

MAIN CASE

Reference No: 19/00877/FUL

Proposal: Proposed five bedroom house and detached garage, parking, access and associated site works

Site Address: Plot 2 Site North West Of 72 West Street Isleham Cambridgeshire

Applicant: Mr & Mrs D Geach

Case Officer: Rachael Forbes Planning Officer

Parish: Isleham

Ward: Fordham And Isleham
Ward Councillor/s: Julia Huffer
Joshua Schumann

Date Received: 3 July 2019 **Expiry Date:**

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE this application for the following reasons:

- 1) Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area. The proposed development by virtue of its scale and mass, would be out of keeping with the surrounding dwellings. It would be visually prominent in the street scene and would present an expanse of 15.3 metres on both the north east and south west elevations at a height of 7 metres and lacks articulation and interest. The proposed dwelling would appear to be a two storey dwelling against adjacent dwellings of 1.5 or single storey and would therefore be dominant and out of keeping in the street scene. The proposal fails to comply with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 as it does not provide a complementary relationship with the existing development or relate sympathetically to the surrounding area.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks permission for a five bedroom dwelling and detached garage at Plot 2 at 72 West Street, Isleham. Plot 2 was also part of another application, 19/00366/FUL, which was for three detached dwellings on land at 72 West Street, Isleham, which was split

into three plots. Plot 2, under application 19/00366/FUL was originally proposed to be a two storey dwelling, which officers considered to be too large and was objected to by the Trees Officer as it was situated in the Root Protection Area (RPA) of the trees to the east, which are subject to a Tree Preservation Order (TPO). The plans were amended to reduce the scale and height of the dwelling and the dwelling was removed from the RPA, which was considered to be acceptable and the application was approved. This application sought permission for the original design for Plot 2, submitted under application 19/00366/FUL, which is a five bedroom, two storey dwelling. The plans have been amended to reduce the height, width and length of the proposed dwelling.

2.2 The application has been called in to Planning Committee by Cllr Schumann as he believes the application is very finely balanced and the Parish Council have no objections to it and therefore it should be taken to committee for consideration.

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.eastcamb.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1 19/00366/FUL Construction of 3no. dwellings, Approved 21.08.2019
parking, garaging, access road
and associated site works

4.0 THE SITE AND ITS ENVIRONMENT

4.1 72 West Street is a single storey detached dwelling. To the west of the dwelling is a brick built outbuilding, which has planning consent to be converted under application 19/00366/FUL. There is an access between the dwelling and the outbuilding. To the rear of the dwelling is a closed board fence. Beyond this, there is land which the application form states was previously a farmyard and there are some outbuildings present which are proposed to be demolished as part of application 19/00366/FUL. To the east of the site there is a private road which serves approximately nine dwellings; there are TPO trees along the boundary of the site. To the west, there is a residential dwelling and its associated land. To the north is another residential dwelling, 70 West Street, which is a two storey dwelling. The site is within the development envelope for Isleham and is not within the Conservation Area.

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.

Cadent Gas Ltd - 1 August 2019

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact

Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Local Highways Authority - 1 August 2019

I note that this plot is already subject to a current planning application number 19/00366/FUL. The proposal here does not increase the number of properties served off of the proposed access, nor does it affect access arrangements, turning and parking provision.

The conditions and informative recommended for 19/00366/FUL therefore remain applicable to this application.

Local Highways Authority - 15 October 2019 (additional comments following amendment)

The observations in my correspondence dated 1st August 2019 remains applicable. I note however that the red line boundary has been removed from the site layout plan that was present on that superseded plan; The Local Planning Authority may wish to have this reinstated.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

ECDC Trees Team - 1 August 2019

Plot 2 is too close to the root protection area (RPA) for fencing alone as this will need to be moved to allow access ground protection will be required to facilitate building operations.

Plot 2 also appears to have hard standing of some sort located within the RPA of the trees this will need to be installed via reduced dig operations with details submitted for approval.

I'm concerned that the scale of the building in plot 2 will put it so close to the TPO trees that shading and leaf litter will be an issue and could lead to conflict with the future residents of plot 2 due to lack of light, blocked gutters and lack of grass.

I object to this application due to the detrimental effect it's likely to have on the neighbouring TPO trees.

Conservation Officer - No Comments Received

Waste Strategy (ECDC) - 9 July 2019

- 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 and/or loose gravel/shingle driveways; 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).

