

Delegation meeting - Minutes

- **Date:** 25 August 2020
- **Time:** 11am to 12:30pm
- **Meeting held:** via Teams
- **Attendees:** Chris Carter (CC), Cllr John Batchelor (JB), Cllr Pippa Heylings (PH), Michael Sexton (MS)
- **Notes and actions:** Jemma Smith

Minutes approved by: Cllr John Batchelor (Consultant) on 2 September 2020, Cllr Pippa Heylings (Consultant) on 2 September 2020, Chris Carter (Delivery Manager – Strategic Sites) on 2 September 2020

20/02221/FUL 29 Church Street Little Shelford - Erection of new dwelling following demolition of existing dwelling- resubmission of S/2230/19/FL

Reason for call-in request

Original comments: The PC object to the application on the following points: The NPPF and policies CH/5-Conservation Areas, DP/3-Development Criteria, DP/7 Development Framework of the local Plan 2018 require that development should be in context with this unique historic village, and importantly enhance the character of the Conservation Area. We believe that the design of no 29 is not in keeping for the site within the Conservation area and will not enhance the character of the village. The design does not complement the Victorian villa at 31 and it does not reflect the age in which it is being built, as no 27 reflects its late 50s design. The materials Buff weathered brick are not local or traditional. The design is lacking character, the flat facade needs to be softened, see comments below about no 22. No 22 a recent development, almost opposite, is an example where the design and materials are far more sympathetic to the street scene. We would like to see a similar influence brought to bear on no 29 and future developments in the village. The applicants design contains overly dominant chimney stacks on each gable which would not reflect the current period of build where we are moving to more environmentally sensitive constructions. The parish council wish the application to be referred to the planning committee to consider the sensitive position of this development in the village

Amended comments:

The PC agrees with the comments and conditions submitted by the Conservation Officer on 30.07.20 In addition the PC asks that the following items are properly considered:

1. It should be a Condition of any Planning Approval that prior to demolition of the existing property, a fully detailed statement will be provided to show exactly what recycled materials are to be retained for use in the proposed building. In particular, what exactly will be used on any of the external walls and roofing.
2. All windows and doors should be high quality factory made pre-finished timber to an approved colour.

3. The proposed site placement of the building, and its three-dimensional form, is entirely 'suburban' in concept, and out of context/ with with the historic village vernacular. (see VDG)
4. Actual dimensions should be added to the site plan to show the minimum dimensions from the proposed external walls to both adjoining property boundaries/hedges etc. The proposed looks far too narrow for any sensible access to the rear of the property

Key considerations

The comments of the Parish Council were noted, including the further comments provided in response to the amended plans. Whilst the impact of the proposal on the Conservation Area and the design and appearance of the dwelling are material planning considerations in this case, they were not considered to be of such significance that would warrant a referral to the planning committee.

Similarly, it was not considered that the proposal presented significant issues for adopted policy or that it was of a nature, scale, or complexity to take to planning committee. It was noted that there was relevant site history, but this was not of significance in the decision in this case.

Decision

Delegated decision. See above.

20/02005/FUL Land North Of Linton Road Great Abington - Alteration to previously approved application (S/3564/17/OL and S/1478/19/RM) comprising the change to two out of three x 2 bed houses into four x 1 bed flats - with individual access to each unit

Reason for call-in request

Recommendation: The Parish Council recommend REFUSAL of this planning application amendment. Comments: The Parish Council believes there is insufficient local demand for one bed roomed flats but believes there is local demand for two bed roomed houses, particularly for young families and the elderly down-sizing. The allotted single parking space for a one bed roomed flat is insufficient for the likely occupancy by couples with two vehicles. The Council is keen to avoid parking spilling onto Linton Road, which is busier since the newly completed Larkfield estate is occupied. The plans do not show the now fully occupied site of the Larkfield estate slightly further along Linton Road, on the opposite side of this road. The Parish Council does request that the application be referred to the District Council Planning Committee. The Chairman or Vice Chairman will

attend the meeting to represent the Parish Council. If the Planning Officer is minded to refuse the application, the Council does not wish the application to be considered by the Planning Committee.

