



Appeal Decision

Hearing Held on 13 November 2019

Site visit made on 13 November 2019

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2019

Appeal Ref: APP/W0530/W/19/3223691

Former GoCold Building, Station Yard, High Street, Meldreth SG8 6JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Mills against the decision of South Cambridgeshire District Council.
 - The application Ref S/1502/17/FL, dated 21 April 2017, was refused by notice dated 19 November 2018.
 - The development proposed is described as the demolition of existing factory building and office, and construction of 27 No. dwellings with associated landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing factory building and office, and construction of 22 No. dwellings with associated landscaping at the Former GoCold Building, Station Yard, High Street, Meldreth SG8 6JR, in accordance with the terms of the application, Ref S/1502/17/FL, dated 21 April 2017 subject to the conditions set out in the schedule to this decision notice.

Procedural matters

2. The description of development set out in the header is taken from the planning application form. Prior to the Council's determination of the application, the number of dwellings was reduced to 22. I have considered the appeal on this basis.
3. The Council, in one of its reasons for refusal, considers that land surrounding No 4 High Street is required to provide suitable inter-vehicle visibility splays to the south of the junction of Railway Close with the High Street. Without that land, the intensification of use that the proposed development is likely to engender, could present a significant detriment to highway safety. At the time of the Council's consideration of the planning application, the required land was not shown to be in the ownership of the appellant. However, prior to the Hearing the appellant submitted an amended site location plan (Revision A). This shows that the appellant owns No 4 High Street. On that basis the Highway Authority is satisfied that the appropriate visibility splay could be provided and therefore no longer recommends that the proposal should be refused.

4. The Council raised concerns about whether the plan could be accepted at this late stage of the proceedings. However, the change relates solely to land ownership and does not alter the red line on the site location plan. The proposal itself is not amended, other than that the appropriate visibility splay could be provided to the south on land controlled by the appellant. It was agreed at the hearing that this could be secured by a suitably worded condition. On this basis, I am satisfied that no one would be prejudiced were I to determine the appeal on the basis of the revised plan showing corrected land ownership. From the evidence before me, and my observations on site, I see no reason to disagree with the Highway Authority and am satisfied that the appropriate visibility splays can now be provided. Therefore, in this respect, the proposal would not be harmful to highway safety. I heard other evidence regarding highway safety from interested parties and return to the matter below.
5. Just before the Hearing, a Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act 1990 was submitted. This includes the provision of affordable housing. It also secures financial contributions towards various forms of open space, indoor community space, footpaths, education, household waste receptacles and the Council's monitoring fees. This is a material consideration which I consider below.
6. Prior to the Hearing, the Council raised concerns regarding the validity of the ownership certificate that had been submitted with the planning application. However, the appellant subsequently submitted a Certificate C and placed an appropriate advertisement in the local newspaper. The time period for any representations in relation to that has now elapsed, and I am not aware of any responses to that. I am satisfied in this regard that anyone with an interest in the land has had the appropriate opportunity to comment on the proposals.

Main Issues

7. The main issues are:
 - whether or not the proposal would provide an appropriate site for the proposed development having regard to local planning policies that seek to manage the location of new development; and,
 - whether or not the proposal provides an appropriate level of affordable housing with particular regard to Vacant Building Credit.

Reasons

Appropriate site

8. The South Cambridgeshire Local Plan 2018 (the Local Plan) directs new development on a hierarchical basis to the edge of Cambridge, new settlements and Rural Centres and Minor Rural Centres. Development in the rural area will be limited with allocations focused on Rural Centres and Minor Rural Centres. Windfall development for different categories of village is consistent with the level of local service provision and quality of public transport access to Cambridge or a market town. Meldreth is designated as a Group Village by policy S/10 of the Local Plan. The Policy restricts residential development within the village to a maximum of 8 dwellings, or exceptionally up to about 15 dwellings where this would make the best use of a single brownfield site.

