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## Appeal Decision

Inquiry held on 5 November 2024

Site visit made on 6 November 2024

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> November 2024

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**Appeal Ref: APP/H0520/W/24/3346983**

**26 Cambridge Street, St Neots, Huntingdonshire PE19 1JL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Churchill Retirement Living Ltd against Huntingdonshire District Council.
  - The application Ref is 23/01996/FUL.
  - The development proposed is redevelopment for retirement living accommodation comprising 57 apartments and 16 cottages, including communal facilities, access, parking and landscaping.
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### Decision

1. The appeal is allowed, and planning permission is granted for redevelopment for retirement living accommodation comprising 57 apartments and 16 cottages, including communal facilities, access, parking and landscaping at 26 Cambridge Street, St Neots PE19 1JL, in accordance with the terms of the application, Ref 23/01996/FUL, subject to the conditions in the attached schedule.

### Background and Main Issues

2. The appeal site is located within the St Neots Conservation Area. The upper section of the tower of Grade I listed St Marys Church (National Heritage List Entry (NHLE) 1128002) forms part of the backdrop of the appeal site. The appeal site falls within the setting of properties opposite known as Nos 17, 19, 21, 23, 25 and 27 Cambridge Street (NHLE: 1309886). Furthermore, situated immediately to one side is No 28 Cambridge Street, known as 'Hall Place' (NHLE: 1128000), along with adjoining No 30 Cambridge Street, namely 'Bradshaw House' (NHLE: 1161866). These 8 neighbouring properties are Grade II listed buildings.
3. The common ground reached, is set out in the submitted planning and viability statements of common ground (SoCG). The disputed matters have been substantially reduced in the lead up to the Inquiry. However, the Council maintains that less than substantial harm would be caused to both the St Neots Conservation Area and surrounding listed buildings on Cambridge Street, although they agree that those harms would be outweighed by public benefits. In the absence of any other technical disputes, the main parties agree that planning permission should be granted.
4. Within this context, the main issues for this appeal are:

- whether or not the appeal proposal will preserve or enhance the character or appearance of the St Neots Conservation Area;
- whether or not the appeal proposal will preserve the special architectural or historic interests and setting of Grade II listed Hall Place and Bradshaw House, Nos 17, 19, 21, 23, 25 and 27 Cambridge Street, and also Grade I listed St Marys Church; and
- the effect on the living conditions of occupiers of neighbouring properties, with particular regard to outlook, daylight, sunlight, privacy and security.

## Reasons

### Conservation Area

5. The appeal proposal involves the demolition of a series of large, commercially designed buildings and extensive enclosed hardstanding. These are currently used as a car sales, servicing and repair dealership. They would be replaced by a 57 unit apartment block along Cambridge Street and a series of 16 linked dwellings, associated parking provision and communal landscaped areas behind. The scheme would provide a choice of accommodation for older persons who seek to live independently.
6. The appeal site occupies a prominent roadside position on a main route through St Neots. This Cambridgeshire market town is an agglomeration of several historic settlements focused on the Great River Ouse. The Conservation Area within which the appeal site is situated encompasses the localities of St Neots, Eynesbury and Eaton Socon. The appeal site is located within the neighbourhood '1C Medieval Core Settlement Area'.
7. The appeal site is visible in both directions along Cambridge Street. It is read in conjunction with neighbouring Grade II listed Hall Place, Bradshaw House and Nos 17, 19, 21, 23, 25 and 27 Cambridge Street. These properties form an important part of the historic street scene within the Conservation Area.
8. The significance of the St Neots Conservation Area includes its historic, architectural, aesthetic and archaeological interests. These are derived from its historic development from the medieval era, surviving historic fabric and potential archaeological remains.
9. The key features which help define the character and appearance of this part of the Conservation Area include its concentration of designated historic buildings; the diversity of building types; streetscapes characterised by both back of pavement and set back building lines; focal and landmark status buildings in the skyline, including Grade I listed St Marys Church; and mature vegetation. These enable the incremental development and role of St Neots as a market town to be experienced and understood. However, no significant or important views or vistas within, into or out of the Conservation Area that include the appeal site are identified within its conservation area character assessment.
10. The existing character and appearance of the appeal site is an anomaly within this predominantly historic street scene by virtue of the existing commercial garage related activities and the industrial design and form of the existing buildings within it.