• 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.

Parish Council - 6 August 2019

Objection on grounds of the following Material Planning Considerations:

Please see our previously submitted objections to 19/00366/FUL

Specifically that it is an over development of the site and the size of the properties are inappropriate to the land available.

Parish Council – 22nd October 2019 (additional comments following amendment)

No concerns about the application.

Ward Councillors - No Comments Received

- 5.2 Neighbours – 14 neighbouring properties were notified and no responses were received. A site notice was displayed near the site on 11th July 2019 and a press advert was published in the Cambridge Evening News on 18th July 2019.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

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

Flood and Water

Developer Contributions and Planning Obligations

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 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

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations of this application are: principle of development, visual amenity, residential amenity, highway safety, parking provision, ecology and trees, flood risk and drainage and other matters.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport but more limited development will take place in villages which have a defined development envelope. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse impact on the character and appearance of the area and that all other material planning considerations are satisfied.

7.4 The site is located within the development envelope of Isleham and therefore the principle of development in this location would be considered acceptable subject to satisfying all other relevant material planning considerations.

7.5 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all local planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

8.0 Visual Amenity

8.1 Policy ENV1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

8.2 The proposal seeks the provision of a two storey, five bedroomed detached dwelling on Plot 2, to the north of the site. Plot 2 would sit behind Plot 1 and the existing dwelling (number 72) and would therefore be considered as backland development. Backland development is present along this section of West Street with dwellings to the rear of 48 and 50 West Street and 1 Hall Barn Road. There are also two dwellings behind 54 and 56 West Street. Although they are not strictly backland as they are accessed by a private road and not through the two dwellings, it is considered that the proposed development is similar to the development behind 54 and 56 in layout. It is therefore considered that backland development in this location would be considered acceptable.

8.3 Under application 19/00366/FUL, Plot 2 was originally proposed to be a two storey dwelling, with a larger footprint which encroached into the root protection area (RPA) of the TPO trees. Officers were concerned about the height and scale of the proposed dwelling. The height was reduced from two storey to 1.5 storey, the scale was reduced and the dwelling located outside of the RPA. This application originally proposed the dwelling at Plot 2 in its original form,

however the plans have now been amended to reduce the height, length and width of the dwelling.

- 8.4 The proposed dwelling would be approximately 7 metres in height, 15.3 metres in width and 15.3 metres in length; this has been reduced from approximately 7.9 metres in height, 15.4 metres in width and 15.9 metres in length. The principal elevation has two projecting gables with a glazed centre section. The detached garage, which is approximately 5.8 metres in height, 9.1 metres in width and 6.9 metres in length, would be positioned in front of the eastern gable.
- 8.5 The adjacent plot to the south, Plot 1, has planning consent for a 1.5 storey dwelling which is approximately 7.1 metres in height (planning reference 19/00366/FUL). It is approximately 27.7 metres wide at its widest point (including the attached garage) and 13 metres in length at its longest point. The existing dwelling to the front of the site is single storey, as is the adjacent proposed barn conversion (Plot 3 of 19/00366/FUL). 58 West Street, which is situated across the tree lined private road is approximately 7.8 metres in height, 22.8 metres in width (including the attached garage), and 26.4 metres in length. 58a West Street, which is adjacent to 58 West Street is approximately 6.9 metres in height, 16.9 metres in width and 13.7 metres in length.
- 8.6 While the proposed dwelling is of similar measurements to those in the vicinity, the neighbouring dwellings have a variety of heights, lengths and widths in the elevations to break up the length. The approved scheme on the adjacent Plot 1 is approximately 27.7 metres at its widest point, however the principal elevation is broken up by projecting gables of varying heights. It is approximately 13 metres in length at its longest point, however it does have smaller elements as well. The proposed dwelling at Plot 2 presents a two storey expanse, for the entire 15.3 metres, particularly on the north east and south west elevations. There is very little variation in height or width, with the exception of a very small single storey projection to both elevations.
- 8.7 Although the proposed dwelling is of a lower height than 58 West Street and a similar height to Plot 1 and 58a West Street, it does not give the appearance of a 1.5 storey dwelling or single storey dwelling, similar to those in the immediate street scene. While it is accepted that the proposal is a self-build project and therefore it would not necessarily be expected to match the design of neighbouring dwellings, it is considered that it would be expected to reflect the character of the dwellings. There were no other similar dwellings observed in the street scene; all of the dwellings to the front are single storey and 1.5 storey behind numbers 54 and 56 West Street.
- 8.8 It is considered that the proposal results in a dwelling which is of a scale and which is not in keeping with the existing built form in the area. It would give the appearance of a two storey dwelling in an area which is largely 1.5 storey and single storey dwellings and it would be visually prominent within the street scene. The proposal would be visually prominent on approach from the west and although not as visually prominent from the east when approaching on West Street, from the private road it would present an unbroken expanse of 15.9 metres on a dwelling that would be perceived as two storey.
- 8.9 It is considered that the proposal does not provide a complementary relationship with the existing development and is therefore contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

