

23/00305/FUL

22 Mill Street

Isleham

Ely

CB7 5RY

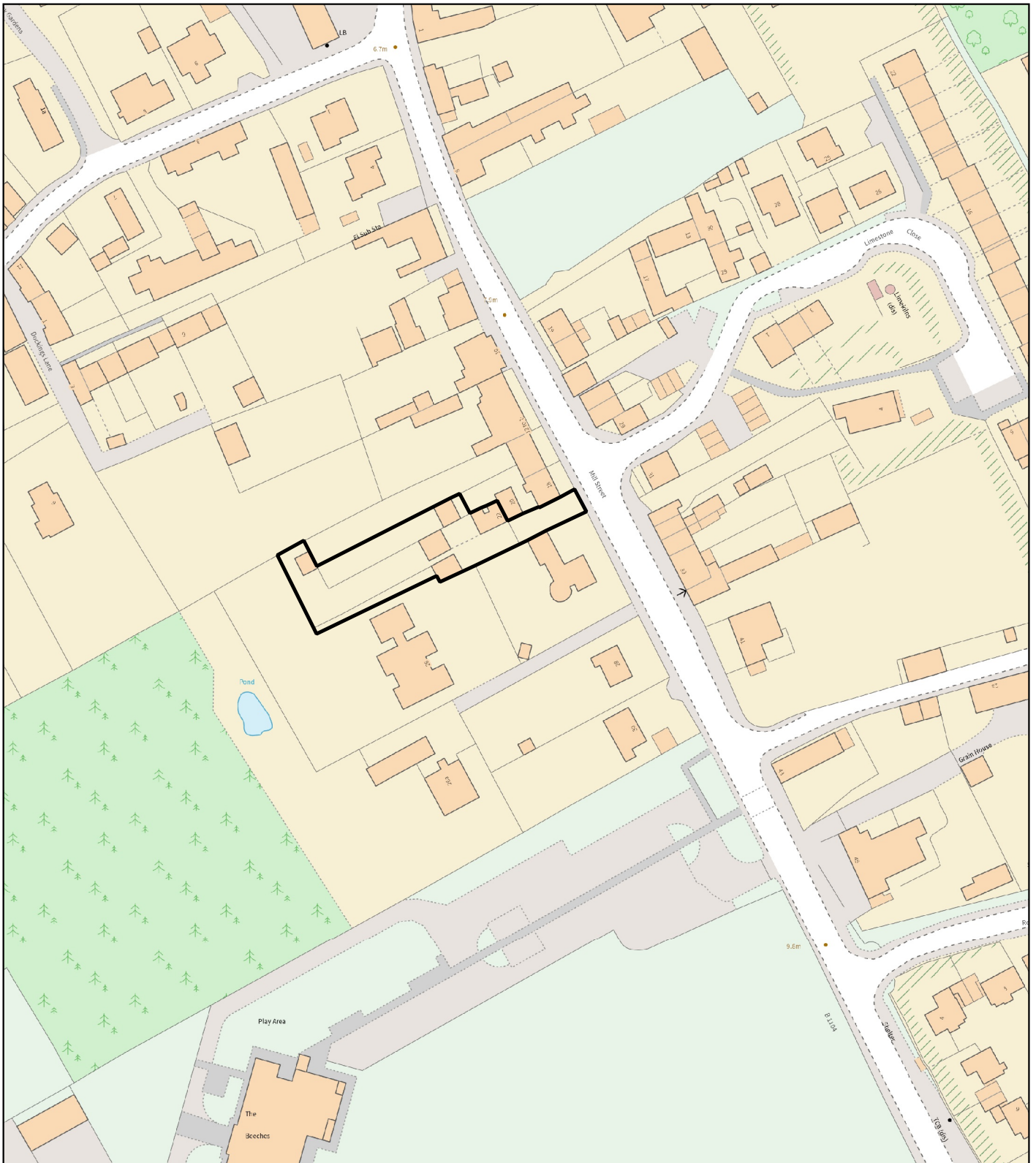
Proposed 3 bed chalet dwelling, outbuildings, and associated works

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RTO8WMGG0CT00>



AGENDA ITEM 6



23/00305/FUL

22 Mill Street
Isleham



East Cambridgeshire
District Council

Date: 21/11/2023
Scale: 1:1,500



© Crown copyright.
All rights reserved 100023279 (2023)

TITLE: 23/00305/FUL

Committee: Planning Committee

Date: 6 December 2023

Author: Planning Officer

Report No: 105

Contact Officer: Charlotte Elston, Planning Officer
Charlotte.Elston@eastcamb.gov.uk
01353 616353
Room No 011 The Grange Ely

Site Address: 22 Mill Street Isleham Ely Cambridgeshire CB7 5RY

Proposal: Proposed 3 bed chalet dwelling, outbuildings, and associated works

Applicant: Mr & Mrs A Clarke

Parish: Isleham

Ward: Fordham And Isleham

Ward Councillor/s: Julia Huffer
Kelli Pettitt

Date Received: 25 April 2023

Expiry Date: 12 December 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions summarised below: The conditions can be read in full on the attached Appendix 1 of the report.