Key considerations

The comments of the Parish Council were considered carefully and it was agreed that the case officer would discuss the most up to date position in terms of housing need for 1 bedroom units in this area, before bringing this application back to the delegation meeting for a decision.

Decision

To be re-considered at a future meeting.

Reasons for decision: To allow more information to be sought by the case officer.

S/1963/15/COND9 Land to The North And South Of Bartlow Road Linton - DOC Contamination

Reason for call-in request

LPC Comment: This condition requires:

- ‘a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.’
- ‘Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement)’ and
- The works be carried out in accordance with the agreed scheme.

The requirements have not been complied with:

- It is based on out-of-date and incomplete information (see below). • The survey report is heavily redacted and dates from 2017.
- It does not provide appropriate assessment of the heavy agrochemical farm use until 2016 (Southern Site) and 2017 (Northern Site).
- As the assessment is incomplete, the proposals are not informed and are unlikely to render the contamination harmless.

The proposals are inconsistent:

- The proposals for road contaminants are inconsistent. Within the information submitted for Condition 9, it relies on draining the roads into soakaways within the aquifer casing,

The Greater Cambridge Shared Planning Service is a strategic partnership between
Cambridge City Council and South Cambridgeshire District Council

and in condition 10, it proposes joint surface water/storm water/road drainage pipes, which discharge into the Protected chalk stream. Neither alternative would render the contaminants harmless;

- These two submissions are also inconsistent regarding proposals for 'smart sponges' and their maintenance has been omitted in the submission for Condition 10.
- The Geo-environmental assessment is from 2017, so is out of date and does not relate to the RM scheme and the June 2020 amended drainage scheme.
- The Geo Environmental report of 2017, section 9.1 states that "It is anticipated that finished ground levels will be at, or close to, existing ground levels. Should this not be the case then this assessment may need to be reviewed". The proposals for RM and conditions, including terraces and sinking of the foul water pumps into the ground mean that this condition is not fulfilled, and the survey must be repeated to cover these changes.
- The same report, section 9.2 states that "The Groundsure Report, forming part of the Phase 1 assessment, has indicated that there are no non-coal mining cavities or natural cavities within 1000m of the site". It fails to take into account that the Southern site is directly over a main aquifer, a natural cavity, the dome of which has already been breached in the failed porosity/infiltration testing for the scheme.
- The toxicity levels assessment is based on screening levels for sandy loam soil. This is not appropriate for the clay and chalk soil of this site, so should be re-evaluated.
- The porosity test is the out of date one from the OL application (see Condition 10 below), where most test positions failed.
- The report predates the RM scheme and the latest drainage schemes of June 2020 (see Condition 10) and should have been updated accordingly.

The proposals are harmful:

- The proposal is based on out- of- date information and design, and does not take into account the amended scheme of June 2020, and the likely quality of water being discharged untreated from the road drains and stagnant water storage crates and static pond (plan E17-084-141.2) into the river and water supplies.
- The likelihood, based on the information provided within Condition 10, including the failed porosity tests, and collapsed test positions, is that the development will not be safe and that there will be unacceptable risks. Essentially, the basis of the scheme is flawed – the assessment is flawed as it is out of date and fails to consider the soil type, porosity, agro chemicals, the Protected Chalk stream, the water extraction from the river, and the frail thin chalk dome and natural cavity of the aquifer directly below the site, which is used for the Cambridge area's water supply.
- The proposal also does not adequately assess the shallow depth of the chalk dome over the cavity/water supply and the risks of breaching it by constructing soakaways, the swale/water storage pond and the pumping station. As a result, there are likely to be unacceptable risks to workers, neighbours and other offsite receptors, and it is likely that the proposals would imperil the local water supply, Protected chalk stream and the local environment. As a result, the condition should not be discharged.

