies 3/1, 3/4, 3/11, 4/3 and 4/4 of the Cambridge Local Plan (2006) and emerging Policies 1, 56, 59, 70 and 71 of the Cambridge Local Plan 2014: Proposed Submission.

7. Replacement Planting and Seeding

If within a period of five years from the date of the planting any tree shrub or seeding fails, that tree or hedgerow, or any tree or hedgerow planted in replacement for it, is removed, uprooted or destroyed or dies, or seeding fails it shall be replaced by like for like replanting and or seeding at the same place, unless the County Planning Authority gives its written consent to any variation.

Reason: To ensure that there is no net loss in biodiversity and in the interests of the visual appearance in accordance with Policies 3/1, 3/4, 3/11, 4/3 and 4/4 of the Cambridge Local Plan (2006) and emerging Policies 1, 56, 59, 70 and 71 of the Cambridge Local Plan 2014: Proposed Submission.

8. Landscape and Ecology Management Plan

Within three months of the date of commencement of development, confirmed under condition 1 of this permission, a Landscape and Ecology Management Plan for both parcels of land, which are edged red on '01 Site Location Plan dated 23/2/2012', shall be submitted to and approved in writing by the County Planning Authority. The Landscape and Ecology Management Plan shall be implemented for a minimum of two years from the date of occupation.

Reason: To ensure that there is no net loss in biodiversity and there is no harm to protected species in accordance with Policies 3/1, 3/11, 4/3 and 4/7 of the Cambridge Local Plan (2006) and emerging Policies 1, 59 and 70 of the Cambridge Local Plan 2014: Proposed Submission.

9. Construction Hours (including construction delivery hours)

No construction or demolition work shall be carried out other than between the hours of:- 0800 hours to 1730 hours Mondays to Fridays; and 0800 to 1300 on Saturdays. No collection from or deliveries to the site shall be made other than between the

hours of:- 0930 hours to 1230 hours; 1330 hours to 1400 hours; and 1600 hours to 1730 Mondays to Fridays; and 0900 to 1300 on Saturdays. There shall be no construction or demolition work, or collection from or deliveries to the site on Sundays or on Bank and Public Holidays.

Reason: *To protect the amenities of nearby residential properties and ensure the environmental impact of construction of the development is adequately mitigated in accordance with Policies 3/1, 4/13, 8/2 and 8/3 of the Cambridge Local Plan (2006) and emerging Policies 1, 35, and 81 of the Cambridge Local Plan 2014: Proposed Submission.*

10. Construction Methods

No piling shall take place on the site.

If piling is found to be required, it shall not commence until a construction noise and vibration impact report has been submitted to, and approved in writing by the County Planning Authority. The report shall be in accordance with the provisions of BS 5228:2009 Code of Practice for noise and vibration control on construction and open sites and include full details of any piling and mitigation measures to be taken to protect local residents from noise and or vibration.

The development shall be carried out in accordance with the approved details.

Reason: *To protect the amenities of nearby residential properties and to ensure the environmental impact of construction of the development is adequately mitigated in accordance with Policies 3/1 and 4/13 of the Cambridge Local Plan (2006) and emerging Policies 1, and 35 of the Cambridge Local Plan 2014: Proposed Submission.*

11. Unexpected Contamination

If, during development, unexpected contamination is found to be present at the site then works shall immediately cease on site until the developer has submitted a remediation strategy to the County Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the County Planning Authority.

No part of the development hereby permitted shall be occupied or used until the approved remediation strategy has been implemented in full. Within one month of occupation or first use of any part of the development hereby approved, confirmed under condition 2 of this permission, a verification report shall be submitted to and approved in writing by the County Planning Authority:

Reason: *In order to ensure that any contamination of the site is identified and remediation measures are appropriately undertaken to secure full mitigation in the interests of environmental and public safety in accordance with Policies 3/1 and 4/13 of the Cambridge Local Plan (2006) and emerging Policies 1 and 35 of the Cambridge Local Plan 2014: Proposed Submission.*

12. External Lighting

No new external lighting shall be installed within any part of the land edged red on '01 Site Location Plan dated 23/2/2012' other than in accordance with details which shall have been previously submitted to and approved in writing by the County Planning Authority.

Reason: To protect the amenities of nearby residential properties and protected species and to ensure the environmental impact of any lighting is adequately mitigated in accordance with Policies 3/1, 4/7 and 4/15 of the Cambridge Local Plan (2006) and emerging Policies 1 and 34 of the Cambridge Local Plan 2014: Proposed Submission.

13. Travel Plans

Within nine months of the date of occupation or first use of any part of the development hereby permitted, confirmed under condition 2 of this permission, a full School Travel Plan which takes into account the reception classes shall be submitted to and approved in writing by the County Planning Authority. The approved plan shall be implemented in full and reviewed every 12 months, unless otherwise agreed in writing by the County Planning Authority.

In the event that the Annexe site is occupied by an Early Years facility or related use, within six months of that occupation, a Travel Plan which encourages travel to the site through sustainable modes shall be submitted to and approved in writing by the County Planning Authority. The submitted Travel Plan shall be managed and reviewed every 12 months thereafter by the school, unless otherwise agreed in writing by the County Planning Authority, to take account of the cumulative impacts.

Reason: To ensure the safe and efficient operation of the highway and promote sustainable travel policies in accordance with Policies 3/1, 3/6, 8/2 and 8/3 of the Cambridge City Council Local Plan 2006 and emerging Policies 1, 80 and 81 Cambridge Local Plan 2014: Proposed Submission.

14. Car Parking

Prior to the occupation or first use of any part of the development hereby permitted, the onsite parking shown on the Proposed Site Plan, Drawing Number 157 rev 7 dated 13.09.2016 shall be laid out and made available for use in accordance with the details shown. The disabled parking bay and marked car parking spaces shall be retained thereafter for this purpose.

Reason: To ensure there is an acceptable level of car parking provision on site in accordance with Policies 3/1, 3/6, and 8/10 of the Cambridge City Council Local Plan 2006 and emerging Policies 1, 81 and 82 Cambridge Local Plan 2014: Proposed Submission.

15. Cycle and Scooter Parking

Within three months of the date of commencement of development, confirmed under condition 1 of this permission, details of the appearance and location of the 104 cycle parking spaces, 38 scooter parking spaces and 21 additional scooter or cycle parking spaces providing an overall total provision of 163 spaces shall be submitted to and approved in writing by the County Planning Authority.

The approved cycle and scooter parking spaces shall be laid out and made available for use prior to the occupation or first use of any part of the development hereby permitted, and retained thereafter for this purpose.

Reason: *To ensure there is adequate cycle parking provision on site which takes account of the proposed modal share and constraints on the site in accordance with policies 3/1, 3/6, 4/13, 8/3 and 8/6 of the Cambridge City Council Local Plan 2006 and emerging Policies 1, 81 and 82 Cambridge Local Plan 2014: Proposed Submission.*

Informatives

Bat Survey for the Annexe Building

It is noted that the applicant will be refurbishing the existing Annexe building under Permitted Development Rights. The County's Ecologist alerts the applicant to the fact that no detailed bat survey was undertaken of this building as part of the ecological assessment, because it was understood that refurbishment works will not require access to the roof void. Should the situation change, a bat survey of the Annexe should be undertaken prior to the commencement of works.