9. There is no dispute between the main parties that the appeal site is within the development framework for Meldreth and is brownfield in nature. In addition, the Council accepted at the hearing that the site would be suitable for about 15 dwellings in accordance with Policy S/10.
10. The Council considers that the reference to about 15 dwellings within the Local Plan is already an exceptional quantum of housing to the scale of development which could occur in a group village due to the requirement to make the best use of brownfield land. I am mindful, however, that the supporting text to that policy refers to resisting development on sites capable of accommodating scheme sizes *significantly larger than 8* or exceptionally 15 dwellings in Group Villages. It is also important to look at what the policy is seeking to achieve and at what actual harm might be as a consequence of the development proposed.
11. I am not persuaded that the provision of just seven more dwellings is necessarily significantly larger than the up to about 15 envisaged by the policy. Moreover, the provision of 22 dwellings would result in a density of about 40 dwellings per hectare. While this is above the requirement set out in Policy H/8 of the Local Plan of 30 dwellings per hectare, the Council is content that the density in this case would be similar to that of the surrounding area. From my observations on site I concur. Therefore, even though the proposal may lead to a quantum of development greater than might be expected in the circumstances outlined in the policy it would, nonetheless, make best use of this large single brownfield site as required by Policy S/10 and paragraph 117 of the National Planning Policy Framework (the Framework). Furthermore, the proposal would be consistent with Policy S/7 of the Local Plan, which requires that the redevelopment of unallocated land and buildings within development frameworks are of a scale, density and character appropriate to the location. I recognise, however, that this policy also requires consistency with other policies in the Local Plan.
12. The reason for the restriction on numbers of dwellings within Policy S/10 is because Group Villages are generally less sustainable locations, having fewer services and facilities, allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village.
13. I saw and heard that Meldreth has some services and facilities, including a primary school, village shop, butchers, post office, a public house and village hall together with farm shops. There is a footway from the appeal site to most of these facilities, which would provide convenient pedestrian access for future residents. However, there are no health facilities or a secondary school, with only limited employment opportunities in the village. It is likely therefore that residents would need to access such facilities outside of Meldreth. On that basis, I need to consider whether there is a material difference in this regard between the needs of the occupiers from up to about 15 dwellings and the 22 dwellings for which permission is sought.
14. A wider range of facilities are available in the nearby village of Melbourne designated as a Minor Rural Centre within the Local Plan. The pedestrian route to those suggested by the appellant, requires the use of the footbridge at Meldreth railway station, which I was advised is not accessible for all. Furthermore, the route suggested by the Parish Council (PC) along Station Road, requires pedestrians to cross Station Road in an unsafe location.

However, together with Cambridgeshire County Council, the PC are working on a project to facilitate improvements to the route to which some developer contributions have already been secured. The UU in relation to this appeal includes a contribution of a further £10,000 towards the project. This obligation is necessary to make the development acceptable to ensure that pedestrian access to the facilities in Melbourne would be more convenient and safe.