The Greater Cambridge Shared Planning Service is a strategic partnership between Cambridge City Council and South Cambridgeshire District Council

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above

S/1963/15/COND14 Land To The North And South Of Bartlow Road Linton - DOC - Dust

Reason for call-in request

Airborne Dust - Objection

The requirements have not been complied with:

All that is contained in this submission is a Site Procedures document, which is not site specific. It therefore does not comply with the requirement to provide “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”.

The proposals are inconsistent:

- The Site layout submitted for Condition 15 shows an uncontrolled entrance, where dust could not be adequately controlled on entering and leaving the site.
- The Air and Dust site procedure states that all off-road surface site routes are to be hard surfaced, but this is not shown on the Site Layout (Building Sequence Plan).

It would therefore not “minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007”.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above

S/1963/15/COND15 Land to The North And South Of Bartlow Road Linton - DOC – Construction Plan

Reason for call-in request

Construction Programme - Objection

This condition requires:

- ‘a comprehensive construction programme’
- ‘identifying each phase of the development’ and
- ‘confirming construction activities to be undertaken in each phase and a timetable for their execution’

The requirements have not been complied with:

- The information provided is incomplete, and not ‘comprehensive’.
- The ‘Build Sequence Plan’ does not include any sequence, and the Planning Programme does not apply to the current timescale.
- The scheme does not provide for any phase and sequence of work that relates to public areas, before, during or after the construction of the house types.
- The Planning Programme is inconsistent with the requirements of condition 6, which are that the landscape buffers along the north eastern, south eastern and south western boundaries hatched green on drawing number UDS32001-500-2000-1402 be constructed prior to any houses.
- The scheme does not confirm construction activities to be taken in each phase of the protection, pre-construction, public areas and post-construction works, including:



- It does not provide description of the initial enabling works that will be required to make the site secure and to protect the existing features of the site, the surroundings and the amenity of neighbours;
- It does not provide a scheme for fencing the site to ensure the safety of the works and to discourage antisocial activity;
- It does not provide for lighting the site. This should be fit for purpose, but also be appropriate for the CEMP and the amenity and privacy of existing neighbours;
- It does not allow for the retention and protection of the aquifer water supply monitoring points.
- It does not include a scheme for the protection of the ecology in accordance with CEMP;
- It does not include a scheme for the protection of the topsoil on site within the existing site boundaries. There is no clarity about the existing soil heaps, as the 'Build Sequence Plan' treats it as a flat site;
- It does not protect the existing trees and hedges; and jeopardises their preservation, as the western boundary is used for parking and reversing all the vehicles into;
- It does not provide for hard or soft landscaping, for construction of the roads, play area, pumping station nor open spaces;
- The plan used is not the most up-to-date site layout (it predates June 2020) so conflicts with the information submitted for Condition 10 and does not include provision for the proposed pond and surface water drainage for the missing zone.
- It does not allow for any findings related to condition 9.
- There is only a storage area on the Southern Site and that is very small. It would provide for little more than is currently on site, and is likely to be impractical when work commences on the northern site.
- The plan does not provide a scheme for supervision of the site from the gate during the construction. It therefore conflicts with the scheme provided for the Dust condition 14 and is likely to result in deliveries and vehicle movements being unsupervised and unregulated.
- It does not provide roadways, and therefore again conflicts with the scheme for Dust Condition 14.
- The plan does not provide an organised vehicle movement process around the site, which is likely to result in more noise and dust.
- The major car movements are proposed along the boundary with the existing bungalows, including vehicles with audible reversing alarms using the main lorry/vehicle turning area, which is likely to cause noise pollution and significant disturbance to local residents.

