

22/00358/FUL

Land North East Of Rijon

Padnal

Littleport

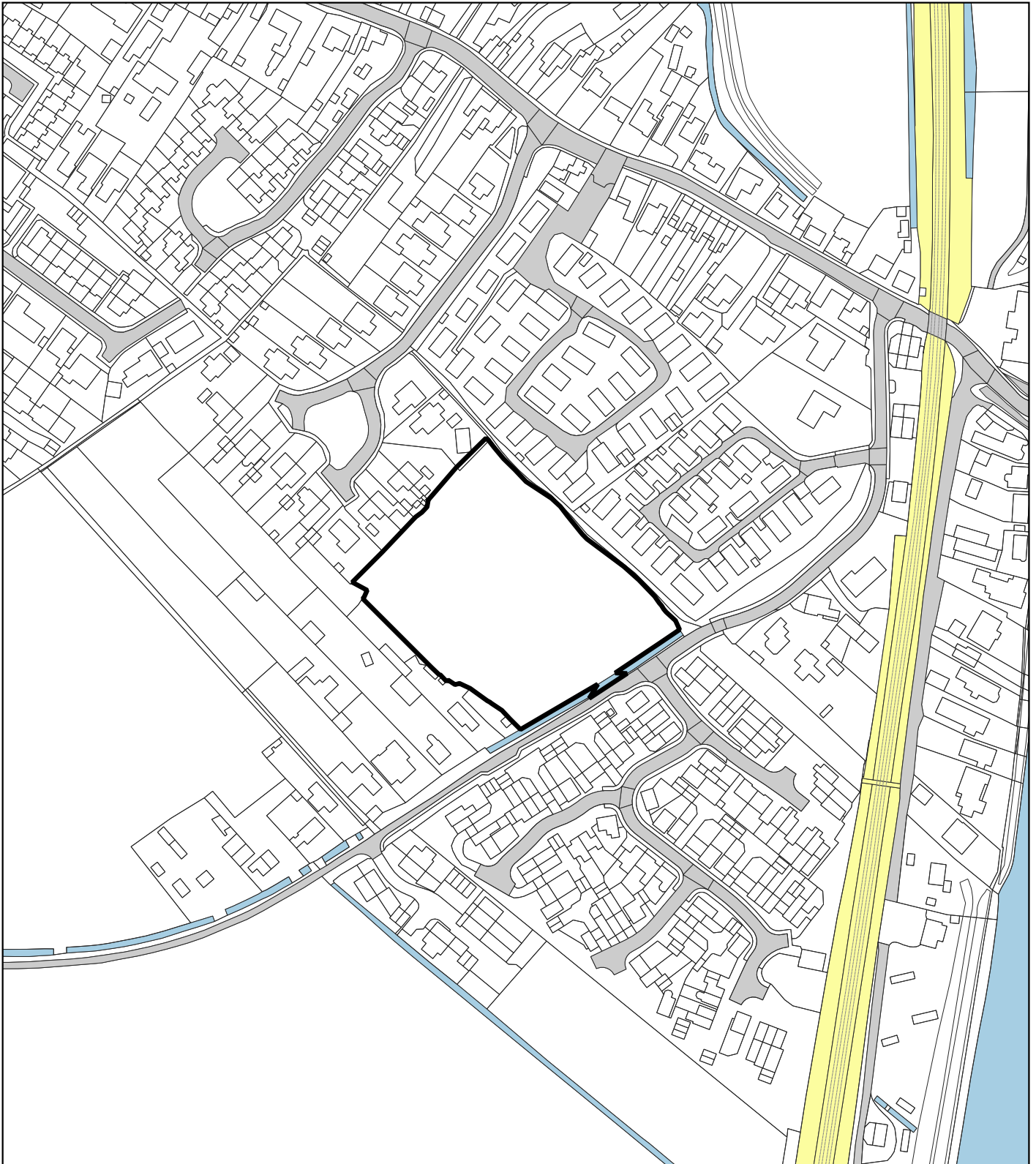
Cambridgeshire

6no. four bed dwellings and associated works, phased development

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22/00358/FUL

Land North East Of Rijon
Padnal
Littleport



East Cambridgeshire
District Council

Date: 29/09/2022
Scale: 1:2,500



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MAIN CASE

Reference No: 22/00358/FUL

Proposal: 6no. four bed dwellings and associated works, phased development

Site Address: Land North East Of Rijon Padnal Littleport Cambridgeshire

Applicant: Bedwell Developments Ltd

Case Officer: Toni Hylton Planning Team Leader

Parish: Littleport

Ward: Littleport

Ward Councillor/s: Christine Ambrose-Smith
David Ambrose-Smith
Jo Webber

Date Received: 5 April 2022

Expiry Date: 4 November 2022

Report Number X91

1.0 **RECOMMENDATION**

1.1 Members are recommended to Approve the application subject to the recommended conditions below. The conditions can be read in full on the attached Appendix 1.

1. Plans
2. Development to commence within 2 years
3. Contamination investigation
4. In the event of contamination being found
5. Archaeology
6. CEMP
7. Fire Hydrants
8. Arboricultural Method Statement
9. Boundary Treatment as plan
10. Soft and hard landscaping details
11. Restrict windows
12. Obscure glazed windows
13. Materials
14. Biodiversity

2.0 **SUMMARY OF APPLICATION**

2.1 The application proposes the erection of 6 detached dwellings developed in 6 phases. The north-east of the site is to be used a habitat area. Each plot has its own garden and a

minimum of 2 off road parking spaces. The table below gives the details of each plot. The numbers shown in italics are the measurement in feet/square feet.

Plot	Height (metres) (<i>feet</i>)	Floor area (square metres) (<i>square feet</i>)	Garden area (square metres) (<i>square feet</i>)	Accommodation	Materials
1	8 <i>(26.2 ft)</i>	180 <i>(1937)</i>	625 <i>(6727)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick Pantile roof Anthracite grey UPVC windows/doors Hardiplank 'Heathered Moss'
2	8.4 <i>(27ft)</i>	112.50 <i>(1211)</i>	484 <i>(5290)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Grey slate roof Anthracite grey UPVC windows/doors
3	8.7 <i>(28ft)</i>	84 <i>(904)</i>	420 <i>(4520)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Pantile roof Anthracite grey UPVC windows/doors
4	8.8 <i>(29ft)</i>	90.05 <i>(969)</i>	875 <i>(9418)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Grey slate roof Cream painted render Sage green UPVC windows and doors