15. Although the facilities at Melbourne would be within cycling distance of the appeal site, there is no dedicated cycle path on the narrow roads which may discourage the less experienced cyclist.
16. There are bus stops adjacent to the appeal site. However, the bus service is limited, with one bus to and from Cambridge Monday to Friday and two buses to and from Royston Monday to Saturday with no service on a Sunday or in the evenings.
17. However, Meldreth is one of only three Group Villages that has a railway station and the appeal site is located very near to it. There are regular services to Cambridge, Royston and London, providing a convenient means for future residents to access services and facilities in these locations. I acknowledge that the presence of a railway station was not sufficient, in the Council's view to elevate Meldreth within the settlement hierarchy.
18. The Council's Local Plan Village Classification Report 2012 highlights three tests other than public transport accessibility that were utilised to identify Rural Centres where allocations would be focused. These are accessibility of secondary education, village facilities and local employment opportunities.
19. The lack of some of these services within Meldreth means that a number of residents are likely to be reliant on the car. However, a range of facilities, providing basic needs would be within reasonable walking distance of the appeal site. In the longer term, following improvements to the footway, a wider range of facilities in Melbourne would be more accessible. Moreover, the proximity of the proposal to the train station offers a convenient alternative to using the car, particularly for access to employment or shopping facilities. Therefore, whilst not ideal, in my view, having regard to the justification for policy S/10, there would be little if any material difference in terms of traffic movements that might be generated by the occupiers of just seven additional dwellings in this location over and above the traffic movements likely to be generated by the fifteen dwellings that the Council considers would be acceptable here. The difference is not significant and therefore no material harm would be caused in this respect.
20. I recognise that the Inspector's Report on the Local Plan considered that the hierarchy set out in the Plan is justified and effective. It also states that limits on the scale of development in group villages are necessary to avoid development in unsustainable locations. However, given that Policy S/10 allows for up to *about* 15 dwellings, and requires that best use be made of single brownfield sites, and having regard to the specific context of this appeal site I consider, in the round, that there is no material conflict with the requirements of the policy. Consequently, for the reasons above, I conclude that the proposal would provide an appropriate site for the proposed development having regard to local planning policies that seek to manage the

location of new development and would not undermine the Council's established settlement hierarchy.

Affordable housing

21. Policy H/10 of the Local Plan requires that 40% of the homes on site are affordable. In this instance therefore there is a policy requirement for nine of the proposed houses to be affordable. However, the appellant is claiming Vacant Building Credit (VBC). It is agreed between the main parties that if it is appropriate to apply VBC, then based on the existing and proposed floorspace figures, the requirement would reduce to one affordable dwelling.
22. The Council's principle concern with the application of VBC, is that if the appeal were to be allowed then the appellant would already have a premium on the land as the number of houses would be significantly above that allowed within Policy H/10. To allow a further premium through the reduction of the affordable housing requirement would not be fair. Furthermore, as the building has been occupied within the last three years for a period of over six months, the Council's view is that it cannot be said to be vacant for the purposes of applying VBC.
23. I have already found that there is no fundamental conflict with Policy H/10 of the Local Plan. At the Hearing, the Council agreed that if that was my view, then its first argument would fall away.
24. VBC was first introduced via a Written Ministerial Statement in November 2014 in order to boost development on brownfield land and provide consistency with exemptions from Community Infrastructure Levy (CIL). It is now enshrined within paragraph 63 of the Framework. In order to support the re-use of brownfield land, it states that where vacant buildings are being reused or redeveloped, any affordable housing contribution should be reduced by a proportionate amount. The footnote explains that this should not apply to buildings which have been abandoned. The Planning Policy Guidance (PPG) suggests that in considering how the VBC should apply to a particular development, local planning authorities should have regard to the intention of national policy. In doing so, it may be appropriate for authorities to consider whether the building has been made vacant for the sole purposes of re-development and whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development¹.
25. There is no suggestion here that the building has been abandoned. The previous occupiers went into liquidation in September 2015 following bankruptcy. At the Hearing, the Council confirmed that it takes no issue with the marketing that has been carried out of the building to demonstrate that the site is inappropriate for employment use to continue. It was also confirmed that redevelopment into a residential use can be supported under policy E/14 of the Local Plan. Having viewed the evidence, I am also satisfied that the building has not been made vacant for the sole purposes of re-development, nor is it covered by an extant or recently expired planning permission for the same or substantially the same development. It therefore complies with the requirements of the PPG in these regards.