- 1 Approved Plans
- 2 Timescales for Implementation
- 3 Materials
- 4 Removal of PD Rights – Gates and Fences
- 5 Prior to first occupation – condition for on-site parking and turning
- 6 Biodiversity
- 7 PD Obscure Glaze to bathroom window
- 8 Unexpected Contamination
- 9 Foul and Surface water drainage
- 10 Landscaping Scheme
- 11 Boundary Treatments

- 12 Construction Times – Standard
- 13 Piling Foundations
- 14 Lighting

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks consent for the erection of a 3-bedroom chalet dwelling with outbuilding, and associated works. The proposals include the demolition of an existing garage and timber shed to allow access to the rear of the site, a re-arrangement of the existing parking for No. 20 and No.22 Mill Street, and a suitable turning area for vehicles to leave the site in a forward gear.
- 2.2 The site would be accessed via the existing access from Mill Street with the removal of two existing garages.
- 2.3 The proposed dwelling is of modest and relatively traditional design, to be constructed of a rendered finish with brick plinth and roof tiles to match the surrounding dwellings. The porch to the front of the dwelling would be constructed of timber. The materials to be used in this proposal, if approved, would be appropriately conditioned.
- 2.4 The proposed dwelling would measure 12.6m wide (41.3ft), by 8.7 metres (28.5ft) in depth, 3.8m (12.4ft) to the eaves, and 7.1m (23ft) to the ridge.
- 2.5 The proposed outbuilding would measure 6.5m (21ft) in width, 5.5 (18ft) in depth, 2.5m (8ft) to the eaves, and 4m (13ft) to the ridge.
- 2.6 The proposed dwelling is set back c.53m from the highway (Mill Street), 29.5m from the rear elevation on No.22, and c.48m from the rear elevation on No.16 Mill Street.
- 2.7 Amendments have been received throughout the course of the application to remove gates proposed to rear plot, changes to the turning provision on site, and provide demonstration of delivery vehicle turning.
- 2.8 This application was called-in to Planning Committee by Cllr Huffer, due to ‘shared grave concerns about the impact of this development on neighbouring properties.’
- 2.9 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

22/00484/FUL	Proposed 3 bed chalet dwelling, garage, and associated works	Withdrawn	12 August 2022
---------------------	--	-----------	----------------

3.1 Adjacent Planning History

18/00276/FUL	Replacement Dwelling, Annexe, revised access, and triple carport	Approved at Committee	2 August 2018
---------------------	--	-----------------------	---------------

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The area of land proposed for the new dwelling is currently residential garden land and is located within the Development Envelope for Isleham. The site is located within the Isleham Conservation area, with the nearest listed buildings to the front of the site at No.18 Mill Street.
- 4.2 The host site is the garden to No. 22 Mill Street. To the front of the site are No. 18 and 20 Mill Street, all of which are under the applicant's ownership. Both No.18 and 22 have existing rear garden space, whereas No.20 does not have a formal garden area.
- 4.3 The existing garden has a mixture of fencing to the boundary of No.26 Mill Street (the large new dwelling to the rear) and that of No.18 existing garden. There is a tall hedgerow on the southern boundary towards the rear of the site which continues around the rear of the site.
- 4.4 The site is bound by residential gardens on all boundaries with a large new dwelling located to the south. This was granted permission in 2018, for a replacement dwelling.
- 4.5 The existing gardens along the west side of Mill Street are in a South Western orientation.
- 4.6 Beyond the rear boundary, is the garden of No.26 that wraps round to line up with the dog leg area of garden that is under ownership of No.22. Further beyond the rear boundary is a large woodland area with tall mature trees.
- 4.7 Access to the site is via a wide driveway from Mill Street which leads to No.20 and No.22. which is located behind a gate. The gate will be removed as part of this planning application.
- 4.8 Parking currently is located along the driveway access from Mill Street for No. 20 and 22, with a garage to the rear of the properties, and a timber shed. No.18 currently parks on the public highway to the front of the site.

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.

Isleham Parish - 16 May 2023

Although Councillors note the amendments made to the previous application, we wish to reiterate the following objections to the development of this site.