School Travel Plan

School Travel Plan Informative: It is recommended that the County Council's Modeshift STARS system is used to update the School's Travel Plan, based on the plan provided with this application. It is also recommended that the plan is updated on an annual basis in order to help schools quickly and effectively address any school travel issues that may arise on an ongoing basis. Modeshift STARS: <https://modeshiftstars.org>

Further potential for restrictions on residential parking

The school and nursery should note that further proposals to carry out residents parking consultations on 26 areas across Cambridge, including roads in the local vicinity of the school, are currently being considered. If approval is given then it will then be through residents parking consultation to determine whether there is support for a scheme to be implemented or not. Such restrictions will need to be monitored and taken into account when developing and updating the School and Nursery Travel Plans.

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The County Planning Authority has worked proactively with the applicant to ensure that the proposed development is acceptable in planning terms. Amendments to the proposed construction hours have been made and additional transport information supplied to help support the assessment of this development. All land use planning matters have been given full consideration, which resulted in overall support for the development proposal from statutory consultees.

**WIDENING OF EXISTING BANK BY IMPORTATION OF WASTE SOIL
(RETROSPECTIVE)**

AT: MANOR FARM, LOW ROAD, FENSTANTON, PE28 9HU

APPLICANT: A M BEHAGG FARMS

LPA NO: H/5003/14/CM

To: **Planning Committee**

Date: **20 April 2017**

From: **Head of Growth and Economy**

Electoral division(s): **The Hemingfords & Fenstanton**

Purpose: **To consider the above planning application**

Recommendation: **It is recommended that planning permission be granted
subject to the condition set out in paragraph 4.1**

<i>Officer contact:</i>	
Name:	Helen Wass
Post:	Development Management Officer
Email:	Helen.Wass@cambridgeshire.gov.uk
Tel:	01223 715522

1.0 INTRODUCTION

- 1.1 This application was considered by the Planning Committee on 11 February 2016. At the meeting members heard representations from David Mead, the agent acting for the applicant, and from Mr Barnett, a local landowner who objected to the development. The report to the February 2016 Planning Committee is Appendix 1 of this report.
- 1.2 Members deferred making a decision to give the applicant time to discuss with Mr Barnett means of improving the way in which water moves from the ditch next to Huntingdon Road over or through the bank to the field (flood plain) to the north. It was suggested that the size and operation of the pipe which runs through the bund at its eastern end should be reviewed. Committee's expectation was that modifications would be made so that water from the ditch next to the bank is not impeded from reaching the field in times of high rainfall and consequently causing land elsewhere to flood more frequently.
- 1.3 The applicant has undertaken the works that he agreed with Mr Barnett. The County Council as the highway authority is carrying out work on the bridge and will clear the culvert and replace the back-flap valve. Mr Barnett's agent has advised that his client is now happy that the necessary works have taken place or are in hand. It is considered that there is no longer an objection to this application.

2.0 PLANNING POLICY

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 6.3 to 6.6 of Appendix 1.
- 2.2 The development plan has not changed since the application was considered in February 2016. The emerging Huntingdonshire Local Plan to 2036 is still at the Proposed Submission stage.

3.0 CONCLUSION

- 3.1 On the basis that Mr Barnett's agent has confirmed that his client's concerns about flooding on his land have been removed, either through the necessary works having already taken place, or are in hand, then it is considered appropriate to bring the application back to Planning Committee for determination.

4.0 RECOMMENDATION

- 4.1 It is recommended that planning permission be granted, subject to the following condition:

1. The approved drawings are:
 - 2014-11-1 Location Plan dated April 14
 - 2014-11-2 Rev B Flood Bank Levels dated April 14 (stamped received by Cambs County Council 04 Nov 2015)

Reason: To maintain a connection to the flood plain to the north of the bank and minimise the risk of exacerbating flooding on Huntingdon Road in accordance with the Huntingdonshire Local Plan (1995) policy CS 9 and Huntingdonshire District Council Core Strategy (2009) policy CS1.

Compliance with paragraphs 186 & 187 of the National Planning Policy Framework

The County Planning Authority has worked proactively with the applicant and objector to ensure that the proposed development is acceptable in planning terms. The applicant has responded positively to the advice and recommendations provided and amendments have been made (where required) to satisfy concerns raised. All land use planning matters have been given full consideration, which resulted in overall support for the development proposal from statutory consultees.

Source Documents	Location
<p>Link to the National Planning Policy Framework: https://www.gov.uk/government/publications/national-planning-policy-framework--2</p> <p>Link to the Cambridgeshire and Peterborough Minerals and Waste Core Strategy: http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Link to the Huntingdonshire Local Plan (adopted December 1995) http://www.huntingdonshire.gov.uk/planning/adopted-development-plans/current-local-plan/</p>	

**WIDENING OF EXISTING BANK BY IMPORTATION OF WASTE SOIL
(RETROSPECTIVE)**

AT: Manor Farm, Low Road, Fenstanton, PE28 9HU

APPLICANT: A M Behagg Farms

LPA NO: H/5003/14/CM

To: **Planning Committee**

Date: **11 February 2016**

From: **Head of Growth & Economy**

Electoral division(s): **The Hemingfords & Fenstanton**

Purpose: **To consider the above planning application**

Recommendation: **That planning permission is granted subject to the condition set out in paragraph 9.1**

<i>Officer contact:</i>	
Name:	Helen Wass
Post:	Development Management Officer
Email:	Helen.Wass@cambridgeshire.gov.uk
Tel:	01223 715522

1.0 INTRODUCTION

- 1.1 This is a retrospective planning application for the importation and deposit of waste soil on to an existing bank to widen it. The work was carried out in the summer of 2013 under a permit exemption for the importation of inert waste, issued by the Environment Agency. The applicant claims not to have been aware that planning permission was also required for the development.
- 1.2 The development came to the attention of the County Council in September 2013, by which time works were almost complete. At the same time the matter was being investigated by the Environment Agency's Flood Risk Team (as opposed to the Permitting Team that had granted the waste exemption). They ultimately decided that they were satisfied with the works and decided to take no action.
- 1.3 The landowner was invited, without prejudice, to submit a planning application to seek to regularise the situation. After a number of reminders, an application was submitted on the 21 May 2014. However, it was not valid upon initial receipt due to the inadequacy of information (notably the absence of a flood risk assessment). It was not until October 2014 that the application was validly made and registered.
- 1.4 There is no record of planning permission having been granted for the original bank.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The bank is situated in the south east corner of a field on the western edge of Fenstanton and is parallel to Huntingdon Road to the south. There is a ditch which is an ordinary watercourse (see Appendix 1 for definition) between the bank and the road. The eastern end of the bank lies close to Low Road, which runs northwards from Fenstanton. The distance from the bank to Huntingdon Road is about 8 metres. The A14 lies slightly further to the south, 25 metres from the bank. The closest residential properties are approximately 50 metres to the east. The ditch is connected to Hall Green Brook by a culvert under Low Road.
- 2.2 Hall Green Brook is classified by the Environment Agency as a main river (see Appendix 1 for definition) and flows from the south east in a generally north westerly direction to join the River Great Ouse between Fenstanton and St Ives. It passes under the A14 and then Huntingdon Road approximately 25 metres from the eastern end of the bank. The bank lies within Flood Zone 3 which covers all of the land to the west of Fenstanton, both north and south of the A14.