9.0 Residential Amenity

- 9.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity. The plot size exceeds the guidance set out in the Design Guide SPD, which is 300sqm, the built form does not exceed one third of the plot and the garden space exceeds 50sqm.
- 9.2 To the north of the application site is 70 West Street. To the direct east is a private road and on the opposite side of this is 58 and 58a West Street. To the south is the host dwelling, 72 West Street. To the west, adjacent to plot 3 is number 74 West Street.
- 9.3 The proposed dwelling is situated approximately 11.5 metres from the northern boundary, 7 metres to the eastern boundary and 4.9 metres to the western boundary. There are five windows at first floor level on the south east elevation, which serve bedrooms and the central section which will house the stairs. These windows will look towards the parking areas/garages of the dwelling at Plot 1. It is considered that the proposed dwelling would look towards the parking area/garage of the proposed dwelling at Plot 1 and would not result in any residential amenity impacts to Plot 1.
- 9.4 On the north west elevation, there are three first floor windows serving bedrooms. The closest of the three windows is approximately 11.5 metres from the boundary and will look towards the side elevation and private amenity space of the dwelling to the rear, 70 West Street. It is considered that the windows are of a sufficient distance not to result in a significant overlooking impact.
- 9.5 There are windows at first floor level on the north east and south west elevations, the windows in the north east elevation both serve showers; there is 7 metres between the windows and the boundary and private road between the proposed dwelling and the dwellings opposite and it is considered that this would be sufficient to not result in an overlooking impact. In respect of the windows facing west, the land directly opposite does not appear to be part of the residential curtilage of the property and it is therefore considered that the proposed dwelling would not result in an overlooking impact.
- 9.6 It is considered that there is sufficient distance between the dwellings to not result in an overbearing impact; there is approximately 11m between the proposed dwelling and the approved dwelling at Plot 1, 20 metres between the proposed dwelling and 58/58a West Street and 65 metres between the proposed dwelling and 74 West Street.
- 9.7 Given the sun's natural path rising in the east and setting in the west, it is considered that the main impact would be to number 70 West Street as it is north of Plot 2. However, there is sufficient distance (approximately 15 metres) between the dwellings as to not result in a significant impact to residential amenity by virtue of overshadowing.
- 9.8 The Trees Officer raised concern that the proposed dwelling being so close to the trees would result in conflict for the future occupiers of the dwelling as the trees will cause shading to the north east elevation of the dwelling and the garden, as well as result in leaf litter, lack of light, blocked gutters and a lack of grass which could lead to conflict with the future residents. Therefore, the Trees Officer has objected to the application due to the detrimental effect the proposal is likely to have on the neighbouring TPO trees.
- 9.9 In respect of residential amenity, the windows on the north east elevation serve three shower rooms, a utility room and a secondary kitchen window and there is a large garden area to the

north west of the proposed dwelling as well as the area to the north east and it is therefore considered that there would not be a significant impact to residential amenity.

- 9.10 It is therefore considered that the proposed dwellings would not result in a significant adverse impact to residential amenity and would provide high standards of amenity to future occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan, 2015

10.0 Highways

- 10.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The proposal seeks to utilise the existing access. The access will be 5 metres in width for the first 15 metres. The Local Highway Authority has been consulted as part of the application and have raised no objections to the application in principle. They have requested conditions in relation to the access being laid out as per the approved plan with the access 5 metres wide for 15 metres and turning and parking areas to be laid out prior to occupation.

- 10.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards. The parking standards set out that there should be two car parking spaces per dwelling and 1 cycle parking space. The proposed dwelling has two car parking spaces and a double garage. There are no cycle spaces shown on the plan, however, it is considered that there would be sufficient space to accommodate these.

