

APPENDIX

S/0032/06/F

MILTON

**Sixth Draft changes from fifth Draft.**

1. Condition 32(i) - Omission of reference to "first phase".  
Phasing is to be approved in general by reference to Condition 32 and Para 4 of 2nd Schedule of S106 Agreement (Sixth Draft).
2. Clarification of Condition 14, "public access".
3. Minor improvements to the wording of Condition 46.

**CHANGE OF USE TO ROWING LAKE AND COUNTRY PARK, OUTLINE CONSENT  
FOR BUILDINGS AND CONSTRUCTION OF ROWING LAKE**

**DRAFT CONDITIONS (REVISION 6) - 22/12/95**

1. The approval of the Local Planning Authority shall be obtained to the siting, design and external appearance of the boathouse and canoe club store, the means of access thereto and landscaping of the site before the construction of such buildings is commenced.
2. Application for approval of all reserved matters referred to in Condition 1 shall be made not later than the expiration of three years from the date of this permission.
3. The development to which this permission relates shall be started not later than whichever is the later of the following dates:-
  - (i) the expiration of five years from the date of this Decision Notice;
  - or
  - (ii) the expiration of two years from the final approval of the reserved matters referred to in Condition 1 or in the case of approval of matters on different dates, the final approval of the last such matter to be approved.
4. The boathouse and canoe club store shall not be commenced until details of the following in respect of these approved buildings have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details:-
  - (a) external materials;
  - (b) surface and foul water drainage;
  - (c) refuse storage/waste accommodation;
  - (d) finished floor and roof levels of these buildings in relation to ground levels;
  - (e) car parking provision to include space for disabled persons' vehicles.

5. The boathouse building shall not provide accommodation other than for boat storage, residential accommodation, changing, showering and toilet facilities, catering facilities and ancillary offices. Other than the residential accommodation, this accommodation shall only be made available for use by spectators and participants of watersports solely for purposes ancillary to the primary use of the site as a lake for the activities defined in Condition 11.
6. The occupation of the residential accommodation, hereby permitted, shall be limited to persons solely or mainly employed in connection with the Rowing Lake and Country Park, hereby permitted, or a widow or widower of such persons and to any resident dependants.
7. The catering facilities within the boathouse building shall not be used other than in connection with and as ancillary to, the use of the lake on any particular day for the activities defined in Condition 11.
8. No permanent or fixed structures shall be provided on the site for the storage of boats other than within the boathouse unless otherwise agreed in writing by the Local Planning Authority.
9. The canoe club store shall not provide accommodation other than for the storage of canoes or other boats used on the lake for the activities defined in Condition 11.
10. No permanent or temporary buildings, towers or structures shall be erected on the site unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
11. The lake shall not be used for any purpose except rowing, sculling, canoeing or angling or other water sports which do not involve motor driven craft unless otherwise agreed in writing by the Local Planning Authority and shall at no time be used by motor driven craft other than incidental to the uses, hereby permitted.
12. The lake shall not be used for any activity until the construction of the "cut and canal" link to the River Cam has been completed.
13. Prior to the commencement of the use of the lake a phasing plan showing those areas to be used for the parking of vehicles at events, competitions, regattas etc, together with internal road and footpath layout shall be submitted to and approved by the Local Planning Authority; vehicles attending on such occasions shall not be parked on the site other than in accordance with the approved plans.
14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of public access to the site. Such scheme, which shall include a layout plan illustrating those parts of the Country Park and Rowing Lake surrounds which shall be available for public access, as shall have been approved shall be implemented within 12 months of the completion of the lake or at such time as shall have been previously agreed in writing with the Local Planning Authority, and shall be maintained for the duration of the use, hereby permitted.

15. Prior to use, details of the type, output and location of any public address system to be used on the site shall be agreed in writing with the Local Planning Authority. The system shall be installed in accordance with the approved details.
16. Following the commencement of the use of the lake, noise emitted from the use of plant and machinery on the site shall not exceed 41 dB(A) L<sub>max</sub> (slow) or LA<sub>eq</sub> (fast) (one minute) between 07.30 hours and 18.00 hours Monday to Friday and 41 dB(A) L<sub>max</sub> (slow) or LA<sub>eq</sub> (fast) (one minute) between 07.30 hours and 13.00 hours on Saturdays as measured 1 metre from the facade of the nearest houses to the site.
17. Following the commencement of the use of the lake, no power operated machinery shall be operated on the site before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays, Bank or public Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
18. No illumination shall be erected or otherwise provided on the site without the prior written approval of the Local Planning Authority.
19. Prior to the carrying out of any work of hard surfacing, samples and a specification of all finishing materials to be used in any hard surfacing of the application site shall be submitted to and approved by the Local Planning Authority in writing. At the same time, details shall be submitted and approved in writing of the areas on which each of the materials is to be used; the work shall be carried out in accordance with the agreed details.
20. Provision shall be made for access at all times whilst agricultural operations are carried out on land within the site and for the continued carrying out of agricultural operations on land adjoining the site.