3.0 THE DEVELOPMENT

- 3.1 The bank (as widened) is approximately 100 metres long, 10 metres wide at the base and 4 metres wide at the top. It is approximately 1m above the level of the field. The application is not clear as to the amount of waste soil imported, but the bank appears to have been widened to no more than twice its original width. It is stated by the applicant that the height had not changed. This appeared to the County Council's Principal Enforcement and Monitoring Officer to be the case when he inspected the site on 13 September 2013. Over 40 loads of waste were observed at that site inspection although a third party has reported that the development involved the importation of 71 20 tonne loads. The waste came from S R Harradine Haulage Ltd, a local licensed waste carrier.
- 3.2 The reason given for widening the bank was to allow vehicular access to the top of the bank in order to maintain the adjacent drainage ditch. A shallow ditch has been dug on the northern side of the bank with the intention of providing compensation for the loss of flood capacity as a result of the widening of the bank within the flood plain.
- 3.3 In response to advice from the Environment Agency, a low point has been created near the centre of the bank, 300mm deep and between 1 and 2 metres wide, which will act as a weir that will allow discharge of water at a high level from the roadside ditch into the flood plain. The application is also supported by a programme of ditch clearance works.

4.0 CONSULTATIONS

- 4.1 Huntingdonshire District Council: No objection.
- 4.2 Fenstanton Parish Council (17 November 2014): Recommend approval subject to approval of the scheme by the Environment Agency and acknowledgment of Mr Barnett's concerns. The Environment Agency is strongly urged to clean overgrown ditches and install a two-way flap on an outfall which may reduce the perceived risk of flooding to land and property south of the bank.

- 4.3 Environment Agency:

(20 November 2014)

The principle of widening the bank to allow for improved maintenance of the ordinary watercourse is acceptable in terms of flood risk, but the works should not disconnect the watercourse from its floodplain. Whilst prior consent was not obtained under the Water Resources Act, enforcement action to remove the works was not considered necessary.

4.4 The outfall referred to by Fenstanton Parish Council is not an EA owned or maintained asset, therefore a double hung flap valve would need to be discussed with the structure owner and subject to prior consent under the Water Resources Act. The EA does not have any responsibility to undertake maintenance works on the ordinary watercourse that runs west to east and joins the Hall Green Brook immediately downstream of Turnpike Bridge. The main river, Hall Green Brook, is subject to a maintenance regime of twice yearly weed spraying the channel.

4.5 (9 December 2014)

i) The applicant needs to satisfy the Environment Agency and the County Council that the current works as built provide a connection to the flood plain, Flood Zone 3. They do not appear to connect. Prior to the current works there was a low spot at the Turnpike Bridge/Low Road providing a release point for flood waters into the applicant's field from the ordinary water course. The new bank has been extended up to Low Road and possibly also at the northern end (the A14 culvert) thus potentially blocking any flood flows.

ii) Re-introducing a low spot at either or both the Low Road and the A14 ends of the new bank to match the current ground level of the adjacent field may address the above issue.

iii) The EA cannot comment on the original level of the Low Road "connection" as there was a partial existing bank which covered the original shorter length of culvert connection. The issue of the extended, or new culverting, is a matter for the county council as the Lead Local Flood Authority (LLFA).

iv) The culvert is within, and connects only to ordinary water courses and not the Environment Agency's Main River (Hall Green Brook). During a site visit the Environment Agency had no cause to comment on that element of the proposal and accordingly referred it and the applicant to the county council as the LLFA. No comment on its suitability or otherwise was made by the Environment Agency to the applicant.

4.6 (7 December 2015)

The Environment Agency's Enforcement Officer visited the site to determine whether the overspill has been put in place. Following vegetation clearance on the landowner's [applicant's] side, the overspill was visible. The overspill has been set 300mm below the level of the crest of the bank and Huntingdon Road so the field to the north should flood before the road. The overspill will need to be maintained by the applicant as well as maintenance of the watercourse. As this is an ordinary watercourse the LLFA should be consulted to approve the detail.

4.7 (18 January 2015 – in response to local landowner comment on supplementary information)

i) Maintenance of the watercourse

It is our understanding that the applicant could not carry out the in-channel maintenance due to the presence of concrete markers that imply that Cambridgeshire Highways are the riparian landowners. Therefore it is assumed that Cambridgeshire County Council (CCC) has responsibility to carry out the works. During the site meeting on 19 November 2015 it was observed that applicant had stripped all vegetation from the outward face of the bank, the top surface and part of the inward face. The Environment Agency and CCC had requested that the crest of the bank be cleared so that the spill point could be inspected. A clearly defined “notch” was seen in the centre of the bund which would allow connection back into the flood plain (the applicant’s field to the outward side of the bund). There is also a lower spot towards the Low Road end of the bank through which the applicant has installed a small culvert. It may be prudent for CCC to revisit the size and function of that culvert; it may be possible to consider increasing its size to improve its conveyance to and from the flood plain under the applicant’s control.

ii) Overall design of the bank, spillway and culvert

It is recommended that the operation of the culvert and the spillway is monitored while the watercourse is in flood. If inadequate flow is carried by these structures and the neighbouring land is affected, the design should be reviewed. It may be that the spillway’s invert level could be lowered and the culvert enlarged. This should be done in consultation with CCC as they are the permitting authority (LLFA).

iii) Flood Events

In respect of historic or anticipated flooding events, Environment Agency modelling predicts that flood waters would appear to back up from the River Great Ouse downstream of the bank. Those flood waters therefore would make their way across the applicant’s fields to the far side of Low Road before reaching this particular area. It is known that Low Road itself is frequently closed during flood events or high flows.

High flows and levels in the Ouse would slow or stop the discharge from Hall Green Brook, which in turn would slow or stop the discharge from the ordinary watercourse between the bank and the highway. The same effect would occur during a non-event high flow in Hall Green Brook.

In summary the Environment Agency believes that the works undertaken to date will, based on the retrospective nature of the

development and the available information, return the bank and adjacent land parcels to the original status quo. As stated above it may be that the LLFA choose to monitor the site during periods of flooding to ensure that the culvert and spillway are functioning satisfactorily.

- 4.8 CCC Highways development engineer: No objection. The works are complete and there is no evidence of damage to or access from the highway so it is assumed that access was gained from private land.
- 4.9 Highways England: No objection.
- 4.10 CCC Floods & Water: Were not a statutory consultee in October 2014 [when the application was submitted]. Works to the watercourse and/or culvert as suggested by the Environment Agency [4.7 (ii) above] would need Land Drainage Consent from CCC as the LLFA. The LLFA does not monitor watercourses and if flood events are notified, prioritises for investigation those where houses are at risk. It has the power to enforce remedial works on unapproved construction work within ordinary watercourses or those not undertaking their landowner (riparian) responsibilities.
- 4.11 The application does not have any surface water/SuDS implications in planning terms. The only potential future interest from the consenting side would be to see how the culvert responds to any future high rainfall events. If there were any issues in future then the LLFA would write to the landowner to request that the culvert is increased in size. However there is no evidence at this stage of a need to do this.
- 4.12 CCC Historic Environment Team: No objection.