¹ Paragraph: 028 Reference ID: 23b-028-20190315

26. There is no definition of vacant, for the purposes of VBC within legislation or the PPG. Although paragraph 7.48 of the Local Plan refers to the potential for VBC to apply to developments, it sets out no definition of vacant in this context. The Council aligns its definition of vacant with the policy relating to CIL within the PPG, whereby a CIL discount is allowed where a building has been in lawful use for a continuous six month period within the previous three years². The Council considers that if the Government is of the view that a building is in use over this time period in relation to CIL calculations then it cannot also be claimed that it is vacant when calculating VBC, and thereby potentially be in receipt of two incentives to development.
27. That said, since the District does not have CIL charging regime, then in this instance the appellant would not be able to apply for the two incentives.
28. Although the planning application form states that the building was not vacant at the time of the planning application, evidence since supplied by the appellant confirms this as an error. It would seem, therefore, that the building was vacant at the time of the submission of the planning application on 21 April 2017 and at the time of the Hearing on 13 November 2019. However, if I were to use only that as a definition of vacant, taking it to its extreme, a building could be vacant on only those two days and occupied for the whole time in between, yet still be considered as vacant for the purposes of VBC. Clearly that would be nonsense.
29. Whilst the CIL definition is for a different purpose from the matter before me, it nevertheless provides a useful starting point, particularly as one of the reasons for the introduction of the VBC was to provide consistency with exemptions from CIL. Following cessation of the previous business in 2015 marketing commenced in November 2015, continuing until November 2016 when the appellant purchased the site. The sales particulars note under "Tenure" that no leases, licences or tenancies were granted at that time over any element of the site, suggesting that it was vacant at the time. I am advised that the building was occupied from 6 October 2017 to 30 April 2018, or according to the appellant six months and 38 days. Therefore, even if I were to take the date of purchase as the starting period for vacancy, the building has been occupied for about seven months within about a three year period. While this is in excess of the CIL definition, it is only marginally so, particularly when considered against the likely total length of vacancy. Furthermore, only part of the building was utilised, and the occupation of the building was only ever a short term, temporary arrangement to assist a charity, which has now ceased.
30. The Council also referred me to policy H/9 of the draft London Plan which deals with VBC. This policy states that *In the limited circumstance where a borough feels the credit should be applied, boroughs are advised to consider applying the credit only where all of the following criteria are met: 1) the building is not in use at the time the application is submitted 2) the building is not covered by an extant or recently expired permission 3) the building has not been made vacant for the sole purpose of redevelopment. To demonstrate that a building has not been made vacant for the sole purpose of redevelopment, an applicant will be required to demonstrate that it has been vacant for a continuous period of at least five years before the application was submitted and will also be required to provide evidence that the site has been actively marketed for at*

² Paragraph:101 Reference ID:25-101-20190901

least two of those five years on realistic terms reflecting market value. These requirements should not apply to heritage buildings on the At Risk register where prolonged vacancy may damage the building.

31. However, it is my understanding that the recent Inspectors' Report to the Mayor of London on the emerging Plan suggests deleting this policy since in encouraging the disregarding of VBC it is inconsistent with national policy. Instead each decision regarding VBC should be based on local circumstances. At the present time, therefore, the policy does not add anything useful to my consideration of this appeal.
32. The application of VBC is at the discretion of the decision maker. The proposal would meet the requirements of the PPG and the Framework in respect of VBC. Furthermore, taking into account the Council's definition of vacant, it is my view that the building can legitimately be classed as vacant for the purposes of the application of VBC. There would therefore be a requirement for just one affordable dwelling which is secured via the UU.
33. I am satisfied that there is a need for affordable housing in the district. Therefore, the requirement of the UU in this respect would meet the statutory tests contained in Regulation 122 of the CIL, and paragraph 56 of the Framework.
34. For the reasons above, I conclude that the proposal would provide an appropriate level of affordable housing with particular regard to VBC in accordance with the PPG and the Framework.