11. With the exception of the proposed site access, the apartment block would enclose the open section of the road frontage of the site. This would create a strong, almost unbroken frontage along Cambridge Street. In part, this would serve to reinstate a built frontage close to where buildings once stood next to No 14.
12. The limited view across the more open parts of the appeal site which exposes part of St Marys Church tower is substantially marred by the foreground of existing commercial garage buildings, its associated signage, car storage areas and inconsistent boundary enclosures around its perimeter. The loss of that openness within the street scene and the concealment of that existing view would not harm the continued appreciation of the character and appearance of the Conservation Area.
13. Given the proposed greater standoff from the boundary with Hall Place, the positioning of the apartment block would greatly improve the spatial juxtaposition which currently exists between the car showroom building and that neighbouring listed building.
14. The frontage of the appeal proposal onto Cambridge Street has a meaningful setback from the public highway. Although this differs to that of the neighbouring listed buildings, that layout is characteristic of the existing buildings on the appeal site and the wider Conservation Area. This setback would not compete with the historic kudos of Hall Place within the built hierarchy that is evident in this historic street scene. Neither would it undermine the humble status of the listed properties opposite which are part of that view.
15. The proposed varied design solution seeks to break up the bulk of the proposal so that it is reflective of the rhythm of the existing smaller scale frontages onto Cambridge Street. This will be achieved through the incorporation of broken eaves and ridge heights, the selected roof designs and the proposed palette of materials. The varied character and appearance of this part of the Conservation Area is further reinforced through the incorporation of other local design features, including chimney stacks; box dormer windows; vertically proportioned window openings, some of which would reflect the window tax era; and exposed heads and cills.
16. Painted timber, vertically hung sliding sash windows are a prevalent traditional feature within the Conservation Area, including within the vicinity of the appeal site. Their appearance, in terms of proportion, frame and glazing bar thickness, profile, depth and finish, and methods of opening and glazing contribute positively to the historic character and appearance of this Area. The fenestration in the proposed elevation facing directly onto Cambridge Street will feature prominently within this street scene. It is vital that the detailed window treatment for that elevation echoes that prevalent traditional window form so that the appeal scheme does not undermine the historic and architectural significance of the Conservation Area. Bearing in mind the potential physical constraints of older residents of the scheme, the Council acknowledged that those precise design details could determine the acceptability of the materials proposed in this instance. The wording of condition No 18 will enable an appropriate balance to be struck between preserving the significance of this street scene and addressing the needs of those ageing residents.

17. In addition, the Council's concerns about the precise execution of the proposed external design details can be effectively addressed through condition Nos 18 and 20. As the proposed dormers are of an appropriate scale and proportion, condition No 20 reflects the wording put forward by the appellant.
18. For all of these reasons, the proposal strikes an effective visual balance with the varied appearance, height and placement of the properties on an otherwise enclosed Cambridge Street.
19. No existing trees would be felled. Proposed planning conditions Nos 10, 11 and 19 would ensure that the existing trees close to the perimeter of the appeal site would be safeguarded during the construction phase and further planting secured.
20. The appeal proposal will give rise to a substantial change to the existing character and appearance of the appeal site. However, the design components that make up the proposed varied design will assist in the successful assimilation of the appeal proposal into its historic setting. In its totality, the appeal scheme is a contemporary design solution which is reflective of and will be beneficial to the character and appearance of its important historic context.
21. For all of these reasons, the appeal proposal will not be harmful to the historical character or appearance of the St Neots Conservation Area as a whole. Rather, it will preserve or enhance the character or appearance of this designated heritage asset. Consequently, there will be no harm to its significance.
22. Therefore, the proposal satisfies the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Furthermore, there is no conflict with the National Planning Policy Framework (the Framework). In view of the findings on this main issue, the appeal proposal accords with Policy LP34 of the Huntingdonshire Local Plan (the Local Plan).