- The parking area allocation is very small, and there is no parking area for the northern part of the site, which is being completed after the southern site. No calculations have been provided to demonstrate how many vehicles will be accessing this site and how much allocation is required so that this is adequate without vehicles being left along Bartlow Road. It is very likely, especially during the northern site phases, that workers will be abandoning cars along the existing road, as that would be much easier than continually parking at the bottom of the hill and walking up to the work areas, especially as there is no provision for supervision.
- There is no provision for control over the route vehicles take. The plan shows an access from the A1307, but no provision for vehicles that leave, and the accesses to the site are unsupervised. The accesses should be supervised, routes should be clarified and the scheme should be able to demonstrate that traffic would only access the site from the A1307, never through the village and Outstanding Conservation Area.
- It is critical that an accountable experienced construction manager provides the documents that are needed for this condition and provides a deliverable scheme that takes into account all the specific constraints of this site.

As a result, the submission does not minimise noise and disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007. It also adds to the risk that the construction phase is not based on the latest scheme, and will not comply with relevant protections for residents and the environment within the conditions of the approvals, and other documents such as the EDS, CEMP and the Site Procedures document. It therefore does not satisfy the condition so should not be discharged.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above

S/1963/15/COND16 - Land to The North and South of Bartlow Road Linton - DOC Noise

Reason for call-in request

Noise Assessment - Objection

This condition negotiated with the original applicant is not fit for purpose to protect residents against noise pollution. Within its restricted scope, it requires:

- 'a scheme for protecting the proposed dwellings from noise from the A1307 road'.
- The reason given is that this is 'To minimise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.'

The requirement has not been complied with:

- The data does not relate to the area the proposed dwellings would be;
- The data is therefore unrepresentative of the noise that would be experienced;
- The data does not identify where on the sites the noise pollution would have the most effect and therefore what methods of protection would be most appropriate;
- The scheme does not look at the options available;
- The scheme does not protect against night-time noise;
- The scheme does not protect residents' outside space.
- The submission does not satisfy the reason for imposing the condition, as it does not demonstrate that it minimises disturbance to adjoining residents.

The scheme and proposals are inconsistent:

- This consists of a scheme dated December 2019 based on previous noise assessments of 06/07/2015 to 07/07/2015 and 08/06/2018, already shown to be inadequate for true assessment of the noise expected on site.
- The re-submitted noise data are insufficient, unrepresentative and misleading.
- Linton lies in a river valley, with noise reverberating between the hills that border the valley. The noise is greater away from the road, closer to the village, and on higher ground. However, there was only a single noise reading taken from the site, and that was taken from a position much lower than the A1307, the main source of noise.
- The rest of the noise readings have been collected from the wrong sites to adequately capture actual noise levels affecting the site. That only one on-site recording position (L2) was away from the area of loudest noise.



- Only the noise from the A1307 is measured; the long-term, day and night noise from the Camgrain driers, other roads and other noise sources has been ignored. The Camgrain noise has been a source of stress for many years, being amplified down the river corridor and across the valley across the village and on this site.
- The noise measurements have been taken at unrepresentative times - June and July, in the school holidays and only for short periods well outside of peak times. See appendix 2, table 3 - the longest time is around 5 minutes at mid morning. Even so, the majority of measurements exceeded the EU safe levels.
- The one position taken on site was not tested in 2015, and the information now provided shows that none of the 2015 readings were on the development site. There still is no reading from the Northern site and there is no reading near Bartlow Road.
- The position L2 was only tested on one day, and then it avoided both the morning and evening rush hours, and the readings were taken during the holidays, so are clearly not representative.
- Despite this, the readings at L2 were 56DB, so exceeded the acceptable range of maximum of 50-55dB. The entry has a note 1 against it, which says the readings are minimum, not maximum. This entry is therefore misleadingly provided and not fit for purpose because it obscures what maximum levels were actually reached.
- Likewise, the only chart of the noise is not from any position on the development site, so is misleading.
- Traffic has increased on the A1307 since the original data, but the effect of this peak-time commuter traffic is hardly captured after 10 in the morning. Data collected 7-9 and 5-6 pm would be more representative and guaranteed to fail recommended levels.
- The test sites are not at the noisiest areas (near the Bartlow Road), and only one test site is on the development site. This is a desperately misleading set of data.
- The report does not adequately consider external amenity spaces, night time conditions, and the use of public spaces, such as the LEAP and LAP. It is reliant on the residents staying inside houses with their windows shut.
- Noise amelioration is essential for the site: the noise levels have been grossly underestimated due to the dates and times of measurement (especially the re-test data)
- During peak hours, when the A1307 is running freely, the noise at the sites is considerable. The noise outside, in play and communal areas has not been evaluated
- Planting trees, which take an appreciable time to grow and will not become tall enough to protect bedrooms from the noise, is insufficient noise amelioration.
- The loss of large and mature hedges along Bartlow Road will deprive current residents of much needed noise protection and screening. It is not acceptable to inflict this on residents. Their replacement with "neatly clipped" ornamental hedges will not screen from noise.