Other matters

35. As well as raising issues with the lack of a visibility splay, which I have already addressed, concerns are raised regarding the increase in traffic using what is considered, by local residents, to be an already unsafe junction.
36. The development would take access from Railway Close, which already serves the railway station and a number of residential properties. In turn, Railway Close takes access onto the High Street. Near to the access with the High Street is an uncontrolled junction between Station Road and the High Street. I observed the general area in the late afternoon/early evening when I saw numerous traffic movements particularly associated with travel to and from the train station. I also noticed some drivers having difficulty leaving the Railway Close/High Street junction, having to edge out onto High Street in order to see vehicles approaching from the south. However, this would be addressed by the improvements to the visibility splay facilitated by this proposal.
37. With regard to traffic generation, the appellant's Transport Statement 2018 (TS) shows that the proposed development would lead to similar levels of traffic to the existing lawful use on the appeal site. I accept that local knowledge is important but, in the absence of any substantiated evidence to undermine that provided by the appellant, I am satisfied that the figures provided are appropriate in this instance. I am also mindful that the figures are accepted by the Highway Authority who raised no objections to the proposal in this respect, in their consultation response for the original application. I am satisfied therefore that the proposal would not generate traffic movements over and above the number resulting from the existing

lawful use of the appeal site. The TS also records that no Personal Injury Accidents were recorded in the vicinity of the junction over the past five years.

38. All in all therefore, I am satisfied, based on the evidence before me and my observations on site that the proposal would achieve safe and suitable access for all users in accordance with paragraph 108 of the Framework. Accordingly, it would not be harmful to highway safety.

Planning Obligation

39. Policy TI/8 of the Local Plan states that proposals should make suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms.
40. The financial contribution of £1,617 in the UU towards household waste receptacles is in accordance with paragraph 4.8 of the RECAP Waste management Design Guide, adopted as Supplementary Planning Guidance by the Council in 2008
41. Policy SC/7 of the Local Plan states that all housing developments will contribute to outdoor playing space to include children's play space and formal outdoor sports facilities as well as informal open space. As there would be an increased population due to the proposal, I am satisfied that the proposed development would generate a requirement for the suggested level of open space which has not been met on site. Therefore, the financial contributions of £21,526.86 towards Formal sports provision, £33,547.43 towards formal and informal children's play space and £4,062.79 towards informal open space are necessary.
42. Policy SC/6 states that all housing developments will contribute towards the provision of indoor community facilities to meet the need generated by the development and that contributions will be based on a standard of 111m² of such floorspace per 1,000 additional population. A financial contribution of £9,773.20 towards improvements to Meldreth Village Hall is included to meet the needs of the future residents.
43. The statement from the education authority shows that existing education provision for early years, primary and secondary schools is at capacity, and the proposed development would increase demand for places. The UU includes a sum of £47,063 towards early years, £94,125 towards primary school and £46,882 for secondary school provision at the closest facilities. I am therefore satisfied that the payment of the required contributions would adequately mitigate the impact of the proposal on the education infrastructure.
44. An obligation regarding the payment of a contribution towards the monitoring of the provisions of the individual obligations is in accordance with the guidance in the PPG³. I am satisfied based on the evidence given at the Hearing by the Council that the costs are proportionate and reasonable and reflect the actual cost of monitoring.
45. Therefore, based on the evidence before me, these obligations, including those relating to affordable housing and the footway improvement, are necessary, and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the Framework.

³ 036 Reference ID: 23b-036-20190901

Conclusion

46. I have found that there would be no fundamental conflict with Policy H/10 of the Local Plan and that an appropriate level of affordable housing would be provided in the circumstances that prevail here. In addition, there would be no material harm to highway safety. Consequently, there would be no conflict with the development plan as a whole and, in accordance with paragraph 11c of the Framework, the development should be approved.
47. Therefore, for the reasons above, and having regard to all other matters raised I conclude that the appeal should be allowed.