#### Listed Buildings

23. Grade II listed Hall Place is a mid-16th to early 17th century property with 18th and 19th century additions. It is timber framed in part, encased in gault brick with a plain tile roof and various ridge stacks, parapet and coped gables. Its higher status within the street is reinforced externally by its positioning, the elaborate wooden door frame and the large tripartite sash windows to the east and west wings. The list description reveals the quality of the interior with its marble fireplaces and surviving staircase. The significance of Hall Place is mainly architectural given the survival of its early fabric and the subsequent phases of expansion. Its significance is also historic, given its association with its neighbouring, now demolished namesake and the Wye family. The setting of this listed building is defined by its status and position in the streetscape and its surviving front and rear garden.
24. Adjoining Bradshaw House sits a little further along the street from the appeal site. It is an early to mid-19th century dwelling with tiled roofs, gault brick walls, a parapet with moulded cornice and a gabled bay with coping. Also of interest is its stucco doorcase with pilasters carrying entablature and a panelled door. Its spatial relationship with Hall Place is also of interest. It is listed for its group value. The significance of Bradshaw House is mainly derived from its architectural and historic interests. Its positioning makes it more prominent in

the streetscape than Hall Place. This contributes to the perception that it marks the extent of post-medieval built form when travelling towards the town centre. It is this spatial relationship with its neighbours which positively contributes to the setting of this listed building and the appreciation and experience of the historical sequence of built form along Cambridge Street.

25. Nos 17, 19, 21, 23, 25 and 27 Cambridge Street comprise a run of 2 and 3 storey residential properties. Their differing heights, materials and designs are consistent with the variety of properties located within this Conservation Area. In contrast to neighbouring Hall Place and Bradshaw House, these properties have very little in the way of design embellishment. The apparent variation in their appearances reflects the differing ages of construction which may conceal an earlier historic core and their historical status. Collectively, these buildings reflect the expansion of urban growth of St Neots during the post-medieval period. They are listed for their group value. The significance of these buildings is therefore mainly historically and architecturally derived. The setting of these listed buildings is derived from their position on Cambridge Street in conjunction with one another. The collective historic fabric of this part of the Conservation Area contributes positively to understanding that significance.
26. Over time the appeal site has been subject to change in ownership and function, with extensive and significant alteration and redevelopment. Its former character as grounds, park and outbuildings associated with Hall Place is no longer appreciable along Cambridge Street. In its current character and appearance, the appeal site is not an illustrative example of the landscape in which Hall Place functioned in the late 19th and 20th centuries and it does not illustrate the historic context. This historic context can only be understood from cartographic and historic sources. This heritage significance will not be affected in any way by the appeal scheme.
27. In its current form, the views to and across Hall Place to the appeal site make a negative contribution to the setting and heritage significance of that listed building and listed buildings Nos 17, 19, 21, 23, 25 and 27, by virtue of the over scaled, grey, industrial box form along with the associated hardstanding, parked vehicles and large advertising signage. Given the angle of the road from the west, it is difficult to perceive Bradshaw House and the appeal site together. As such, the appeal site does not currently hold key elements that contribute to the setting which better reveals or allows appreciation of any of these listed buildings. It currently makes no contribution to their heritage significance and is harmful due to its current built form and function.
28. I have already found that the proposed positioning of the apartment block will enable the design, layout and scale of neighbouring Hall Place and Bradshaw House to continue to convey their sense of grandeur and status within the street scene. The proposed layout has been amended to allow for the continued use of a private easement in connection with access to Hall Place. Furthermore, the appeal proposal will preserve and enhance the character and appearance of the Conservation Area and that Area forms the basis of the setting of all these neighbouring Grade II listed buildings.
29. The appellant has confirmed that the ground conditions will not demand piling works. Nonetheless, condition No 5 will be effective in ensuring that the structural integrity of the neighbouring listed buildings are not damaged during the demolition and construction phase.