5.0 REPRESENTATIONS

- 5.1 Objections have been received on behalf of a local landowner who farms land to the south of the A14. A copy of his agent's letters and emails will be placed in the Members' Lounge one week before the meeting. His key concerns are:

(Comments on the original application October 2014)

- The bank has been increased in height and not simply widened as stated in the application.
- The bank has been extended to cut off the ditch adjacent to Low Road and a culvert installed at low level to prevent flood water accessing the said ditch.
- A drainage ditch on the north side of the bund existed (on a slightly different line) previously and the new one does not therefore achieve the stated objective of compensating for loss of floodplain.
- The bank is not accessible to vehicles, due to being overgrown and cut off by the new ditch on its northern side, and does not therefore

satisfy the stated objective of facilitating access to the watercourse for maintenance purposes.

- Flood water is no longer able to reach the floodplain behind the bank, thereby causing water to back up and flood land on the south side of the A14.

5.2 Comments on the supplementary information (December 2015)

- The cut out half way along the ditch is totally inadequate to take the flows of water in flood conditions. Its level is set at +6.39 metres which is higher than the Low Road and therefore flood water will dispense onto the Low Road rather than on the land behind which at one end it is at +5.50 metres and the other end at +5.82 metres. The bank needs to be reduced to the same levels as the land at either end and the ditch reinstated parallel to the Low Road with the minimal sized culvert removed.
- These proposals are totally inadequate and inaccurate. A formal flood risk assessment should be prepared and submitted.
- Works should be carried out to the bank and the infill ditch plus dredging to reinstate the flood bank to as it was before these latest engineering works.

5.3 Comments on Environment Agency response of 18 January 2016 (29 January 2016)

- Maintains that the recommendations contained in the Environment Agency's first letter (9 December 2014) should be followed.

6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant development plan policies are set out in paragraphs 6.3 to 6.6 below.

6.2 The National Planning Policy Framework (March 2012) (NPPF) is also a material planning consideration.

6.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy Development Plan Document (adopted July 2011) (the Core Strategy)

CS33 Protection of Landscape Character

CS34 Protecting Surrounding Uses

CS39 Water Resources and Water Pollution Prevention

6.4 Huntingdonshire Local Plan (1995) (the LP1995)

CS 9 Flood water management

6.5 Huntingdonshire District Council Core Strategy (2009) (CS2009)

CS1 Sustainable Development in Huntingdonshire

6.6 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) (LP2013)

Huntingdonshire District Council's new local plan is currently at the pre-submission stage but can hold some weight in the decision making process.

LP6 Flood Risk and Water Management

7.0 PLANNING CONSIDERATIONS

7.1 The NPPF sets out the Government's planning policies and how these are expected to be applied. It is a material consideration in planning decisions and at its heart is a presumption in favour of sustainable development (para 14). It states that:

- Proposed development that accords with the development plan should be approved without delay;
- Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted; and
- Proposed development that conflicts with an up-to-date development plan should be refused unless other material considerations indicate otherwise.

7.2 Given that the application is retrospective, any concerns in relation to construction impacts are no longer relevant; the scale of the proposal was in any case relatively small. It is accepted that a bank existed in this location prior to the deposit of waste soils taking place in 2013. It is only the additional waste soil deposited that is the subject of this application. The resultant bank does not have a significant visual impact and there is no clear landscape justification that would support a requirement to remove the soils that have been added to the original bank. Nor is a survey available showing the height and dimensions of the bund prior to the commencement of this development. The development complies with Core Strategy policies CS33 and CS34. The Environment Agency issued a permit exemption for the importation of inert waste. There is no reason to believe that the imported material is a pollution risk to groundwater. The development therefore complies with Core Strategy policy CS39.

- 7.3 The only potential for refusing the application would be if the bund were considered to have a significant adverse impact on the floodplain. Paragraph 113 of the NPPF requires that:

'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.'

- 7.4 Whilst the flood risk assessment submitted with this application was fairly basic, this approach is consistent with planning guidance which advises that the level of detail needs to be proportionate to the development. Furthermore the assessment is considered acceptable by the Environment Agency.
- 7.5 Consideration has been given to the comments made on behalf of the local landowner which are summarised in paragraphs 5.1 and 5.2 above. Whether or not the height of the bank has been raised is difficult to say, but the Environment Agency has assessed the development as it is now and following the creation of the low point is of the opinion that the applicant's field to the north will flood before Huntingdon Road to the south. The creation of the low point was based on the Environment Agency's advice given at a site meeting on 25 March 2015. It therefore supersedes the measures suggested on 9 December 2014 (see paragraph 4.5 (ii) above) and referred to by the local landowner (paragraph 5.2, first bullet point).
- 7.6 The Environment Agency also advised that the section of the watercourse between Huntingdon Road and the bank should be kept free of obstruction and the applicant has provided an Annual Drain Maintenance Schedule. In December 2015 the applicant cut the vegetation and moved it from the ditch and placed it on the adjacent field where it will be cut up. The channel of the ditch has been cleared.
- 7.7 Photographs appear to show a ditch to the north of the original bank, which would have been filled in when the bank was widened. In that case, it is acknowledged that the new ditch that has been dug as 'compensation' for loss of floodplain may not actually be achieving that purpose, albeit that the volumes being considered here are fairly small given the size of the floodplain. Again, the Environment Agency has not raised an objection.
- 7.8 The Environment Agency has advised the County Council on the potential impacts of this development and has provided practical advice which the applicant has, eventually, taken on board. The Environment Agency has concluded that in terms of flood risk, there is no case for requiring the removal of the additional part of the bank. The development therefore complies with LP1995 policy CS 9 and CS 2009 policy CS1. The Environment Agency is the appropriate authority to advise on this matter and has not objected to the retention of this work.

Nor has it considered it appropriate to taken action under its own legislation. In the opinion of officers, there is no adequate justification that would support a refusal of the application upon drainage and/or flood risk grounds that could be robustly defended if challenged.

- 7.9 It should be borne in mind that even if Members are minded to refuse planning permission and the County Council takes enforcement action specifying removal of the bank, this decision could only relate to the “new” 2013 part of the bank and could not require the removal of the pre-existing bank. There would therefore be no material difference to its effect on the objector’s land to the south of the A14.

8.0 CONCLUSION

- 8.1 The local landowner’s concerns about flooding on his land are appreciated. However, the land is itself floodplain and there is no clear evidence to show that the bank constructed at Manor Farm and the subject of the current planning application is influencing that situation. This appears to be a long running dispute between neighbouring land owners and, if the objector considers that there is evidence to demonstrate his case, this would be more appropriately addressed by way of a civil action between the parties concerned.
- 8.2 With regard to drainage improvements suggested by the Parish Council, the Environment Agency advises that it has no responsibility for this. The maintenance and improvement of ordinary water courses is a matter for riparian landowners (explained at Appendix 1). The Environment Agency document “Living on the Edge” sets out the rights and responsibilities of those who own land next to a river. The relevant points are summarised at Appendix 1.

9.0 RECOMMENDATION

- 9.1 It is recommended that planning permission be granted, subject to the following condition:
1. The approved drawings are:
- 2014-11-1 Location Plan dated April 14
 - 2014-11-2 Rev B Flood Bank Levels dated April 14 (stamped received by Cambs County Council 04 Nov 2015)

Reason: To maintain a connection to the flood plain to the north of the bank and minimise the risk of exacerbating flooding on Huntingdon Road in accordance with the Huntingdonshire Local Plan (1995) policy CS 9 and Huntingdonshire District Council Core Strategy (2009) policy CS1.