5	8.5 <i>(27.8ft)</i>	90 <i>(968)</i>	1156 <i>(12,443)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Pantile roof White UPVC windows/doors
6	7.5 <i>(24.6)</i>	93.5 <i>(1007)</i>	1200 <i>(12,916)</i>	Kitchen/diner, utility, WC, study and lounge, 4 beds, bathroom and en suite	Buff brick, Grey slate roof Anthracite grey UPVC windows/doors Hardiplank 'Monteray Taupe'

2.2 Access is from Padnal and is proposed to be a private road using block paving with a footpath. To the north of the site is dedicated wildlife area, which has been increased since the application was first submitted. A 2 metre (6.5 foot) boundary fence is proposed to the western boundary, with a post and rail fence to the south-east and northeast boundaries. Planting is shown to the boundary with Padnal.

2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

21/00247/FUL	Proposed 6no. four bed dwelling with associated works (Phased Development)	Refused	14.04.2021
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19/01289/OUT	Outline application for 9 dwellings including associated works	Withdrawn	11.11.2019
19/00432/OUM	Residential development for 10no. dwellings and garages with associated works	Withdrawn	12.06.2019
13/00295/FUM	Change of use of land to mobile home park	Refused	25.11.2013
81/00273/OUT	Residential mobile home park 30 double units	Withdrawn	
79/00174/OUT	Residential development (no. Of dwellings unknown)	Refused	08.05.1979

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site, which comprises 0.98ha (2.4 acres) of un-used paddock/farmland, is just outside the settlement boundary of Littleport and is situated on the north-western side of Padnal, a road serving residential and farm properties. To the north-west are residential properties of Hawthorn Close, and to the south west the recently completed housing estate of Fishers Bank. To the east and north-east are two mobile home parks, New Orchard Park and Hyde Park. To the immediate south-east are mainly single storey properties fronting Padnal. There is considerable hedge and tree planting along the frontage of the site with Padnal and also along the north-eastern corner where a tall leylandii hedge forms the boundary. There is an historic TPO on trees just outside the site in the north east corner. To the eastern side of the site, which is also well lined with trees, there is a well used Public Right of Way which runs in a roughly north-south direction, linking Padnal with Hawthorn Close.