- 10.3 It is therefore considered that the proposal complies with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015 in respect of highway safety and car and cycle parking.

11.0 Ecology and Trees

- 11.1 Policy ENV7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds.

- 11.2 The plans show that the hedge on the eastern boundary is to be retained. The TPO trees on the western boundary would also be retained. The application form states that there are no protected or priority species or designated sites important habitats or other biodiversity features on the site. No further ecological information was sought under the previous application 19/00366/FUL due to the site being considered as unsuitable for protected species and therefore it would be unreasonable and unnecessary to request this information now. However, biodiversity enhancements could be secured by condition.

- 11.3 There are TPO trees adjacent to the site and the Trees Officer has raised concern regarding the proximity of the proposed dwelling to the trees as it is too close to the root protection area (RPA) for fencing alone as the fencing will need to be moved to allow access and ground protection will be required to facilitate building operations. The Trees Officer has further commented that 'Plot 2 also appears to have hard standing of some sort located within the RPA of the trees this will need to be installed via reduced dig operations with details submitted for approval'. It is considered that a Tree Protection Plan could be secured by condition.

11.4 The Trees Officer has also raised concern around the scale of the building being so close to the trees and leading to conflict with future residents in respect of shading and leaf litter; this has been addressed in the residential amenity section of this report.

11.5 The proposal is therefore considered to comply with policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

12.0 Flood Risk and Drainage

12.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The policy states that development would not be permitted where:

- It would intensify the risk of flooding during the lifetime of the development taking into account climate change allowances, unless suitable flood management and mitigation measures can be agreed and implemented.
- It would increase the risk of flooding of properties elsewhere during the lifetime of the development, taking into account climate change allowances, by additional surface water run-off or by impeding the flow or storage of flood water.
- It would have a detrimental effect on existing flood defences or inhibit flood control and maintenance work.
- The risk of flooding would cause an unacceptable risk to safety; or
- Safe access is not achievable from/to the development during times of flooding, taking into account climate change allowance.

12.2 The application site is situated within flood zone 1, where development is expected to be situated and where flood risk is low and therefore would not require the submission of a flood risk assessment. The application forms states that surface water would be disposed of via soakaways, with foul water to be disposed of via mains sewer. No further details have been provided, however these could be secured by condition if the application was approved.

12.3 The proposal is therefore considered to comply with policy ENV 8 of the East Cambridgeshire Local Plan, 2015.

13.0 Other Matters

13.1 Policy ENV 9 of the East Cambridgeshire Local Plan, 2015 states that all development proposals should minimise and where possible, reduce all emissions and other forms of pollution, including light and water pollution and ensure no deterioration in air or water quality. Proposals will be refused where there are unacceptable pollution impacts, including surface and groundwater quality.

13.2 The Scientific Officer was consulted as part of approved application 19/00366/FUL at the same site and has commented that the site is at very low risk of land contamination but due to the sensitive end use of the site and requested a condition that if contamination is found that was not previously identified that work must cease and a site investigation and risk assessment carried out. It is therefore considered that a full contamination report would not be required for this site.

13.3 The proposal is therefore considered to comply with policy ENV 9 of the East Cambridgeshire Local Plan, 2015.

14.0 Planning Balance

- 14.1 The National Planning Policy Framework promotes sustainable development and states in Paragraph 11 that decisions should apply a presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. Paragraph 11 makes it clear that where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:
- I. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 14.2 It is considered that the proposal would result in a dwelling which is of a scale, mass and height which is not in keeping with the existing built form in the area. It has the appearance of a two storey dwelling, which does not reflect the surrounding residential development and it would be visually prominent within the street scene. The proposal would be visually prominent on approach from the west and although not as visually prominent from the east when approaching on West Street, from the private road it would present an unbroken expanse of 15.3 metres at a height of 7 metres. The proposal is therefore considered to be contrary to policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.
- 14.3 In accordance with the NPPF, it is considered that the disbenefits of the scheme significantly and demonstrably outweigh the benefit of a limited contribution to the reduction in the deficit in the Council's five year housing land supply.
- 14.4 The application is therefore recommended for refusal.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00877/FUL	Rachael Forbes Room No. 011	Rachael Forbes Planning Officer 01353 665555
19/00366/FUL	The Grange Ely	rachael.forbes@eas tcambs.gov.uk

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>