30. The upper section of the tower of the Grade I listed Church of St Mary is momentarily visible above surrounding lower level contemporary properties, along the short section of the open frontage of the site when travelling towards the town centre. The significance of the Church is mainly derived from its archaeological, historic (associative illustrative), architectural and artistic interests.
31. The limited view of part of the tower of St Marys currently afforded across the appeal site does not contribute to enhancing or better revealing the significance of that important designated heritage asset. Although this particular public glimpse of the Church tower will be masked by the appeal proposal, this proposed change will have a neutral effect on the significance of that listed asset. Complete and partial views to and from the Church against the historic fabric of its setting which reveal and enable the continued appreciation of its significance will remain within the Conservation Area.
32. Overall, there will be no harm to the significance of any of these 9 designated heritage assets. Their special architectural or historic interests and setting will be preserved in line with the requirements of the Act. Furthermore, the proposal does not conflict the Framework.
33. For all of these reasons, the appeal proposal preserves the special architectural or historic interest interests and setting of Grade II listed Hall Place, Bradshaw House, Nos 17, 19, 21, 23, 25 and 27 Cambridge Street, and also Grade I listed St Marys Church. In view of the findings on this main issue, the proposal accords with Policy LP34 the Local Plan.

#### Living Conditions

34. The appeal proposal will be visible from the windows and outdoor areas of properties which sit around the perimeter of the appeal site. The proposed scheme will increase the amount of built form within that view and, in some instances, bring buildings closer to their windows and private outdoor space.
35. The appellant has undertaken a Day Light and Sunlight Assessment in respect to concerns initially raised in respect to the effect on No 14 Cambridge Street. That report clearly demonstrates that the proposed changes within the appeal site would not reduce the living conditions of residents to a level which would be harmful. The submitted site layout plan demonstrates the separation distances that would be maintained between existing and proposed properties. A condition is proposed to manage the boundary enclosures in terms of appearance, privacy and security. It was evident onsite that there will be a significant change to the outlook currently enjoyed by residents of the surrounding properties. Private views cannot be protected for their own sake through the planning system. Given the combination of the proposed design, layout, scale, separation distances and orientation, the proposed change will not be of a magnitude that will cause mutual unacceptable levels of overshadowing or overlooking. Neither will it give rise to an oppressive outlook for the occupants of existing and future properties.
36. Therefore, it is concluded that the appeal proposal will not harm the existing living conditions of the occupants on neighbouring properties, with particular regard to outlook, daylight, sunlight, privacy and security. For these reasons, overall the appeal proposal accords with Policy LP14 of the Local Plan.

## **Planning Obligations**

37. The scope of the signed legal agreement under section 106 of the Town and Country Planning Act (1990) extends to the provision of commuted sums towards off-site affordable housing provision and refuse bins for occupants of the appeal proposal. These agreed financial sums reflect the viability of the appeal scheme, as evidenced by an agreed viability appraisal. The submitted Compliance Statement demonstrates that each obligation is reasonable and necessary to make the appeal proposal acceptable, in line with the development plan and the supplementary planning document for planning obligations. They are compatible with all of the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Consequently, these obligations weigh in favour of the appeal proposal.