5.0 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Littleport Parish Council - 25 July 2022

No concerns

Littleport Parish Council- 11 August 2022

Approved

Ward Councillors

Cllr Christine Ambrose-Smith requested to be kept updated on the application.

Cambridgeshire Archaeology - 19 April 2022

Our records indicate that the site lies in an area of archaeological potential, situated roughly 200m to the west of Sandy's or Sandall's Cut, constructed in 1829-30. An archaeological evaluation to the north of the application area revealed evidence of land enclosure consistent with the eastwards expansion of Littleport in the early post-medieval period (Cambridgeshire Historic Environment Record reference MCB17878). Opposite the application area an archaeological investigation conducted in 2002 (CHER ref ECB750) demonstrated evidence of later drainage, which is of no significance, however, numerous linear features, pits and post holes, of unknown provenance due to the absence of dateable material recovered, were also revealed. Archaeological investigations adjacent to this site in 2017 identified a continuation of this occupation evidence (ECB5149). In addition, surrounding the application area is artefact evidence of Prehistoric occupation (for example, 07214), which may suggest that these undated features are Prehistoric in date.

We have commented on this site previously. We would make the same recommendation as for prior (withdrawn) applications 19/00432/OUM and 19/01289/OUT and also for 21/00247/FUL (refused) within the same bounds, that is:

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation, secured through the inclusion of a negative condition such as the example condition approved by DLUHC:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.

Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

Cambridgeshire Fire And Rescue Service - 20 April 2022

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

Waste Strategy (ECDC) - 4 May 2022

East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- o In addition to the above, the boundary of the development with the public highway will need sufficient space for the bins and bags for all new properties to be presented without causing an obstruction.

- o East Cambs District Council require waste and recycling to be ready for collection (at the boundary with the public highway as specified above) by 7:00am on collection day and not before 6:00pm on the evening before. Residents will also be required to return their containers to their boundaries as soon as possible following collection.

- o Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- o Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

- o Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

The Ely Group Of Internal Drainage Board - 25 April 2022

This application for development is outside of the Padnal and Waterden Internal Drainage District, but is adjacent to our Padnal Catchwater Drain.

No structures can be erected or works take place within nine metres of the Catchwater without the prior consent of the Board. Also, the proposed access would need to have the Board's consent to cross the Catchwater. Both consents are separate to the planning process and the Board would expect both consents to be applied for at the same time as full planning permission.

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the

Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

Environment Agency - 21 April 2022

We are returning this planning application consultation without comment because it is not clear why we have been consulted.

Local Highways Authority - 18 July 2022

While some minor changes have been made to the internal layout, they are of no concern to highways. I do however note that a bin store has now been included and gates removed, both of which are welcome changes.

However, there is still a fundamental question about the feasibility of the access. I am unconvinced that the access, or at the very least the footways adjacent to the carriageway, can be constructed within the site boundary / public highway and there could be a ransom situation. It could be that the applicant needs to get their title amended at land registry if the intervening portion of land is unregistered.

That being said, this doesn't form the basis of an objection, but it puts the deliverability of the scheme into question.

Environmental Health - 5 July 2022

I have no additional comments to make at this time.

Environmental Health - 26 April 2022

Thank you for consulting me on the above proposal. We have commented on this site in the past. I recommend that standard contaminated land conditions 1 and 4 are attached to any planning approval due to the proposed sensitive end use (residential).

Environmental Health - 22 April 2022

Thank you for consulting us on the above application.

We have commented on this site in the past.

If Peter wishes to make any comments he will respond separately.

I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This

notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

No other points to raise at this time but please send out the environmental notes.