### **Highways**

21. No development shall commence until full engineering details of the Car Dyke Road access shown on Drawing No. 59/1.53 together with all other highway works arising from these proposals have been submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority; the access shall be constructed in accordance with the approved details prior to the commencement of the use of the lake.
22. The vertical alignment of the bridge and highway works shown on Drawing 59/1.56 is specifically excluded from this planning consent. No works shall commence until such details have been submitted to and approved by the Local Planning Authority after consultation with the Local Highway Authority and the works shall not be carried out other than in accordance with the approved details.
23. No vehicular access shall be provided to the site other than from Car Dyke Road in accordance with the details to be agreed by virtue of Condition 21.

## Drainage

24. Prior to the commencement of any development a scheme for the:-
- (a) method of working for all excavations and structures;
  - (b) protection and monitoring of groundwater;
  - (c) continued effective operation of existing Awarded watercourses, ditches and agricultural land drainage systems;
  - (d) protection of main river fish and fish stocks and;
  - (e) method and timing of abstraction of water from the River Cam
- shall be submitted to and approved in writing by the Local Planning Authority; the work shall be carried out in accordance with the approved scheme.

## Archaeology

25. No development shall commence until the applicant has implemented an archaeological evaluation, through an approved archaeological contractor, in accordance with a written scheme of investigation which shall have been submitted by the applicant and approved in writing by the Local Planning Authority. The evaluation shall determine the location, extent, date, character, condition, significance and quality of surviving archaeological remains likely to be affected by the development and shall include recommendations for mitigating the impact of the proposed development on important archaeological remains, including excavation and recording as required. The archaeological evaluation shall be completed to the satisfaction of the Local Planning Authority and a copy of the report and recommendations provided for the Local Planning Authority.
26. Development shall not take place on the site except in accordance with a programme of archaeological excavation and investigation, to be undertaken by the developer, which shall be submitted to and approved in writing by the Local Planning Authority. The programme shall reflect the recommendations contained in the report prepared in accordance with Condition 25, shall include the timescale for recording and reporting results, and shall be completed to the satisfaction of the Local Planning Authority. The programme of excavation and investigation shall be carried out by an archaeological contractor approved by the Local Planning Authority.
27. Prior to commencement of any development a scheme to safeguard the Car Dyke Scheduled Ancient Monument during construction and thereafter shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented prior to any works being undertaken within a distance of 40 metres of any boundary of the Ancient Monument.
28. During the course of all operations, hereby approved, the developer shall afford reasonable access to any archaeologist nominated by the Local Planning Authority for the purpose of investigation and recording.

## Landscaping

29. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of the contouring (including appropriate sections) to show the height and profile of the mounding, position of planting together with indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development, details of grass and wildflower seed mixes, a management and maintenance plan and proposals for the preservation, in situ, of important archaeological remains, not to be excavated, which have been identified by the evaluation required by Condition 25.
30. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion and grading of each of the mounds, the restoration of the soils or in accordance with a phasing plan previously agreed in writing with the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
31. Prior to construction of each agreed phase of development a plan shall be submitted to and approved in writing by the Local Planning Authority showing measures to protect existing trees within or adjacent to the site. Such measures shall include chestnut pale fencing (or other type of fencing approved by the Local Planning Authority) of a height not less than 1.3 metres which shall have been erected around each tree or tree group to be retained on site at a radius from the trunk of not less than 3.6 metres (12 ft) or the extent of the crown spread plus one metre, whichever is the greater of the two. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of the development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with a tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

## Construction

32. No development shall take place until a phased scheme for construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-
- (a) a method for determining soil moisture content together with criteria to be used to assess the suitability of conditions for the removal of topsoil and subsoil to minimise risk of structural damage and compaction. The soils shall only be moved when in a suitably dry and friable condition;
  - (b) depths of topsoil and subsoils to be stripped from the site;
  - (c) detailed scaled plans showing the direction and phased working and restoration/construction scheme;
  - (d) the method of working and the type of soundproofing of all plant and machinery including dewatering pumps to be used on the site;

- (e) detailed scaled plans showing levels on the site prior to the commencement of development and those following restoration/construction;
- (f) details of the location, construction, height and maintenance of all screening, soil storage and acoustic mounds and fences; and
- (g) details of noise attenuation and monitoring and of dust suppression;
- (h) detailed scaled plans showing the precise alignment and means of construction of the "cut and canal" link between the lake and the River Cam, together with the details of construction and design of the culvert under the railway line;
- (i) details of the timing of the construction of the "cut and canal" link and the culvert under the railway line, which in any event shall be constructed within the first phase of development.