Appendix 1:

from “Living on the Edge” (Environment Agency - 5th edition 2014)

Ordinary watercourses - every river, stream, ditch, drain, cut, dyke, sluice, sewer (other than a public sewer) and passage through which water flows, but which does not form part of a main river. The local authority or Internal Drainage Board has powers on ordinary watercourses similar to the Environment Agency’s powers on main rivers.

Main rivers - are usually larger streams and rivers, but some of them are smaller watercourses of local significance. In England Defra decides which watercourses are the main rivers. Main rivers can include any structure that controls or regulates the flow of water in, into or out of the channel.

The Environment Agency has powers allowing it to do work on main rivers. However, it does not have to maintain or construct new works on main rivers or the sea. It is unlikely to maintain a watercourse to improve the amenity of the river or to stop erosion that does not increase flood risk.

Flood risk management works can include:

- constructing and maintaining flood risk management assets, for example flood banks, and works on main rivers to manage water levels and make sure flood water can flow freely.
- operating flood risk management assets during a flood.
- dredging the river. The Environment Agency can dispose of the material on land within reach of the dredging machine’s boom.
- issuing flood warnings.

The Environment Agency can also do work to prevent environmental damage to watercourses, or to restore conditions where damage has already been done. It has the power to make byelaws.

The Environment Agency can serve notice on you if you have not maintained a watercourse on your land that is causing problems, such as increasing flood risk.

Riparian landowner rights

- If your land boundary is next to a watercourse it is assumed you own the land up to the centre of the watercourse, unless it is owned by someone else.
- Water should flow onto or under your land in its natural quantity and quality.

- You have the right to protect your property from flooding, and your land from erosion. However, you must get your plans agreed with the risk management authority before you start work.

Riparian landowner responsibilities

- You must let water flow through your land without any obstruction, pollution or diversion which affects the rights of others. Others also have the right to receive water in its natural quantity and quality. All riparian owners have the same rights and responsibilities.
- You must accept flood flows through your land, even if these are caused by inadequate capacity downstream. A landowner has no duty in common law to improve the drainage capacity of a watercourse he/she owns.
- You should keep the banks clear of anything that could cause an obstruction and increase flood risk, either on your land or downstream if it is washed away. You are responsible for maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks.
- You must keep any structures, such as culverts, trash screens, weirs and mill gates, clear of debris.
- Your property may include a watercourse that runs in a culvert. You have the same responsibilities for the upkeep of the culvert as if it was an open watercourse.

Source Documents	Location
<p>Link to Cambridgeshire and Peterborough Minerals and Waste Core Strategy:</p> <p>http://www.cambridgeshire.gov.uk/info/20099/planning_and_development/49/water_minerals_and_waste/7</p> <p>Living on the Edge – Environment Agency 2014</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/454562/LIT_7114.pdf</p>	

ENFORCEMENT UPDATE REPORT: 1 JANUARY 2017 – 31 MARCH 2017

To: **Planning Committee**

Date: **20 April 2017**

From: **Head of Growth and Economy**

Electoral division(s): **N/A**

Purpose: **To consider the following report**

Recommendation: **The Planning Committee is requested to note the content of this report.**

<i>Officer contact:</i>	
Name:	Deborah Jeakins
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INTRODUCTION

- 1.1 The purpose of this report is to brief the Planning Committee members on the planning enforcement and monitoring work being undertaken by the County Planning, Minerals and Waste team within the Growth and Economy service.
- 1.2 The Enforcement update report is usually prepared and presented to members quarterly. This report covers the work of the team in the period 1 January 2017 to 31 March 2017.
- 1.3 Paragraphs 2 to 5 of the report summarise the following information:
- Complaints received and their current status;
 - Number of ongoing investigations;
 - New enforcement cases;
 - Certificate of Lawfulness applications and appeals;
 - Ombudsman complaints received.
- 1.4 Paragraph 6 of this report details site monitoring visits undertaken in the period 1 January 2017 to 31 March 2017.
- 1.5 Paragraphs 7 to 15 of this report provide updates on a number of key ongoing Enforcement investigations.

2 COMPLAINTS RECEIVED

- 2.1 16 new complaints have been received between 1 January 2017 and 31 March 2017. Table 1 summarises the status of these complaints at the time of writing.

Table 1 - Complaint Status

Complaint Type	Number
Breach established and resolved	5
Breach established. Investigation on-going.	9
Not a county matter	2
Total	16

- 2.2 At the time of writing, of the 16 complaints received between January and March 2017:
- 7 cases have been investigated and closed;
 - 9 cases remain open and under investigation;

- 12 pre-existing complaints (received before 1 January 2017) also remain under investigation.

3 NOTICES SERVED

- 3.1 No new Enforcement Notices (EN), Breach of Condition Notices (BCN) or Temporary Stop Notices (TSN) have been served between January and March 2017.
- 3.2 Two Planning Contravention Notices (PCN) have been served in the period 1 January 2017 to 31 March 2017 relating to breaches of planning control at two separate sites. See paragraphs 8 and 13 below for further details on the enforcement investigations relating to the PCNs served in this period.

4 CERTIFICATE OF LAWFULNESS APPLICATIONS AND APPEALS

4.1 Application site: Long Drove, Waterbeach

The enforcement and monitoring team are continuing to assess the evidence submitted in support of the application for a Certificate of Lawfulness for use of land at Long Drove, Waterbeach as a waste transfer station. Officers have met with the agent and landowner to discuss what further evidence would be required to prove that, on the balance of probabilities, the site has been used as a waste transfer station for a continuous ten year period.

4.2 Appeal site: Mill Road, Fen Drayton

An appeal has been lodged with the Planning Inspectorate, against the refusal to grant a Certificate of Lawful Development for use of land at Mill Road, Fen Drayton for the processing of inert waste. The Council refused to grant the certificate in April 2016. The appeal is set to be determined by a 1 day Public Inquiry which is due to be held at the Shire Hall offices in Cambridge on 7 November 2017.

- 4.3 Officers from the enforcement and monitoring team are assisting with the collation and submission of formal documentation to the Planning Inspectorate and will notify Planning Committee of the results of the Certificate of Lawfulness application and appeal in due course.

5 OMBUDSMAN COMPLAINTS

- 5.1 No Local Government Ombudsman (LGO) complaints were received during the period 1 January 2017 to 31 March 2017.

6 SITE MONITORING VISITS 1 JANUARY 2017 – 31 MARCH 2017

- 6.1 The Authority carries out proactive monitoring visits to check compliance with the conditions set out in the grant of planning permissions for quarries and landfill sites. The Authority levies fees for these visits, in line with the Town and Country

Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012. The fees for conducting the visits are:

- Actives sites £331
- Inactive or dormant sites £110

6.2 Other waste activities such as waste transfer stations, waste recycling sites and scrap yards are also visited to assess compliance with the conditions set out in the grant of planning permission. However, the cost is borne by the Authority. A summary of the number and type of chargeable monitoring visits, non-chargeable monitoring visits and complaint site visits carried out during the monitoring period is set out in Table 2 below.