Conditions

48. I have had regard to the various planning conditions that have been agreed between the Council and the appellant and considered them against the tests in the Framework and the advice in the PPG. I have made such amendments as necessary to comply with those documents. In order to provide certainty, it is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans.
49. Conditions regarding finished floor levels, materials and boundary treatments are required to protect the character and appearance of the area. Details of floor levels are necessary prior to work commencing to take account of existing ground levels. Conditions regarding landscaping are necessary to clarify the details of the proposed landscaping and its implementation.
50. Given the existing lawful use of the land and the proposed end user, conditions regarding contamination are necessary to ensure risks to future users are minimised. Details are necessary prior to work commencing on site to ensure that contamination is appropriately dealt with.
51. Conditions regarding surface water drainage are required to reduce the risk of flooding to the development and ensure the proper maintenance of the scheme. Details of foul water drainage are required to ensure that it is satisfactorily dealt with in the scheme. A scheme for the provision and implementation of pollution control including for surface and foul water drainage is required prior to works commencing on site to minimise the risk of pollution to the water environment.
52. Conditions regarding biodiversity enhancements and ecological mitigation are required in the interest of nature conservation.
53. It is necessary to have conditions which restrict hours of work, ensure measures are in place if foundations require piling, secure measures to minimise the spread of airborne dust, assess the noise impact of any plant or equipment and control lighting to protect the living conditions of nearby residents. In order to provide appropriate living conditions for the future residents of the development a noise mitigation/insulation scheme is required for the development.
54. A traffic management plan and a condition requiring the implementation of the visibility splays are necessary to protect highway safety. Conditions securing the agreed water usage measures and renewable energy measures are necessary to ensure the efficient use of resources.

55. Details of cycle parking are required to encourage use of other modes of transport than the car. Details of fire hydrants are necessary to ensure an adequate supply of water is available for emergency use.
56. A condition requiring the accommodation of Wi-Fi and suitable ducting is necessary to ensure a sustainable communications infrastructure in accordance with Policy TI/10 of the Local Plan.
57. It was agreed at the Hearing that the development is unlikely to be phased given the limited number of dwellings. Therefore, I have not imposed the suggested condition on this matter.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Mead	Partners in Planning and Architecture
John Mills	Partners in Planning and Architecture
David Tropp	Orion Asset Services

FOR THE LOCAL PLANNING AUTHORITY:

Michael Sexton	Planning Officer, South Cambridgeshire District Council
James Fisher	S106 Officer, South Cambridgeshire District Council
Stephen Reid	Legal Officer, South Cambridgeshire District Council

INTERESTED PARTIES

Richard Goddin	Chairman of Meldreth Parish Council
Councillor Philippa Hart	District Councillor for Melbourn Ward

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers Location Plan A, JDA/2016/785/SITE.001C, JDA/2016/785/PLOT 1.001, JDA/2016/785/PLOTS 2- 5.001A, JDA/2016/785/PLOT 6.001, JDA/2016/785/PLOTS 7/12.002, JDA/2016/785/PLOTS 7/10.001, JDA/2016/785/PLOTS 11/12.001, JDA/2016/785/PLOTS 13/14.001A, JDA/2016/785/PLOTS 15/22.002 and JDA/2016/785/PLOTS 15/22.001.

Contamination

- 3) No development shall take place until:
 - i) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved in writing by the Local Planning Authority.
 - ii) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and submitted to and approved in writing by the Local Planning Authority.
 - iii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to first occupation of any of the dwellings hereby permitted, the works specified in any remediation method statement detailed in Condition 3 must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority. If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be submitted to and approved in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the dwellings hereby approved.

Drainage

- 5) Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed surface water drainage strategy prepared by MTC Engineering (ref: 1951-DS-RevB) dated January 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.
- 6) Details for the long term maintenance arrangements for the surface water drainage system (including all sustainable drainage features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, sustainable drainage components, control structures, flow routes and outfalls. In

addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

- 7) No development shall commence until a scheme for the provision and implementation of pollution control of the water environment (including surface and foul water drainage) has been submitted to and approved in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans before the development is completed.
- 8) No development above slab level shall occur until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with an implementation programme submitted to and approved in writing with the Local Planning Authority.