ECDC Trees Team - 28 September 2022

The biggest problem with this application is locating the information as the submitted plan is very busy with a haphazard layout containing information on boundary treatments, tree protective fencing (despite this being in the submitted arboricultural report), a planting specification of sorts, drainage details. It would be better if the plan just showed the locations of the various parts with their specific information provided on separate documents to provide clarity and avoid confusion for those attempting to use the document. It is especially difficult to read blocks of text that are layered with planning features through them. The text associated with the planting on site mentions different species to be planted but their individual locations are not plotted. Although the species of plants listed would be acceptable for this site, a soft landscaping scheme should be conditioned as the provided information is too unclear to be acceptable. What is required is a separate plan with the locations of new planting clearly identified either as a number or a code such as AC which would stand for *Acer campestre*, there should then be a separate document listing the total numbers of plants to be used with a size specification also on this document should be the planting and maintenance information. This would provide a clear and usable document that avoids confusion. The tree protection plan is out of date as the site's layout has changed so please also condition the submission of an updated tree protection plan via an Arboricultural Method Statement (AMS) which will cover the tree related implication management to avoid the retained trees on site being impacted by any approved development.

There are no tree related objections to this application subject to the conditions mentioned above.

ECDC Trees Team - 20 July 2022

The previous comments made 13th July have not been acted upon only the number of trees to be planted has increased via the planting of a group of 13 Hawthorn trees within the habitat area as mentioned previously the reliance on a single species of tree to this extent is not good practice as an area of native species planting it could also include Field Maple (*Acer campestre*), Hazel (*Corylus avellane*) and Crab Apple (*Malus sylvestris*).

ECDC Trees Team - 13 July 2022

The indicated trees for planting currently included comprise of a single species, *Acer palmatum* Sango Kaku (Coral Bark Maple) this is a very small ornamental Japanese Maple that only gets to 6m in height with a crown spread as wide or wider than it is tall which prefers full or partial sun exposure. 3 of the proposed new tree locations

are in proximity to structures of footpaths and roadway for with this trees growth pattern is not compatible, a wide tree in a narrow space is soon going to outgrow the space. A more upright growing tree would be more suitable and preferably of different species such as:

Gleditsia triacanthos 'Draves Street Keeper' (Upright Honey Locust) - Medium-size tree with a narrow pyramidal crown, grows half as wide as it does tall, mostly thornless with olive green twigs, the leaves are glossy dark and turn vivid yellow in the autumn, thriving on most soils.

Liquidambar styraciflua 'Slender Silhouette' (upright Sweet Gum) - narrow columnar tree with a strong architectural form and striking autumn colour with leaves turning yellow, orange and red before leaf fall.

Betula albosinensis 'Fascination' (Upright Chinese Red Birch) - ascending branches and green leaves that turn yellow in autumn, peeling, deep orange bark turns a pale pink-white, not known for supporting aphids who cause honey dew, suitable for adjacent parking areas.

Tree T10 adjacent to plot 6 is a *Prunus avium* (Wild Cherry) which has a wide spreading root system that is known to block pipes in search of moisture so I would strongly suggest that the root barrier is considered on the 3 sides of the proposed drainage grate system to restrict root ingress and associated blockages.

My previous comments dated 24th May have not been acted upon and still stand.

ECDC Trees Team - 24 May 2022

This proposal includes the removal of 1 category B tree (T3) which due to its size would require the planting of 6 new trees to be compliant with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020. Also the category B trees T4 and T5 are located very close to the proposed road and footpath as a result if no dig surfacing is used for the road a path it will likely result in 40% of the trees Root Protection Areas (RPA) being covered by permanent hard surfacing which would not be conducive for their long term retention/survival. British Standard BS 5837:2012 Trees in relation to design, demolition and construction recommendations on page 25 section 7.4.2.3 states that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. If trees T4 and T5 were to be removed they should be replaced with 13 new trees this would mean a total of 19 new trees would be required to be compliant with policy SPD.NE8. There are 6 new trees indicated for planting on the tree protection plan (proposed), I estimate that there will be room to plant an additional 8 new trees within the amenity buffer zone which would be adequate to make the proposal acceptable. The new trees could be native species trees that would aid the sites biodiversity.

Please condition the submission of an arboricultural method statement and a soft landscaping scheme.