Table 2 – Chargeable Site visits by type 1 January 2017 to 31 March 2017

Site Type	Visits
Landfill	7
Quarries	18
Non chargeable sites	13
Total	38

- 6.3 Chargeable site visits have priority as they generate a small but significant income stream for the Council. The estimated income from chargeable visits for the period 1 January 2017 to 31 March 2017 is £8,275.00.
- 6.4 The visits to non-chargeable sites in the table above includes visits to investigate complaints received regarding breaches of planning control at sites that do not have County waste planning permission but may be undertaking development that requires it.
- 6.5 The Enforcement and Monitoring team currently consists of the Principal Enforcement and Monitoring Officer and one Monitoring and Control Officer. A Senior Compliance Officer has been recruited and will join the team in the near future, subject to satisfactory references being received. This is a newly created, full time post and the monitoring and compliance duties of the post holder will be shared with the Floods and Water team.

7 ENFORCEMENT CASES

- 7.1 There are currently 5 active enforcement cases where formal enforcement action has been taken and investigation and monitoring is on-going. A summary of each case is set out in Appendix 1.
- 7.2 For the purposes of the Town and Country Planning Act 1990 the issue of an Enforcement Notice (EN) or the service of a Breach of Condition Notice (BCN) constitutes taking formal enforcement action.
- 7.3 Appendix 2 contains a list of enforcement investigations where formal action has been taken and the notices remain extant. Unless there are other issues or reports

of development on these sites then no further investigation or action will be required.

8 CONQUEST DROVE, FARCET

- 8.1 In July 2016 officers received a complaint regarding the extension of the authorised End of Life Vehicle (ELV) site at Conquest Drove, Farcet into an adjoining field which was not within the application area of the County waste planning permission for the site.
- 8.2 Officers visited the site and confirmed that there had been an unauthorised material change of use of the adjoining land to a use for waste storage and advised the operator that this was a breach of planning control.
- 8.3 During a visit to the site, officers also noted that two of the conditions attached to the planning permission for the use of the ELV site were not being complied with. The conditions required the provision of an area within the site for the turning and manoeuvring of HCV delivery vehicles so that they could leave the site in forward gear and the planting and maintenance of boundary treatment to provide a visual barrier to the site.
- 8.4 Initial attempts by officers to remedy the breaches of planning control by negotiation were not successful and so, in January 2017, officers served a Planning Contravention Notice on the site operator and on the owner of the land in order to obtain a formal legal record of their intentions in respect of the breaches of planning control.
- 8.5 Following the service and return of the completed notice, the use of the adjoining field for the storage of ELV ceased and the operator advised that the planting required for the agreed boundary treatment would take place in the growing season in March / April 2017.
- 8.6 Officers intend to visit the site, unannounced in April to check that the breaches of planning control have been remedied.

9 WILBRAHAM LANDFILL

- 9.1 The Great Wilbraham active chalk quarry has planning permission to be restored by landfilling with inert waste. The Waste Planning Authority (WPA) issued an Enforcement Notice in May 2012 to address the restoration levels of the land exceeding what had been agreed and approved.
- 9.2 In May 2016 the site operators were convicted of failing to comply with the notice and ordered to pay a fine and the Council's legal costs within 12 months. To date, the Council's costs have not been paid. Legal services are due to provide an update to this committee on the procedure for placing a charge on the land should the site operator fail to pay the costs the Council incurred in bringing the successful prosecution.

- 9.3 The site operators have continued to reduce the height of the waste mound at the site and there has been a significant reduction in the pile. The photographs in Appendix 3 show the height of the waste mound before formal enforcement action was taken and the remaining waste as of January 2017. The site operators have advised that they will continue to reduce the mound, officers continue to liaise with the Environment Agency (EA) and conduct regular visits to the site to check progress.

10 LAND ADJACENT TO ROYSTON RECYCLING CENTRE

- 10.1 In February 2015 approximately 20,000 bales of refuse derived fuel (RDF) waste was deposited on the above land. A multi-agency approach produced an emergency plan which took account of the sites proximity to the Cambridgeshire and Hertfordshire county border, the fire risk associated with the stored waste and the possible implications that the amount and type of waste had on the presence of an aquifer.
- 10.2 In 2015 the EA issued Environmental Protection notices requiring the operators of the above site to remove all the RDF waste and the required action was completed by 16 October 2015.
- 10.3 A topographic survey showed that approximately 13,952 tonnes of waste material had been deposited, raising the level of the land across approximately two thirds of the site. A condition survey, drilling of boreholes and modelling work were undertaken to inform the standard of clean up required by the EA to minimise the risk to groundwater.
- 10.4 The operator has provided the EA with a remediation proposal which they do not feel is sufficient in targeting all of the waste deposits buried across the site. The EA are reviewing what action they may now have to take and a file of evidence is with the EA's legal team awaiting a decision in respect of commencing legal proceedings. Further updates will be provided once more information is known.

11 LAND KNOWN AS 'ASGARD'/ FIELD 6184, LITTLE DOWNHAM

- 11.1 In July 2015 the County Council confirmed that clay was being extracted from this parcel of land and spread to raise the land levels and also that waste materials were being imported onto the land to infill the excavations. There are EA exemptions in place for the importation of waste onto the land in question.
- 11.2 In April 2016 officers served a Planning Contravention Notice to gather further information on the quantity, source, location and composition of the waste imported onto the land. The information provided by the landowner and tenant farmer in their responses to the Notice was that the importation of the waste was covered by the EA waste exemption and their permitted development rights under part 6 of the General Permitted Development Order.
- 11.3 A topographical survey of the land at Black Bank took place on 19 December 2016. The initial results of the survey indicated that the amount of waste imported onto the land was not significant but officers requested further clarification from the

survey company on interpreting the technical survey data before being able to assess whether the amount of waste brought onto the land constitutes a material change of use that would require County waste planning permission.

- 11.4 On 15 March 2017 officers received allegations about further importation of material onto part of the land and visited the site to gather photographic evidence.
- 11.5 Officers spoke at length to the landowner before meeting with East Cambridgeshire District Council (ECDC) to discuss the information provided that the land owner was using his permitted development rights to create hardstanding on that part of the agricultural unit. ECDC agreed that the new material, which was intended for hardstanding would benefit from permitted development rights provided that the requirement for prior approval had been met. In this case there had been no prior approval and so this is a breach of planning control that is a district matter and for ECDC to pursue.
- 11.6 On 5 April 2017 officers wrote to the owners of the land and the tenant farmer to set out that the recent waste importation was a matter for ECDC. The letter clearly set out the permitted development rights for waste that apply to the agricultural unit in question, the Council's assessment of the size of the agricultural unit and, that if the importation of waste continued or resumed on the agricultural unit, which comprises of field 6184 and First Drove, land then there was now clear evidence of the land levels. Officers need to provide a co-ordinated approach with ECDC and therefore offered the land owner and tenant farmer opportunity to meet with ECDC and the EA with the aim of providing clear and co-ordinated advice on the environmental and planning issues on the agricultural unit.
- 11.7 The letter also advised that officers will be arranging to meet with legal colleagues to consider all the evidence and get a legal steer on whether the amount of waste material brought onto the land prior to December 2016 requires planning permission from the County Council as the Waste Planning Authority and what possible courses of action are available if this is the case. The land owner and tenant farmer have been advised that this legal opinion will be based on the current situation and would definitely change if any further waste material is brought onto the land.