Landscaping

- 9) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
- 10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme which has been submitted to and approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place.
- 11) Prior to commencement, site preparation or the delivery of materials to site the tree protection measures recommended in the approved tree protection strategy shall be erected and remain in position until practical completion of the implementation of the development.

Boundary treatment

- 12) The dwellings hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before the development is occupied in accordance with the approved details and shall thereafter be retained.

Ecology and Biodiversity

- 13) All works shall proceed in strict accordance with the recommendations detailed in Section 5.1 of the Preliminary Ecological Assessment report (Skilled Ecology Consultancy Ltd., February 2017). This shall include

avoidance and mitigation measures for bats and nesting birds. If any amendments to the recommendations as set out in the report are required, the revisions shall be submitted to and approved in writing by the Local Planning Authority before any development commences.

- 14) No development shall commence until a scheme for ecological enhancement, including a location plan and specification for native planting, connectivity measures for hedgehogs and in-built features for nesting birds and roosting bats, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme that has previously been submitted to and approved in writing by the Local Planning Authority.

Construction work

- 15) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays or before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays.
- 16) In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall submit a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration to the Local Planning Authority for approval in writing. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details.
- 17) No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development, has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details / scheme.

Noise Impact

- 18) Prior to the commencement of any development above foundation level, a detailed noise mitigation/insulation scheme for the residential units, to protect future occupants internally and externally from railway and industrial noise, shall be submitted to and approved in writing by the Local Planning Authority. The detailed noise attenuation/insulation scheme shall:
 - i) have regard to the noise mitigation principles and recommendations in the submitted Noise and Vibration Assessment Report, Land at Meldreth Station prepared by Anglia Consultants (reference number 1081 and dated February 2017, as updated by Noise Assessment Report, Land at Meldreth Station Yard (reference number 1191 and dated June 2018)

- ii) demonstrate that the internal and external noise levels recommended in British Standard 8233:2014 "Sound insulation and noise reduction for buildings - Code of Practice" will be achieved. With regard to internal noise levels the scheme shall have regard to the noise insulation of the composite building fabric, glazing areas, including the provision of sound attenuated alternative mechanical ventilation systems (or similar) to facilitate rapid/purging ventilation and thermal comfort/summer cooling requirements if the "reasonable" indoor ambient noise levels in BS 8233 cannot be achieved with a partially open external window (assuming a - 13dB(A) external to internal reduction for a partially open window). The noise attenuation/insulation scheme as approved shall be fully implemented prior to occupation, and shall be maintained thereafter in compliance with the approved details.
- 19) Before the development hereby permitted is commenced, an assessment of the noise impact of plant and or equipment, including any renewable energy provision sources such as air source heat pump or wind turbine on the proposed and existing residential premises and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant and or equipment shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the dwellings are occupied and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

Lighting

- 20) Prior to the commencement of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans / elevations with luminaire locations annotated, full isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the site, on the boundary of the site and at adjacent properties, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type / profiles, mounting height, aiming angles / orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures.

Highway safety

- 21) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The principle areas of concern that should be addressed are:
 - i) Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway)

- ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
 - iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway.
 - iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.
- 22) No development shall begin until the visibility splays of 2.4m x 43m have been provided at the site access junction onto High Street. The splays shall thereafter be maintained in perpetuity free from any obstruction exceeding 0.6m high.

Materials

- 23) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Energy and water efficiency

- 24) No development above slab level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the development.
- 25) The dwellings hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.

Cycle parking

- 26) The dwellings, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Fire hydrants

- 27) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

Wi-Fi

- 28) The dwellings hereby approved shall not be occupied until the dwelling to be occupied has been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New

Homes Guidance Note) has been provided within the public highway that can accommodate fibre optic cabling or other emerging technology.

***** **End of Conditions** *****

Richborough Estates