Even within the restricted scope of condition 16, the requirement has not been complied with, and the development does not comply with relevant policies protecting residents

against noise pollution, including HG/1 and NPPF 180. As a result, the condition should not be discharged.

Accurate representative noise data and a more suitable protection scheme is required.

The noise assessment fails to provide any noise data for the new Pumping Station. There is indication on the plans submitted with these conditions that there is a circular zone of potential noise that extends over a neighbouring garden. The reproductions of the plans are so poor that the annotation cannot be read. Further noise information is required in order to minimise disturbance of neighbours.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above

S/1963/15/COND17 - Land to The North and South of Bartlow Road Linton – DOC Ecology Design

Reason for call-in request

Ecological Design Strategy - Objection

This condition requires:

- ‘an Ecological Design Strategy (EDS) addressing compensation, enhancement, and restoration’ The EDS to include: a) Purpose and conservation objectives for the proposed works. b) Review of site potential and constraints. c) Detailed design(s) and/or working method(s) to achieve stated objectives. d) Extent and location/area of proposed works on appropriate scale maps and plans. e) Type and source of materials to be used where appropriate, e.g. native species of local provenance. f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development. g) Persons responsible for implementing the works. h) Details of initial aftercare and long term maintenance. i) Details of monitoring and remedial measures. j) Details for disposal of any wastes arising from the works.

Retention of features to include: i) The protection, enhancement, and restoration of the area in the vicinity of the County Wildlife Site adjacent to the southern Boundary. ii) Compensation for the loss of any species rich hedgerow iii) Incorporation of retained hedgerows into prescribed management scheme iv) Provision of suitable compensatory habitat for breeding birds and Roman snails. v) Provision of suitable drainage features (attenuation ponds etc.) vi) Details of native species planting schedules and other biodiversity enhancement features (bat and bird boxes etc.).

The requirement has not been complied with:

- The review of the site potential does not provide an accurate assessment, due to numerous omissions and inconsistencies, such as the statutory designation of the river (it is a Protected chalk stream), and those noted below, and the fact it is very out of date;
- The site assessment does not relate to the RM scheme. It does contain a large scale plan of the RM site plan but this at a scale and reproduction that is unreadable, and no details of the EDS elements are provided at a suitable large scale.
- It does not mention any native species of local provenance, and there is no assessment in the EDS of what species are of local provenance.
- The EDS still refers to attenuation basins, which predate the RM layout, and were subsequently replaced by crates. The EDS therefore does not take into account the risk to ecology from bacterial build-up on the crates, and the further risk because there is no maintenance scheme for them.
- It does not provide details of the persons responsible for implementing the works;
- It does not relate the timetabling of appropriate ecology works with the timetable of the actual construction works.
- The scope of protection is inconsistent with the construction plan provided for condition 15. That does not describe and timetable any ecological works and the construction plan does not show the protections and buffers described in the EDS. The construction plan and the landscape plan do not provide the 30 metre buffer described.
- The programme does not provide for the requirements of condition 6, which are that the landscape buffers along the north eastern, south eastern and south western boundaries hatched green on drawing number UDS32001-500-2000-1402 be constructed prior to any houses. The EDS also does not provide for their protection and maintenance.
- The monitoring is not consistent across the submissions.
- There are no details for disposal of wastes arising from the works. There are no proposals for monitoring, protecting and rehoming the animals that the CEMP warned may inhabit the existing soil heaps.