12 BLOCK FEN

- 12.1 Aggregate Industries (AI) completed work to upgrade the first half of Block Fen Drove up to the Tarmac quarry access in accordance with their approved scheme.
- 12.2 In February 2016 Mick George Ltd (MGL) proposed a scheme for the second half of the Drove upgrade, on the understanding that all the operators with active development sites on Block Fen contributed to its cost.
- 12.3 A formal Section 278 (S278) agreement from the Highway Authority was required for the works and the application for the agreement needed to be accompanied by 50% of the application fee. In September 2016 the sharing of the costs for the scheme was agreed and all the operators sent in their share of the formal S278 agreement application fee.

- 12.4 Final discussions are now taking place between MGL as the lead operator and the Highway Authority. MGL need to submit revised plans for this issue to move forward. Once the design is agreed, an agreement to deliver the works on the second half of Block Fen Drove can be completed. At present this is likely to be in the form of a Section 106 agreement with the Council, on the basis that the Council will act as the main connecting party. However, until the S278 agreement is agreed with highways colleagues, planning officers cannot secure the S106 agreement to deliver the road improvements to the second half of the Drove and thereafter ensure that the related planning applications can come before Planning Committee for consideration.

13 LAND AT WARBOYS AIRFIELD INDUSTRIAL ESTATE

- 13.1 The land at Warboys Airfield Industrial Estate has planning permission for the storage and processing of waste electrical and electronic equipment, subject to conditions, one of which restricts the location and amount of waste stored outside the buildings. In January 2015 officers were informed that the waste operator had been put into administration and several thousand tonnes of cathode ray tube (CRT) waste needed to be removed from the land, raising concerns that the CRT waste could be abandoned.
- 13.2 The landowner took over responsibility for the removal of the waste but the rate was unacceptably slow and so a BCN was served on 2 October 2015 requiring removal of all of the remaining waste by 1 November 2015. However, the short compliance period given on the notice was not sufficient for the removal of the CRT waste which the EA advised had been hampered by the rate that it could be taken by the specialist permitted waste site.
- 13.3 Officers visit the site regularly and have confirmed that the landowner is continuing to remove the outstanding waste stored outside of the units. Progress with the removal remains slow owing to the need to separate out specialist waste items and arrange for their separate removal. Although the site is being cleared of waste, some of the items stored outside the units are classed as machinery and equipment rather than waste and so they are not covered by the terms of the County planning permission.
- 13.4 The deadline for initiating legal proceedings in relation to the failure to comply with the BCN has passed. However, officers are mindful that a prosecution for failure to comply with the notice would not have resolved the breach of planning control in this case and would probably have caused further delays and complications for the landowner who continues to work to resolve the breach of planning control.
- 13.5 Although officers are confident that the remaining waste will be removed from the site, a Planning Contravention Notice has been served on the landowner in order to obtain a formal record of his intentions and timescales which can be referred to in the event that further formal enforcement action needs to be initiated.

14 BARRINGTON QUARRY

- 14.1 Officers are currently investigating the failure to comply with a number of planning conditions relating to noise and vibration issues at the former Quarry at Barrington which has planning permission to fill the quarry void with landfill material which is imported to the site by rail.
- 14.2 Officers have given the site operator timescales to address the noise and vibration issues caused by the light railway operations and have obtained the authorisation to serve of a Planning Contravention Notice (PCN) to gather further evidence should formal enforcement action need to be initiated.
- 14.3 The operator service of the PCN has been postponed whilst officers review information on the conditions that has been submitted by the operator.

15 EARL WOODWASTE, BENWICK ROAD, WHITTLESEY

- 15.1 In December 2016 planning permission was approved for an extension to the hours of operation at the East Anglian Resources Limited (EARL) wood waste yard in Whittlesey, reference F/2008/16/CW. In January 2017 officers received a complaint that wood waste processing had taken place at the EARL site on a Bank Holiday, which is a breach of condition 6 of the planning permission.
- 15.2 The operators initially advised that the work taking place at the site on the Bank Holiday was maintenance of machinery and not processing and that they wished to see full detail of the allegations before they would comment further. Officers visited the complainant and took a formal Section 9 statement about what they had witnessed before sending a redacted version of the statement to EARL for comment.
- 15.3 In the time that it took officers to finalise the statement, the WPA received a number of additional complaints about the hours of operation at the site and HCV movements in and out of the site throughout the night, in breach of condition 6 of F/2008/16/CW.
- 15.4 When EARL was sent the redacted version of the statement, along with the new allegations, they declined to comment and cited legal advice that they had taken.
- 15.5 EARL has submitted a further application to vary the operating hours at the site. However, the application is invalid and EARL has been advised that it does not currently provide sufficient justification of the need for HCVs to enter and leave the site throughout the night, in the light of the detrimental effect that this has on the complainant's residential amenity.
- 15.6 In October 2015 a Breach of Condition Notice (BCN) was served on EARL relating to the failure to comply with the planning condition relating to hours of operation which was attached to the previous planning permission for the site. The BCN related to the conditions attached to a permission which has now been superceded.
- 15.7 Officers have obtained the authority to serve a Planning Contravention Notice on EARL to gather further information about the alleged breaches of planning control

and confirm all those with an interest in the land, should it be considered necessary and expedient to pursue further formal enforcement action.

APPENDIX 1 - ENFORCEMENT CASES WHERE ACTION HAS BEEN TAKEN AND MONITORING IS ONGOING

KEY: RED = HIGH PRIORITY AMBER = MEDIUM PRIORITY GREEN = LOW PRIORITY

Description of Alleged Breach	Location	Notice Issued	Comments
<p>1. AMBER</p> <p>Failure to comply with condition 6 of planning permission F/02017/08/CM and E/03008/08/CM.</p> <p>Condition 6 No development shall commence until a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 has been submitted to and approved in writing by the MWPA in consultation with the local highway authority. The submitted scheme shall include a programme of implementation and shall be fully completed by 5 August 2012.</p>	Mepal Quarry Block Fen Drove Mepal	BCN 06/01/14	<p>Planning permission F/02017/08/CM and E/03008/08/CM permit an extension to Mepal Quarry.</p> <p>A BCN was served on the site operator for failing to implement the approved scheme to improve the public highway</p> <p>At the July 2014 meeting Planning Committee authorised officers to employ Counsel to explore the courses of action available to the Authority to secure compliance with the planning conditions.</p> <p>Officers are working with the operators to move the implementation of the scheme forward.</p> <p>See Paragraph 12 in the main body of the report for a further update.</p>
<p>2. AMBER</p> <p>Failure to comply with condition 9 of planning permission F/02013/07/CW.</p> <p>Condition 9 Within 3 months of the date of this permission a scheme for the phased improvement of the public highway known as Block Fen Drove from its junction with the A142 to its junction with the private haul road referred to in condition 4 shall be submitted to the Waste Planning Authority for approval. The submitted scheme shall include a programme of implementation and shall be fully</p>	Witcham Meadlands Quarry Block Fen Drove Mepal	BCN 16/12/13	<p>Planning permission F/02013/07/CW permits the use of part of the land at Witcham Meadlands Quarry as a waste transfer station and a skip storage area and associated traffic. A BCN was served 16 December 2013 requiring the submission of a scheme for the phased improvement of Block Fen Drove, from its junction with the A142 to its junction with the private haul road, within 30 days.</p> <p>In April 2014 the operator submitted a scheme which was incomplete and was refused. A revised scheme was submitted in November 2014 and was accepted in part but it did not relate to all of the relevant parts of Block Fen Drove. A scheme that addressed the remaining part of Block Fen Drove was therefore requested at the time.</p>