## **Conditions**

38. An agreed list of suggested planning conditions was provided by the main parties which reflects the round table discussion on them. The necessity for the wording of certain conditions in a pre-commencement format was demonstrated during that exchange and the appellant's written acceptance of these has been provided.
39. Condition No 1 defines the scope and duration of this planning permission in line with section 92 of the Town and Country Planning Act 1990. Condition No 2 defines the permission for the avoidance of any doubt. Condition No 3 will address any concerns about contamination within the site. Condition Nos 4 and 5 will secure appropriate living conditions for both future occupants of the appeal proposal and existing neighbouring residents in terms of the management of noise and other potential nuisance during the construction and occupation phases.
40. Condition Nos 6 and 7 will secure the effective management of surface water in perpetuity in order that it does not exacerbate known flood risk in the area. Condition No 8 will ensure the identification and effective response to any currently unknown heritage assets that exist within the appeal site. Condition No 9 will conserve and enhance local ecological interests, including through biodiversity net gains. Conditions Nos 10 and 11 will ensure that existing trees within the Conservation Area are unharmed.
41. Condition No 12 will manage the occupancy of the proposed accommodation in line with the proposed levels of car parking and outdoor space which are acceptable given the type of accommodation and its good level of accessibility to local services and facilities by modes other than the car. Condition No 13 will ensure that the proposal can meet the mobility needs of its residents. Condition No 14 will contribute to securing water efficiency throughout the development.
42. Condition Nos 15, 16 and 17 will secure a development which, as the appellant's evidence demonstrates, can be safely accessed and will not prejudice the safety of any highway users. These conditions will ensure that highway related concerns raised will not be realised.
43. Condition Nos 18, 19 and 20 will secure external treatment of the proposal consistent with the significance of its historic setting. Condition No 21 will ensure that finished floor levels and landform do not detract from

the character and appearance of the area or the living conditions of the occupants of neighbouring properties.

44. These conditions will ensure that there is no conflict with the provisions of the development plan and the Framework and are therefore necessary. They are also relevant to planning and the development and are enforceable, precise and reasonable in all other respects and so meet the tests for conditions prescribed by the Framework and Planning Practice Guidance. They are set out in full in the Schedule of Conditions contained at the end of this Decision.

### **Conclusion**

45. Subject to the proposed conditions and planning obligations, there is no conflict with the development plan as a whole. Furthermore, the proposal satisfies the approach of the Act and the Framework to the significance of designated heritage assets and their setting. There are no matters weighing against the appeal proposal to indicate that a decision other than one taken in accordance with the adopted development plan is justified.
46. In conclusion, for these reasons the appeal should be allowed, and planning permission be granted.

*C Dillon*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

23/40045SN-PL01, 23/40045SN-PL02F, 23/40045SN-PL03D, 23/40045SN-PL04C, 23/40045SN-PL05C, 23/40045SN-PL06C, 23/40045SN-PL07D, 23/40045SN-PL08C, 23/40045SX-PL09D, 23/40045SX-PL10C, 23/40045SX-PL11C, 23/40045SX/PL15; and 1543-01-PHL-101-E.

3. PART A.

No development, except demolition of above ground structures, shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This shall assess any contamination on the site, regardless of its origins and will include:

- (i) details of previous land uses;
- (ii) a site investigation survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to;
  - a. human health;
  - b. property (existing or proposed and to include buildings, crops, livestock, pets, woodland and service lines and pipes);
  - c. adjoining land;
  - d. groundwater and surface water;
  - e. ecological systems; and
  - f. archaeological sites and ancient monuments.

PART B.

A remediation scheme shall be required where contamination is found which poses unacceptable risks, as determined by the Local Planning Authority in its response to Part A of this condition. No development shall take place until any such required scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) an options appraisal and remediation strategy;
- (b) remediation objectives and remediation criteria;
- (c) remediation works to be undertaken and the order in which the works will be progressed;
- (d) a verification scheme providing details of the data that will be collected in order to demonstrate that the works set out in (iii) above have been completed and identifying any requirements for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action.

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use.

PART C.

Where a detailed remediation scheme has been required and approved under Part B of this condition, no occupation of any part of the permitted development which has been identified in the scheme as being subject to contamination shall take place until the approved scheme has been implemented and a verification report, (including the results of sampling and monitoring carried out in accordance with the approved verification scheme to demonstrate that the site remediation criteria have been met) has been submitted to and approved in writing by the Local Planning Authority. The verification report shall, if required by the Local Planning Authority, also include a reassessment of the long-term monitoring of contaminant linkages, maintenance and arrangements for contingency action. The long-term monitoring and maintenance proposals shall be implemented as finally approved.