CCC Growth & Development - No Comments Received

Asset Information Definitive Map Team - No Comments Received

Cambridge Ramblers Association - No Comments Received

5.2 A site notice was displayed near the site on 21st April 2022 and a press advert was published in the Cambridge Evening News on 21st April 2022.

5.3 Neighbours – 27 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Noise and disturbance
- Overlooking
- Outside the development envelope and is a paddock
- Narrow access
- There is no need for this development
- Intrusion into the open countryside

6.0 The Planning Policy Context

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
HOU 2	Housing density
HOU 3	Affordable housing provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

Natural Environment SPD

Climate Change SPD

6.3 *National Planning Policy Framework 2021*

- 2 Achieving sustainable development
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.1.1 Policy GROWTH 1 identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains at an emerging stage (with a 'regulation 19' consultation due Spring/Summer 2022), and therefore little weight should be given to its emerging content.

7.1.2 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

7.1.3 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is "out of date" and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:

(a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8). This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years' worth, and this position has persistently been agreed by recent Inspector appeal decisions;

(b) If the Council 'fails' the Housing Delivery Test. This is not the case. The Council presently sufficiently 'passes' the Test; or

(c) If the Policy is considered 'out of date' on a separate basis. This has been defined by the Courts as "have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (Bloor v SSCLG [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted "The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework." (Gladman Developments Limited v SSHCLG and Central Bedfordshire [2019] EWHC 127 (Admin), [34]). Datedness will always be a "case-sensitive exercise" (Gladman, [36]) and will "encompass the manner in which a policy operates in relation to the determination of a particular application" (see Ewans v Mid Suffolk District Council [2021] EWHC 511, [47]).

7.1.4 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.

- 7.1.5 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified, including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.
- 7.1.6 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.1.7 Turning to the facts of this particular application, the proposal is located outside of the development envelope and is not one of the exceptions listed in GROWTH 2. On the face of it, therefore, it is contrary to GROWTH 2. However, the proposal is located at one of the three market towns, where growth is directed to by GROWTH 2.
- 7.1.8 The Council has carefully considered whether the circumstances are similar to those in the recent appeal decision in Soham in respect of the precise nature of the conflict. On the question of the principle, it is considered that the principle of development in this location, on the edge of one of the market towns, is acceptable. It is considered acceptable as the proposal is immediately adjacent to the development envelope of an identified market town to which growth is directed, adjoins the existing development envelope and is enclosed on all sides by development. This reflects the conclusions of the Inspector in the Broad Piece, Soham appeal in respect of the anticipation of growth at market towns. It also reflects the fact that it is considered that there are no other conflicts with policy GROWTH 2.
- 7.1.9 Therefore, it is considered that the principle of development in this specific location is acceptable given the extent to which policy GROWTH 2 is not currently up-to-date in these specific circumstances.
- 7.1.10 The Council’s position on all settlements other than market towns is distinct from this, and all decisions are reached on a case by case basis.

7.1.11 It should be noted that there have been previous refusals on this site for residential development as well as applications withdrawn. The schemes previously have had issues relating to the proposal impacting upon the neighbouring properties' amenities; lack of affordable housing and being outside of the development envelope. With regard to the neighbours' amenities this is discussed further in section 7.2. Affordable Housing is no longer required solely because the floor area of developments is over 1,000 square metres (*10,763 square feet*) and therefore this reason for refusal is no longer applicable. With regard to being outside of the development envelope, this is discussed above and as such following recent appeals and advice given, the proposal for residential development in this location can be considered broadly acceptable.

7.2 Residential Amenity

7.2.1 The site is enclosed on all boundaries with residential development. To the north-east is the New Orchard Park which is a development of in excess of 40 park homes. To the north-west is Hawthorn Close, which is development of predominantly 1970's two storey detached dwellings. To the south is a predominantly single storey dwellings although there is a storey and half dwelling. To the south east is the 1980's development of Fisher Bank.

7.2.2 With regard to the dwellings on New Orchard Park they have a 20 metre (*66 feet*) degree of separation, with the footpath and enlarged biodiversity area providing a barrier. It is considered and in accordance with the Design Guide this an acceptable distance between dwellings to ensure there is no demonstrable harm to the neighbours' amenities. However to ensure there is no perception of overlooking it is proposed that a condition is applied to plot that permitted development rights for additional windows is removed and that the existing windows on the north facing elevation which is to a dressing room would be obscure glazed.