The scheme and proposals are inconsistent:

- The data consists of an out-of-date report which does not relate to the RM layout, and has previously been identified as being deficient. Examples of significant errors that have not been updated include:

- The hedges have not been assessed within the statutory criteria of Protected hedges.
- The Great Crested Newt assessment was at the wrong time of year; it did not consider the location of the last recorded GCN location, and did not revisit this and the other wet sites very close to the boundary of this site.
- Item 2.3 - The basis of the report is inaccurate, omitting that the Granta is a rare chalk stream with international protection. The river holds brown trout amongst other water life, and LPC with the Friends of the River Granta have a programme of work to improve their protection and enhance the rare stream, as guided by the Wild Trout Trust. This will be compromised by the proposals in the report. There is insufficient protection for this rare asset.
- Page 10 - "River Granta County Wildlife Site – will be protected with a wide buffer and defensive planting to deter animals and people from accessing the river corridor". This defensive barrier is missing from the landscaping report and Condition 5 (above)
- 4.8 The proposed planting, especially that along the river corridor (gorse, holly) is incompatible with the native species of the area and the regular flooding that takes place.
- A path along the river conflicts with the protection proposals for the river.
- 4.10 - dead wood piled 4-8 m from the stream would be liable to be caught in floodwater and cause damming lower down the river, with potential to cause flooding in the village
- More inaccuracies - Pocket Park, Leadwell Meadows and Hogsholme, immediately south of the site, have not even been recognised as sensitive sites. These, along with the adjacent Flemings Field are County Wildlife areas, and will be adversely affected by the light, pollution, noise and visual detriment caused by the development.
- Section 2.9 refers to the area of Willows across the A1307, and does not reflect the river corridor and its plants.
- 2.10 - "All boundary hedgerows are species-rich, mature and have associated features, therefore, could be classified as important under the ecological criteria of the Hedgerow Regulations". The report assumes retention of the important species rich hedgerows, but the plans show that they will be lost.
- The necessary tree and hedge survey should have been carried out following identification of the boundaries on the 1600 maps, to confirm they are statutorily protected.
- The many ponds were not adequately surveyed, nor is August/September the optimum survey time for invertebrates.
- 2.13 Otter spraints are regularly found - in June 2020, by Ecologist Rob Mungovan, for example. The EDS report is inaccurate and out of date.
- 2.22 reptiles - The walkover survey was carried out at the wrong time of year, and did not comply with English Nature guidelines. The required season -long survey has still not been carried out.

- 4.3 - this is an area with cattle - badgers should not be encouraged as they spread Bovine TB (*Mycobacterium bovis*). Badgers will kill the few hedgehogs we have left.
- 5.8 - retention, protection and maintenance of trees and hedges cannot be guaranteed as this natural area is reduced to urbanity.
- We are confident that there has not been sufficient investigation and insufficient surveying to properly inform the ecological status and effect of development on this area.
- Due to the flawed report, insufficient surveys and inadequate protection recommendations, the ecological basis of the report is erroneous, the information provided in the overall submission is incompatible with other submissions, so should not be discharged.

The submission therefore does not maintain and enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007. It does not therefore satisfy the condition so should not be discharged.