PART D.

If, during development, contamination not previously identified is found to be present at the site;

- (i) it shall be reported in writing to the Local Planning Authority within 1 working day;
- (ii) no further development shall be carried out until site investigations have been undertaken and a remediation strategy has been submitted to and approved in writing by the Local Planning Authority detailing how this unexpected contamination will be dealt with;
- (iii) that remediation strategy shall be implemented as approved; and
- (iv) no occupation of any part of the permitted development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until;
  - (a) the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the Local Planning Authority; and
  - (b) if required by the Local Planning Authority, any proposals for long-term monitoring of contaminant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the Local Planning Authority.

The long-term monitoring and maintenance plan shall be implemented as approved.

4. Prior to development above slab level, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority.

The noise mitigation scheme shall demonstrate that the layout, design and mitigation measures will ensure that internal sound levels from road traffic noise shall not exceed 35dB LAeq 07:00-23:00 in any habitable room or 30dB LAeq 23:00-07:00 and 45dB L<sub>Amax</sub> 23:00-07:00 inside any bedroom.

The development shall be carried out in accordance with the Noise Mitigation Scheme and no dwelling shall be occupied until the mitigation measures associated with that dwelling, as identified in the noise mitigation scheme, have been installed. The noise mitigation measures shall thereafter be retained in perpetuity.

Where it is not been possible to achieve the aforementioned indoor sound levels with windows open, prior to occupation of the development a detailed ventilation scheme shall be submitted to and approved by the Local Planning Authority. The ventilation scheme shall demonstrate how adequate ventilation and cooling will be achieved for dwellings without undermining the performance of the noise mitigation scheme. The approved scheme shall be fully implemented in the development and the ventilation measures shall thereafter be retained in perpetuity.

5. No development, including demolition, shall commence until a site wide demolition and construction environmental management plan (DCEMP) has been submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include the consideration of the following aspects of demolition and construction:
  - (a) a demolition, construction and phasing programme
  - (b) contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures
  - (c) confirmation that construction and demolition hours shall be carried out only between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation
  - (d) confirmation that delivery times, collections and dispatches for construction and demolition purposes shall be carried out only between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays
  - (e) a soil management strategy including a method statement for the stripping of topsoil for re-use; the raising of land levels if required;

- and arrangements including height and location of stockpiles for temporary top soil and subsoil storage to BS3883:2015
- (f) a noise method, monitoring and recording statement in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites
  - (g) confirmation of maximum noise mitigation levels for construction equipment, plant and vehicles
  - (h) vibration method, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites
  - (i) confirmation of maximum vibration levels
  - (j) dust management and wheel washing measures in accordance with BS 5228-2:2009+A1:2014
  - (k) confirmation of the prohibition of the burning of waste on site during demolition and construction
  - (l) site lighting details
  - (m) measures indicating how additional surface water run-off from the site will be avoided during the construction works, including the use of settling tanks, oil interceptors and bunds
  - (n) screening and hoarding details.
  - (o) access and protection arrangements around the site for pedestrians, cyclists and other road users
  - (p) procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures
  - (q) details of external safety and information signing and notices to be provided, including liaison, consultation and publicity arrangements and dedicated points of contact
  - (r) consideration of sensitive receptors
  - (s) prior notice and agreement procedures for works outside agreed limits
  - (t) complaints procedures, including complaints response procedures
  - (u) confirmation of membership of the Considerate Contractors Scheme; and
  - (v) location of the contractor's compound and method of moving materials, plant and equipment around the site.

The works shall be carried out in accordance with the approved DCEMP.

6. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority.

Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed for the life time of the development in accordance with a management and maintenance plan which shall have been submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall be based upon

the principles within the agreed Flood Risk and Drainage Assessment prepared by Awcock Ward Partnership (ref: 1543) dated 23rd August 2024 and shall include:

- (a) full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance
  - (b) detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it)
  - (c) full detail on SuDS proposals, including location, type, size, depths, side slopes and cross sections
  - (d) details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants
  - (e) demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems
  - (f) full details of the management, maintenance and scope of the adoption of any part of the approved surface water drainage system
  - (g) permissions to connect to a receiving watercourse or sewer; and
  - (h) measures taken to prevent pollution of the receiving groundwater and/or surface water.
- (7) Upon completion of the surface water drainage system, an independent survey and report shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved under the planning permission, including condition No 6. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Thereafter the approved surface water drainage system shall be retained in perpetuity.
- (8) No development shall commence until the applicant, or their agent or successor in title, has implemented a programme of archaeological work, commencing with the evaluation of the site, that has been secured in accordance with a written scheme of investigation (WSI) that has first been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than under the provisions of the approved WSI, which shall include:

- (a) a statement of significance and research objectives;
  - (b) a programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
  - (c) a timetable for the field investigation as part of the development programme; and
  - (d) the programme and timetable for the analysis, publication and dissemination, and deposition of resulting material and digital archives.
- (9) Prior to the commencement of development above slab level, a scheme for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of bat and bird box installation, hedgehog connectivity, habitat provision and other biodiversity enhancements, including how a measurable net-gain in biodiversity will be accomplished, when it will be delivered and how it will be managed. The approved scheme shall be fully implemented within the approved timescale following the substantial completion of the development and maintained and retained thereafter for the lifetime of the development.
- (10) No development, demolition, clearance or preparatory operations (including excavations and archaeology) shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved statement.
- (11) No development, demolition, clearance or preparatory operations (including excavations and archaeology), hereafter referred to as "the works", shall commence on site, until a tree protection plan has been submitted to, and approved in writing by the Local Planning Authority. The approved tree protection plan shall be implemented before any equipment, machinery, or materials are brought on to the site in connection with the works, be retained intact for the duration of the construction works and only be removed or altered with the prior written approval of the Local Planning Authority.
- Any trees, shrubs or hedges covered by the agreed protection measures, which die or become severely damaged, either from natural causes or as a result of the construction works, either during the construction works or within five years from the completion of those works, shall be replaced with a similar size and species by the end of the next available planting season.
- (12) Each approved unit of accommodation shall be occupied only by person(s) of 60 years or older; or person(s) aged 55 or older living as part of a single household with person(s) of 60 years or older; or person(s) aged 55 years or older who were previously living as part of a single household with that person(s) of 60 years or over who has since died.

- (13) The residential units hereby permitted, shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' (or replacement standard), prior to occupation. Such provision shall be retained for the lifetime of the development.
- (14) The residential units hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G (or replacement standards) prior to first occupation. Such provision shall be retained for the lifetime of the development.
- (15) Prior to the commencement of the first use of the approved vehicular access where it crosses the public highway, the following shall be completed in full:
- (a) the access laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
  - (b) a metalled surface shall be provided for a minimum distance of 5 metres along the access road from its junction with the public highway.
  - (c) the access shall be a minimum width of 5 metres, for a minimum distance of 10 metres measured from the near edge of the highway carriageway; and
  - (d) visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted Access Plan Ref: 01-PHL-101 Rev E.
- The approved access shall be retained as such thereafter. The splays shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- (16) Notwithstanding the provisions of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access.
- (17) Prior to occupation of any part of the development hereby approved, the existing accesses to the car sales area and the servicing bay shall be permanently and effectively closed and the footway shall be reinstated in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
- (18) Notwithstanding the details shown on the plans hereby approved, no development above slab level shall take place until details of the external materials and architectural details to be used have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- (a) plans identifying the location of materials
- (b) a brick panel of 1 square metre erected on site illustrating brick, bonding, and mortar colour of each facing brick
- (c) details of type, colour and texture of all materials to be used for the roof of the building including eaves and verge details
- (d) details of rainwater goods including colour
- (e) details of render products, including colours, surface finishes/textures and relationships to glazing and roofing
- (f) details of frame profiles, glazing bars, materials, colour finish and method of opening for the construction of all external doors and windows. This shall include those details for the sliding sash windows which shall be installed into the elevation facing onto Cambridge Road.
- (g) details of the appearance and materials for the balcony balustrades at a scale of 1:20
- (h) details and materials for the construction of porch canopies at a scale of 1:20
- (i) window and door reveals, cills and headers, including transoms and doors
- (j) a plan showing the location, design and colour of any external flues, vents and meter boxes; and
- (k) the location and design of chimneys.