Description of Alleged Breach	Location	Notice Issued	Comments
completed within 2 years of the date of this permission.			See Paragraph 12 in the main body of the report for a further update on the draft Section 278 road agreement produced by the operator.
3. AMBER Failure to comply with condition 7 of planning permission S/01556/10/CW regarding surfacing of the site.	Long Acre Farm Fen Road Chesterton Cambridge	BCN 08/10/13	A joint visit with the EA on 26 May 2015 confirmed that the majority of the waste had been removed, the hardcore and soils that remained on site did not represent a pollution risk. However, recent visits to the site indicate that there are some breaches of condition that need to be pursued on site and officers will take this forward with the land owner.
4. GREEN Breach of Condition 5 of planning permission S/00060/10/CW - Variation of Conditions 2, 7, 8, and 9 of planning permission S/0203/05/CW to extend the period of land filling until 30 September 2011 and be consistent with planning permission S/2073/07/CW; deletion of conditions 4 (approved drawings) and 5 (phasing); and discharge of Conditions 10 (restoration) and 13 (wheel cleaning) Condition 5 Temporary stockpiles shall not exceed 2 metres in height.	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	<p>In May 2011 officers noted that the heights of the stockpiles of waste deposited on the landfill site were well in excess of the maximum permitted height of 2 metres and several metres above the height of the surrounding land which was visually intrusive and hindering the restoration of the landfill site.</p> <p>The landowner did not meet a deadline given to reduce the height of the stockpiles and the WPA served a BCN with the compliance date of 30 September 2011.</p> <p>The landowner technically remains in breach of condition 5. However, the height of the remaining stockpiles is now minimal, as explained in paragraph 9 above, and the court action in relation to the failure to comply with the enforcement notice supersedes this notice in addressing this issue.</p>
5. GREEN Breach of Condition 12 of planning permission S/00060/10/CW Condition 12 12) Within 1 month of the date of this permission	Wilbraham Quarry Mill Road Great Wilbraham	BCN 02/06/11	<p>In 2011 officers noted that the wheel wash had not been installed in accordance with the planning condition and the landowner was given until 1 June 2011 to submit a scheme. The deadline was not met and so the WPA served a BCN.</p> <p>The landowner remains in breach of this condition. However, the steps for compliance with the EN issued on 1 May 2012 include a</p>

Description of Alleged Breach	Location	Notice Issued	Comments
a scheme for the improvement of vehicle wheel cleaning facilities shall be submitted to and approved in writing by the Waste Planning Authority.			<p>requirement to keep Mill Road free of mud and debris.</p> <p>During recent visits to the site, officers have not seen any mud or debris on the road.</p>

APPENDIX 2 – EXTANT NOTICES

This appendix contains information on formal notices which have been served and remain in force.

Description of Breach	Location	Notice Issued	Current position
Without planning permission, the change of use of the land from agricultural land to a mixed use comprising of agricultural and the importation and disposal of waste material and raising the level of part of the land by the depositing of waste materials.	First Drove Little Downham Ely (<u>NOT</u> the same site as that referred to in paragraph 11 above, albeit it is noted that it is part of the same agricultural unit)	EN 17/01/12	An EN for unauthorised change of use was served on 17 January 2012. The EN was upheld but varied at appeal. The amended notice required the removal all the waste from land to the level of the adjoining field and to return the land to its former condition. Topographical surveys of the land confirmed that the level of the land had not been reduced and the EN had not been complied with. However, Counsel advised that the case did not meet the public interest test for a prosecution. The enforcement case remains open and subject to review, and officers have written to the land owner to advise that they intend to carry out a further topographical survey to establish the current land level.
Without planning permission, the importation and deposit of waste materials.	Block Fen Drove Chatteris	EN 21/01/03	An EN was served on the landowner on 21 March 2003 requiring that waste ceased to be deposited on the land. Since then waste has been intermittently deposited. However, no further tipping appears to have taken place since May 2010. The site continues to be monitored on an occasional basis.



Photos from 2011 and 2012



Photo from 2016



Photo from 2017 showing waste pile in relation to height of adjoining land

SUMMARY OF DECISIONS MADE UNDER DELEGATED POWERS

To: **Planning Committee**

Date: **20 April 2017**

From: **Head of Growth and Economy**

Electoral division(s): **All**

Purpose: **To consider the above**

Recommendation: **The committee is invited to note the report**

<i>Officer contact:</i>
Name: Tracy Rockall Post: Planning Co-ordinator E-mail: tracy.rockall@cambridgeshire.gov.uk Tel: 01223 699852

1.0 INTRODUCTION

- 1.1 At the committee meeting on 31 January 2005 it was agreed that a brief summary of all the planning applications that have been determined by the Head of Strategic Planning under delegated powers would be provided.
- 1.2 The powers of delegation given to the Head of Strategic Planning (now Head of Growth and Economy) are as set out in the Scheme of Delegation approved by full Council on 17 May 2005 (revised May 2010).

2.0 SUMMARY OF DECISIONS

- 2.1 Four applications have been granted planning permission under delegated powers during the period between 07/03/17 and 07/04/17 as set out below:

1. F/2012/16/CC - Proposed phased redevelopment of Ramnoth Junior School including partial demolition, a two storey extension to the main school building and a new hall and kitchen building to allow for the amalgamation of Ramnoth Junior School and Nene Infant and Nursery School to provide a 3FE primary school on the current Ramnoth Junior School Site (Reception classes will remain on the Nene site).

Ramnoth Junior School, Ramnoth Road, WISBECH, PE13 2JB

Decision delegated 09/03/17

For further information please contact Jane Stanley on 01223 743812.

2. S/0200/16/CC- Retention of the Marven Centre, demolition of existing temporary portacabin and storage unit and erection of a single storey community hub building, to be used as a library, meeting rooms, offices and activity space (use Classes D1 and B1) with car parking and secure cycle parking.

Land including the Marven Centre, New Road, Sawston, Cambs, CB22 3BP

Decision delegated 09/03/17

For further information please contact Rochelle Duncan on 01223 743814.

3. F/2016/16/CC- Demolition of Horsa building and erection of a building to be used as a kitchen and dining hall, ancillary accommodation with revised parking layout.

Townley Primary School, Crown Road, Christchurch, WISBECH, PE14 9NA

Decision delegated 22/03/17

For further information please contact Rochelle Duncan 01223 743814

4. E/3008/16/CC- New hard surfaced play area (approximately 380m sq) as extension to existing netball court, on existing playing field to south of the school building.

Littleport Community Primary School, Parsons Lane, Littleport, ELY, CB6 1JT

Decision delegated 30/03/17

For further information please contact Kirsty Carmichael on 01223 703216.

Source Documents	Location
Applications files	SH1315, Shire Hall, Cambridge, CB3 0AP