7.2.3 With regard to the dwellings along Hawthorn Close, all of the proposed dwellings are in excess of 10 metres (*33ft*) from the boundary and in excess of 20 metres (*66ft*) from the existing dwellings. These distances are in accordance with the provisions of the Design Guide SPD. It is however recommended that a condition is applied to plots 2, 3 and 4 to ensure no additional windows are added to ensure the future neighbour amenities from the perception of overlooking.

7.2.4 Dwellings to the south of the site are predominantly single storey and the proposed dwellings are set in excess of 10 metres (*33 feet*) from the shared boundaries and in excess of 20 metres (*66 feet*) from the dwellings. It is considered that the proposal would not cause harm to these neighbours by way of overlooking; overbearing; loss of privacy and light.

7.2.5 Fishers Bank is located on the opposite of Padnal, it is considered that any development of this site would not cause harm to these neighbours amenities by way of overlooking; being overbearing; loss of light or privacy.

7.2.6 Some concerns with regard to noise have been raised. In consultation with the Environmental Health Officer no concerns have been raised although conditions relating to restricting working hours and details of piling in the event they are required would need to be applied to any planning permission granted. It is accepted that during construction there will be a degree of disturbance, however this can be controlled by

way of a working hours condition and a Construction Environmental Management Plan (CEMP). It is recommended that a condition for a CEMP is applied to ensure the noise and disturbance is minimised during construction based upon the number of residential properties nearby.

7.2.7 It is considered that suitable conditions can be applied to any planning permission to ensure the long term future amenities of the adjoining neighbours in accordance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015 and the Design Code SPD.

7.3 Visual Amenity

7.3.1 The development of 6 dwellings will have an impact on the character of the street scene. This site is currently an open paddock which has a public right of way running along its north-east boundary. Currently the residential dwellings that share a boundary of the site will have their view changed, however it is not considered that the development is visually intrusive and or harmful to the character of the area.

7.3.2 As you approach the site along Padnal there is a clear sense that you are leaving the settlement of Littleport. To the north of Padnal is a landscaped area which restricts views into the New Orchard Caravan Park. To the south are several dwellings which are well-spaced until the development of Fishers Bank. There is limited street lighting and no footpath beyond the proposed site on the northern side of the site. It is essentially a piece of land, used as paddocks that remains undeveloped.

7.3.3 The proposed development is for 6 large dwellings which are set well into the site and along boundaries with existing residential development. The site has ample space for landscaping and would assimilate into its surroundings easily and in a relatively short space of time. It is considered that the development would not be out of keeping with the character of the area and would accord with policy ENV1 of the East Cambridgeshire District Council.

7.3.4 Policy HOU2 of the East Cambridgeshire District Council Local Plan 2015 seeks development to be in keeping with the character of the area whilst making the efficient use of land. Further to this it needs to consider the biodiversity; heritage; existing land uses and its accessibility to Littleport. The site is approximately 0.98 hectares (2.4 acres) and could accommodate more dwellings than the 6 proposed. However, there are constraints within the site that mean that part of the site cannot be used for development as there are biodiversity issues which preclude this land from development. Consideration has also been given to the character of the area and on the four boundaries of the site there are very different characters and as such being located on the edge of the settlement it is considered that the development of the site as a transitional site which sees the rural and urban areas converging together is appropriate. It is therefore considered that the number of dwellings is appropriate for the constraints of the site and as such is in accordance with policy HOU2 of the East Cambridgeshire District Council Local Plan 2015.

7.3.5 The design of the dwellings is not out of keeping with the character of the area. The area has a host of design styles, to the north-west is 1970's development of a detached and semi-detached 2 and single storey dwellings. To the south is 1980's development of Fishers Bank, with static homes of various styles to the west. To the north-east is

predominantly single storey dwellings although there are storey and half dwellings, one of which has been constructed in the last 10 years. Whilst the design is not outstanding and the aims of the Design Guide is to improve design standards they could not be considered out of keeping with existing development within the area.