The new Ecology consultee has made a response that does not seem to apply to the version of the EDS that has been submitted. He expresses disappointment that all the attenuation ponds have been removed and replaced with underground storage crates. The EDS is out of date so makes no mention of the crates and still assumes there are attenuation basins. He notes the inappropriate planting of ash but is satisfied because the drawings do not comply with the EDS on this point. If documents are inconsistent, they should be made consistent, rather than approved. Whilst we agree with the two objections he describes above, the consultee should have identified where there are no submissions to satisfy the individual criteria of the condition. Please provide him with a copy of these comments which cover some of these omissions, and ask for an update of his comments.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above

S/1963/15/COND18 Land To The North And South Of Bartlow Road Linton – DOC - Construction and Environmental Management Plan

Reason for call-in request

Construction Environment Management Plan - Objection

This condition requires: 'a Construction Environmental Management Plan (CEMP: Biodiversity)', which shall include:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timings of sensitive works to avoid harm to biodiversity features. e) The times during which construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs if applicable.'

It shall specifically include:

- i) Provide mitigation for the avoidance of disturbance of breeding birds
- ii) Avoidance of harm to Roman snails
- iii) Avoidance of accidental trapping of badgers in trenches and pipes
- iv) Provision of a 30 m buffer to protect any potential otter holts from disturbance.
- v) Provision of tree, hedge and other retained habitat protection zones.

The requirement has not been complied with:

- The basis of the assessment of biodiversity features is flawed and out of date (in common with Condition 17 above). The report predates the latest site layout of June 2020;
- The identification of 'biodiversity protection zones' should have included water meadows (including Pocket Park/Leadwell Meadows), the Protected Chalk stream, the shallow water features along the boundaries of the site and just outside the site where the GCN was last recorded, the locations recorded for the Roman snails, and the Protected hedges.

- The potentially damaging construction features should have included the spoil heaps / topsoil mounds which were constructed contrary to the previous CEMP;
- The CEMP refers to swales based on an out-of-date layout, so the consideration of measures, programmes and works etc based on the design will not be up to date. It should be updated.
- The CEMP should be updated to take into account current statutory criteria and material guidelines, such as those from English Nature.
- The CEMP does not provide the construction management information required, such as for the timings, site communication and clerk of works; it just reproduces the list within the condition.

The comments in the EDS should be read in conjunction to this plan, as many of the same issues have not been addressed. This is an old report based on a flawed evaluation of the neighbouring open areas, the OL scheme layout and the retention of all the species-rich hedges, and does not give due weight to the presence and protection of the rare chalk stream. There are conflicts between this and the plans provided to discharge other conditions. As such it cannot be discharged.

The submission is flawed:

- Section 1.6 refers to the river corridor but then describes a commercially planted area of cricket bat willows across the A1307, not associated with the site. The report fails to recognise Pocket Park/Leadwell Meadows/Hogsholme Linton's public wildlife and leisure area with its natural plants and ecology, which is located across the river from the site. These, with the adjacent Flemings Field, are County Wildlife Areas with a rich range of species.
- The rarity of the chalk stream and protected status of The Granta has not been sufficiently acknowledged, particularly in connection with potential pollution and access from the site.
- Section 1.7 - the flaws in the 2014 Ecological survey have already been described • The season-long amphibian survey, noted as absent yet required, is still missing. Those surveys were undertaken at times unsuitable for the presence of any amphibians (dry, hot for prolonged periods and at the wrong time of year) so are invalid.
- Section 1.15 gives a better description of the river area and ponds than the OL report. Great Crested Newts have been recorded within 40 metres of the site boundary and also in the other known ponds within close proximity of the site.
- The pond survey is deficient and still needs to be properly carried out in accordance with English Nature's guidelines.
- Section 1.16 Roman snails have been seen and photographed on site, in wetter conditions than were recently present (a 3-year drought period). They are found near the Rookery and elsewhere in the village.
- Section 3 refers to habitats - 3.6 - the site is now bare of crop, and topsoil, this having been removed without planning permission and formed into mounds that are subsiding

after the recent rains. This is a deliberate loss of habitat and is in direct conflict with the CEMP.