The development shall be carried out in accordance with the approved details which shall be retained thereafter for the lifetime of the development.

- (19) Prior to occupation of any part of the development hereby approved, details of a hard and soft landscaping scheme, including detailed layout of the central parking area, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- (a) proposed finished levels or contours; means of enclosure; car parking layouts (including means of delineating spaces), siting and design of the substation, siting, quantum and design of the bin and cycle stores, vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (including any fixed external furniture, refuse or other storage units, signs and lighting); proposed and existing functional services above and below ground (including drainage, power, communications cables, pipelines indicating lines, and manholes.
  - (b) indications of all existing trees and hedgerows on the land and details of any to be retained; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, tree pit details (within hard and soft landscaping) noting species, plant sizes and proposed numbers and densities.
  - (c) a landscape maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas; and

- (d) a boundary treatments plan indicating the type and position of boundary treatment, alongside detailed design plans at a scale of 1:20 showing the height and materials of boundary treatments to be erected, including the proposed coping, low wall and railings fronting Cambridge Street.

All hard and soft landscape works shall be carried out and maintained 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 agreed in writing with 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 during the current or next planting season.

The cycle parking facilities for the provision of 10 cycles and bin store shall be implemented in accordance with the approved plans before the development to which it relates is first occupied. The cycle parking facilities and bin store shall be retained as such thereafter.

- (20) Notwithstanding the details shown on the plans hereby approved, no dormer windows shall be constructed until full details of their precise siting, design and construction, materials, rainwater disposal and joinery, including glazing bars and mouldings have been submitted to and approved in writing by the Local Planning Authority. These details shall include their cheeks and gables and be provided at a scale of 1:20 on an elevational plan. The dormers shall thereafter be constructed and retained thereafter in accordance with the approved details.
- (21) No development, except for demolition and site clearance, shall commence, until details of the existing and proposed ground levels and contours have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
- (a) the relationship to a specified datum point of proposed finished floor levels, ground levels and gradients to existing vegetation and surrounding landform, in addition to levels of the plot boundaries, highways and adjacent properties (such details shall include the height and gradient of embankments and the treatment and height of retaining walls where applicable); and
  - (b) levels of all accesses, to include pathways, driveways, steps and ramps.

Level access to all dwellings shall be provided to the principal elevation and entrance of the building from the adjacent highway, drive and associated parking area.

Where level access cannot be provided to the principal elevation or entrance, details of any steps and associated handrails shall be submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with those approved details prior to the first occupation of any of the units whose access relies upon them.

END OF SCHEDULE

Richborough

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr White, Kings Counsel

Mr White, Ecus Ltd

Mr Shellum, Planning Issues Ltd

Mr Smith, Churchill Living

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Pitt, Solicitor

Mr Tomlinson, Planning Officer

Mrs Brown, Conservation Officer

Ms Wood, Urban Design Officer

### **INTERESTED PARTIES:**

Mr Gogarty, a local resident

## **INQUIRY DOCUMENTS**

- ID1 Council's Opening Statement
- ID2 Appellant's Opening Statement
- ID3 Council's Closing Statement
- ID4 Conservation Officer Clarifications
- ID5 Conservation Officer Clarifications Appendix 1
- ID6 Completed S106 agreement
- ID7 Draft Agreed Conditions
- ID8 Appellants response to Conservation Officer Clarifications
- ID9 Appellant's Closing Statement

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