- 7.3.6 The proposal introduces a range of roof heights and materials to provide interest to the existing streetscene and the development as whole. On this basis the proposal is considered to comply with policies ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015.
- 7.3.7 The site is substantial and provides only 6 dwellings and could in theory provide more dwellings. However, there are ecological impacts to consider which restrict the development. The development is small scale and is suited to the edge of settlement location and offers a balance of town and rural living. A denser development would be at odds with this transitional location and would lead to a design that would be detrimental to the character of the area. As such it is considered acceptable and in accordance with the aims of policy HOU2 of the East Cambridgeshire District Council Local Plan 2015 and the NPPF.

7.4 Historic Environment

- 7.4.1 In consultation with the Historic Environment Team, it has been identified as a site that could have archaeological potential based upon previous developments in the area. It is therefore recommended that a condition requiring a Written Scheme of Investigation (WSI) and site investigation would be attached in the issue of planning permission. This does not preclude development, however will require an investigation and reports into the findings to be placed on the CHER (Cambridgeshire Historic Environment Record). This can be dealt with by way of a pre-commencement condition in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015

7.5 Highways

- 7.5.1 In consultation with the Local Highway Authority no objections to the proposal have been raised subject to conditions on the location of the access point, gates, provision of a footway and uncontrolled crossing. The pedestrian crossing is required in order to link the development with the existing footpath on the southern side of the road. The access proposed is considered to meet highway safety standards in accordance with policy COM7 of the East Cambridgeshire District Council Local Plan 2015.
- 7.5.2 Each plot can provide a minimum of 2 parking spaces. This provision is in accordance with policy COM8 of the East Cambridgeshire District Council Local Plan 2015.
- 7.5.3 The proposal is considered to comply with the provisions of the Local Plan and highway safety and the necessary provision of access, parking and turning would be secured by condition
- 7.5.4 The Local Highway Authority have raised an issue with regard to the deliverability of the scheme. The land to which the access may be land that is a ransom strip which could jeopardise the scheme being delivered. Whilst this does not prevent the issue of a planning permission, it may need further investigation by the developer. The Local Planning Authority does not get involved in land ownership issues.

7.5.5 The public right of way that runs to the north connecting Padnal with Hawthorn Close is a well-used footpath. Consultation was undertaken with the Rights of Way Officer, and no comments have been received. Previous applications comments have been received asking for the footpath to be upgraded, however no such request has been submitted during this consultation. The footpath is currently unmade and has a rural sense with trees, views of dwellings and space. Whilst this footpath could be upgraded the reason previously given for this need was because of the increase in footfall from the 6 dwellings. It is considered that this additional footfall would not be to the detriment of the use of the lane, requiring an upgrade which would be out of keeping with its immediate character of the area. It is considered that requiring its upgrade would be unnecessary and could prove detrimental to the known biodiversity in this area. A footpath and dropped kerbs are being provided along Padnal to ensure connectivity into Littleport. It is considered that the proposal is in accordance with policy GROWTH 3 of the East Cambridgeshire District Council Local Plan 2015.

7.6 Ecology and Trees

7.6.1 The proposed development includes an allocated habitat area as recommended in the Reptile Survey by Practical Ecology. The proposal includes the provision of a native hedgerow and some additional planting. No measures for bird or bat boxes are proposed, however it is considered that the proposed measures and a condition requiring additional measures could be attached to the planning permission. It is considered that the proposal can make a net gain of biodiversity in accordance with policy ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD.

7.6.2 The scheme does include some details relating to landscaping and trees. In consultation with the Tree Officer, it was considered that a pre-commencement condition could be appended to any planning permission requiring a detailed Arboricultural Method Statement, as well as further details for landscaping. The proposal is considered to be in accordance with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

7.7 Flood Risk and Drainage

7.7.1 The site is within Flood Zone 1, where the risk of flooding is considered to be at its lowest and where residential development should be located. The proposal includes a foul water connection to the mains sewer with surface water being dealt with by way of aqua polystorm crate system. It is considered that this is acceptable and in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.8 Fire Hydrants

7.8.1 In consultation with the Fire Safety Officer, there is a requirement for the provision of a fire hydrant. This can be achieved by way of condition. On this basis the proposal complies with GROWTH 3 of the East Cambridgeshire District Council Local Plan 2015.