- 1.17 and 3.8 The "Species Rich Hedgerow" refers to boundary hedges, including those along the Bartlow Road. The CEMP puts great store on the benefits that the retention of the hedges brings the environment, but in the RM scheme, these protected hedges are to be lost. These will not be retained and infilled by similar hedging, as before, but instead replaced by small, domestic, urban hedges - this is not a suitable replacement and will be deleterious to the ecology, noise reduction and appearance of the area.
- 2.3 Post-construction responsibilities - the trees/hedges within residents' gardens cannot be guaranteed not to be removed by occupants of the urban development
- 3.9 The access to the river cannot be prevented in current plans, as the protective thorny barrier has been removed from plans. The 30 metre buffer is also not shown on the drawings and is not taken into account in the construction management plan. The CEMP recommendations are not proposed on the drawings - the protection of sensitive and protected features such as the rare chalk stream is essential.
- 3.21 - 3.25-The river corridor is outside of the developable area and needs to be conserved not planted with gorse and holly that are unsuited to the natural and regularly flooded area. Trees on the river bank should be left alone as they help retain the bank and the existing willows provide a more effective flood protection than that proposed.
- 3.26 - the tree mix is not suitable for the conditions and history of the area. This is an area of Beech stands and field maple. We have lost mature trees due to Ash-dieback in the area. Holly and hawthorn will be too low to reduce the noise from the A1307. The willow which has helped to mitigate flooding is being removed and not replaced.
- 3.28 – There is no certainty how the new hedge would be consistently and appropriately retained at suitable height by urban residents.
- 3.30, 4.41 Due to the presence of cattle and hedgehogs in the area, badgers should not be encouraged. The basis of the Ecological CEMP needs to be updated to include the necessary studies in accordance with English Nature requirements, including the protected hedges and amphibian survey. The plans need to be consistent with the CEMP and the CEMP needs to take into account the current layout, not the out of date OL layout (there are now no swales, etc). As provided, it does not comply with the statutory requirements; planting and protection measures need review.

The proposals therefore do not “minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981”. They do not therefore satisfy the condition so should not be discharged. In addition they do not comply with policies HQ/1 and Chapter 15 of NPPF.

The new Ecology consultee notes that the CEMP and layout plans are inconsistent, and believes that all swales have been removed. He and the CEMP are clearly referring to schemes that are out of date and inconsistent with the June 2020 amendment. The response is not sound if it is agreeing a design that no longer applies. The response, like that for Condition 18, does not address the issue of all the criteria of the condition that have not been provided.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above

S/1963/15/COND19 Land To The North And South Of Bartlow Road Linton - DOC – Archaeology

Reason for call-in request

Archaeology – Holding Objection

- We noticed that the County Archaeologist refers to a document that is not on the website when it is proposed to sign-off parts i- iii . Until a copy is provided we cannot really comment on this condition and whether it has been fulfilled.
- This document might be one that describes what was found (as an initial summary before the main report), and LPC haven't seen that.
- The practical work of the archaeological team has been completed but a full and complete fieldwork report from the site investigators has not been submitted.
- The report should have been completed and submitted within 2 years of the completion of fieldwork. This is long overdue.
- As such this DoC does not comply with the condition and the archaeological stage reached. • The report, when it comes should accurately describe the finds, including the buildings, flint tools, hearth, bone comb, the well and Roman roads that were known to be there.
- Although part of the condition has been completed, the full planning condition has not been complied with and as such cannot be signed off.

LPC Decision: Object and do refer this to the District Council Full Planning Committee

Key considerations

The comments of the Parish Council were noted, and whilst detailed technical comments have been provided, it was considered that due to the technical nature of the issue, this matter should be resolved under delegated authority with the advice of specialist officers.

The proposed discharge of condition was not considered to present significant issues for adopted policy, to be of a nature, scale or complexity or have a history that would indicate that the matter should be referred to the planning committee for decision.

Decision

Delegated decision. See above