No construction operations shall be carried out other than in accordance with the approved scheme without the prior written approval of the Local Planning Authority.

- 33. Details of the construction and design of the canal link to the River Cam and of the bridge to carry the Haling Way (public footpath no. 1 at Milton) over the canal shall be submitted to and approved in writing by the Local Planning Authority before such work commences; the work shall be carried out in accordance with the approved details.
- 34. No engineering or construction work shall be carried out and no power operated machinery shall be operated on the site before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays, Bank or public holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
- 35. Noise emitted from the use of plant and machinery during the period of construction shall not exceed 51 dB(A) L<sub>max</sub> (slow) or L<sub>Aeq</sub> (fast) (one minute) between 07.30 hours and 18.00 hours Monday to Friday and 51 dB(A) L<sub>max</sub> (slow) or L<sub>Aeq</sub> (fast) (one minute) between 07.30 hours and 13.00 hours on Saturdays as measured 1 metre from the facade of the nearest houses to the construction site.
- 36. No illumination of the engineering or construction work shall be erected or otherwise provided at any time unless otherwise agreed by the Local Planning Authority.
- 37. Engineering and construction vehicles, plant and machinery shall not use Fen Road, Milton for access to or egress from the site.
- 38. The development, hereby permitted, shall not be carried out unless vehicle cleaning equipment of a specification and in a position to be approved in writing by the Local Planning Authority has been installed. The equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. All vehicles leaving the site shall pass through the cleaning equipment in order to prevent mud and other detritus being carried onto the public highway. The road between the cleaning equipment and the public highway shall be suitably hard surfaced, sealed and drained away from the public highway.
- 39. The site access shall be kept clean and swept with a mechanical sweeper as necessary to the reasonable satisfaction of the Local Planning Authority.

40. No excavated material, topsoil or subsoil shall be removed from the site.
41. Prior to the grading of the overburden to enable the replacement of soils, details of the proposed topsoil and subsoil depths and phased under-drainage scheme for the restored land shall be submitted to and approved in writing by the Local Planning Authority. Stored soil shall only be moved when in a dry and friable condition and within previously agreed soil moisture conditions under the provision of Condition 32(a). The agreed phased under-drainage scheme shall be implemented to the satisfaction of the Planning Authority.
42. Details of the restoration of the margins and bank profiles for the lake shall be submitted to and approved in writing by the Local Planning Authority prior to the formation of the lake.
43. Compacted layers caused by machinery engaged on the respreading of subsoil and topsoil shall be relieved by subsoiling using a suitable winged tine subsoiler to the satisfaction of the Local Planning Authority. Any stones larger than 75 mm in size that arise from the subsoiling shall be removed and the land cultivated to the satisfaction of the Local Planning Authority.
44. Following the spreading of topsoil an adequate number of samples of topsoil shall be analysed to assess fertiliser and other ameliorants required to promote normal plant growth. The results of these analyses shall be forwarded to the Local Planning Authority and details of treatment, seed mixtures and rate of application shall be approved in writing by the Local Planning Authority prior to their application.
45. All fuel, oil or chemical storage tanks, buildings, ancillary handling facilities and equipment including pumps and valves shall be contained within an impervious bunded area of at least 110% of the tank capacity designed and constructed to the satisfaction of the Local Planning Authority.
46. No commencement of soil extraction and consequent mounding permitted by the approved plans shall take place unless three months prior thereto a five year aftercare scheme shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify steps as may be required to bring the land up to the required standard to encourage the growth of natural vegetation and/or for agricultural use. These steps shall include soil analysis, tile drainage, subsoiling, fertiliser, lime and other nutrients required, weed control, the keeping of records and an annual review of performance. The aftercare scheme shall be implemented to the satisfaction of the Local Planning Authority.
47. No development shall commence until the applicant has given notice in writing of intention to carry out work on the site to the appropriate statutory undertakers and other agencies responsible for service installations affecting the site; precautions shall be taken to safeguard all installations which may be affected by the proposed development.

#### **Unexpected Cessation of Operations**

48. Should for any reason before the development hereby permitted shall have been substantially completed the engineering or construction operations cease for a continuous period in excess of 12 months the occupier of the site shall upon written request from the Local Planning Authority produce a scheme for the restoration of the site, including a scheme of timings, provision for soiling, grass and tree planting in a similar manner to that referred to in the aforementioned conditions. Unless otherwise agreed in writing by the Local Planning

Authority all work of restoration shall be completed within three years of the date of cessation of operations in accordance with a revised scheme which shall have been agreed in writing by the Local Planning Authority.