7.9 Contamination

7.9.1 The proposed use is considered to be vulnerable to the risks of contamination. The site and has been used previously as paddocks, however a condition requiring a

contamination assessment prior to commencement of development has been recommended by the Council's Scientific Officer due to the sensitive end use and is considered necessary and adequate to mitigate the risks of contamination to future occupants of the site. The proposal is considered to comply with policy ENV9 of the East Cambridgeshire Local Plan 2015.

7.10 Sustainability

7.10.1 Policy ENV4 of the East Cambridgeshire Local Plan 2015 and the adopted Climate Change SPD require that developments reduce their carbon footprint. A condition can be applied to this application requiring the submission of an energy and sustainability report. It is considered that through this condition the proposal would be able to comply with policy ENV4 of the East Cambridgeshire Local Plan 2015 and Climate Change SPD.

7.11 Planning Balance

7.11.1 It is considered that following recent appeal decisions, development of the site for 6 dwellings is broadly in accordance with the development plan and as such the principle of development is considered acceptable. The previous detailed reasons for refusal have been addressed which includes ensuring the neighbouring amenities are maintained and affordable housing is no longer required on a scheme of this size. Where appropriate conditions can be applied to ensure future amenities of the neighbours are maintained by way of restricting windows and the design and orientation of the proposed dwellings ensures the distances between the proposed and existing dwellings meet the guidelines set within the Design Guide SPD. It is considered the site can provide adequate off - street parking and safe access into the site. There may be an issue regarding a ransom strip however it is not a material consideration in the determination of a planning application and will fall to the developer to address this if it is an issue. On this this basis the proposal is recommended for approval subject to appropriate and necessary conditions.

8.0 COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case members' attention is particularly drawn to the following points:

- The previous reasons for refusal have been addressed
- The advice given with regard to GROWTH 2

9.0 APPENDICES

1 Draft Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
22/00358/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Planning Team Leader 01353 665555 toni.hylton@eastcambs.gov.uk
21/00247/FUL		
19/01289/OUT		
19/00432/OUM		
13/00295/FUM		
81/00273/OUT		
79/00174/OUT		

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Appendix 1

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
03-1884a/17	C	20th July 2022
Arboricultural Impact Assessment		5th April 2022
Reptile Survey Report		5th April 2022
01/1884a/17		5th April 2022
02/1884a/17		5th April 2022
08/1884a/17 Plot 3		5th April 2022
09/1884a/17 Plot 3		5th April 2022
10/1884a/17 Plot 4		5th April 2022
11/1884a/17 Plot 4		5th April 2022
12/1884a/17 Plot 5		5th April 2022
13/1884a/17 Plot 5		5th April 2022
04/01884a/17	A Plot 1	5th July 2022
05/01884a/17	A Plot 1	5th July 2022
06/01884a/17	A Plot 2	5th July 2022
07/01884a/17	A Plot 2	5th July 2022
14/01884a/17	A Plot 6	5th July 2022
15/01884a/17	A Plot 6	5th July 2022

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with 'Land Contamination Risk Management' (LCRM), Environment Agency, 2020. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 6 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.

- 7 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 8 No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 Trees in relation to design, demolition and construction has been submitted and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.
- 8 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 9 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on 03/1884a/17. The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to first occupation or commencement of use a full schedule of all soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. 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, unless the Local Planning Authority gives its written consent to any variation.
- 10 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other

than those expressly authorised by this permission shall be constructed at first floor level or above in the following:

Plot 2 - North and west facing elevations;

Plot 3 - West facing elevation;

Plot 4 - West facing elevation;

without the prior written consent of the Local Planning Authority.

- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 The first floor windows in the north facing elevation of Plot 2 shall be glazed using obscured glass and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a. As detailed on the following plans
05/1884a/17 Revision A
07/1884a/17 Revision A
09/1884a/17
11/1884a/17
13/1884a/17
15/1884a/17 Revision A; or,
 - b. Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 14 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 15 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

- 15 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.
- 17 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 18 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.