- We do not believe this application meets the requirements set out in our recently approved Neighbourhood Plan, particularly Policy 3 Character and Design including appendix 5 as well as standard Material Considerations
- Delivering a quantum of development that is appropriate for the site, taking into account the site size and shape, making the best use of the site given its context; We would deem this to be an over development of the existing site.
- Not resulting in unacceptable impacts on the amenity of occupants of neighbouring or nearby properties in particular the size and positioning of the various buildings would result in a significant loss of natural light to neighbouring properties.
- Number 20 Mill Street would lose all its existing garden if approved.
- Responding to important characteristics of the surrounding area including views, buildings and their materials and design features, building heights, space between buildings, heritage assets, and trees; The design would not be in keeping with either the existing or neighbouring properties.
- To maintain and enhance the village character described above, all new development should:
 - maintain and enhance valued landscapes, views throughout the village and the wide views across farmland to and from the village. This proposal would remove the natural view up this roadway and impact on the listed property (number 18 Mill Street)
 - be in keeping with the scale of surroundings and avoid overbearing impact on neighbouring properties. See above.

Infill should:

- adopt the scale, density and grain of the context area and units should not form a continuous perimeter nor block views or routes (even informal) through the village or to the countryside.
- be in proportion to its plot and location within the village.
- the scale and massing of each building should as a rule be no bigger or higher than the existing building and no higher than the surrounding buildings, to distinguish back land development from the older linear village pattern. This is not the case with this proposal.
- it should be seen as subordinate to existing dwellings on the original plot. New dwellings may have the same overall number of storeys as the existing dwelling, but occupy a smaller footprint, and should 'read' as subordinate. The proposed footprint of this new development would be approximately 60% bigger than the existing building and would dominate existing properties.

- It should also be noted that we wish this application to be called in to the planning committee should there be any suggestion that it would be approved.

Ward Councillors – Cllr Julia Huffer has requested this is presented to planning committee as she has some concerns with the proposal.

Local Highways Authority - 8 November 2023

The latest proposals as shown on drawing 04 / 2758r / 23 revision D address my previous comments and provided the access to the new dwelling remains ungated, I have no objection.

Please append the following Conditions to any permission granted:

HW8A: Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending, or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 04 / 2758r / 23 revision D.

HW16A: Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan 04 / 2758r / 23 revision D and thereafter retained for that specific use.

Local Highways Authority - 25 September 2023

I have reviewed the latest site plan and it has not addressed my previous comments (19th May 2023 and 8th August 2023) relating to vehicle turning if anything it is a step backwards.

Due to the distance of the dwellings from Mill Street, I consider it unlikely that deliveries would take place from the highway and would in many cases enter the site. As the access to the new dwelling and its associated parking and turning area is shown as gated, any deliveries or visitors to new proposed dwelling will most likely need to reverse out of the site via an access with restricted visibility. This issue can be mitigated by removing the access gates.

The proposals will therefore be detrimental to highway safety (principally towards passing pedestrians). Due to the limited scale of development, the adverse impact is modest but entirely avoidable, so I therefore recommend the applicant amend their proposals accordingly.

Please consider this email as my formal consultation response.

Local Highways Authority - 9 August 2023

My previous response dated 19th May 2023 remains applicable. While the revised site plan has amended the gate location to allow for vehicle turning, the maneuver is reliant upon using a parking space allocated to no. 20, meaning it is not necessarily usable for delivery vehicles required to service the proposed dwelling. To mitigate the risk of vehicles reversing onto Mill Street, a turning area suitable for a modest sized delivery vehicle (e.g., panel or box van) must be provided which is ungated and independent of private parking.

While I note the existing layout also lacks such turning provision, the proposed dwelling is set further away from the highway, increasing the likelihood of delivery vehicles needing to enter the site.

Local Highways Authority - 19 May 2023

On the basis of the information submitted, I have no objections in principle, however, the following points require attention to make the development acceptable in highway terms:

The existing access is sub-standard by virtue of restricted width and visibility. The applicant has proposed design changes to the access to achieve a suitable width for vehicle passing, introduce a metalled surface for an initial length and introduce a drainage channel. I consider this mitigation appropriate to offset the impact associated with the intensification of use.

An area suitable for turning of domestic vehicles and modest delivery vehicles (e.g., box vans) has been included to the front of the new dwelling. However, this area must be retained un gated so as to allow unfettered access to the turning area.

If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

Conservation Officer - 31 May 2023

Comments:

The application site is within 50m of NHLE ref 1126436 No 18 Mill Street, a Grade II listed C18 building (which forms a pair with the unlisted No 16) located within the Isleham conservation area. However, the intervening presence of Nos 20 & 22 Mill Street to the rear of No 18 limit any intervisibility, so the proposal is not considered to have any undue impact on the latter's setting.

Recommendation: no objection

Waste Strategy (ECDC) - 9 May 2023

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).

- 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 (delivery and administration) 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.

- Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

- 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.

ECDC Trees Team - 22 May 2023

No tree related implications but soft landscaping will be a key part of integrating the proposal into the surrounding area, softening its appearance and screening.

The Ely Group of Internal Drainage Board - 7 September 2023

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.

CCC Growth & Development - No Comments Received

Cambridgeshire Fire and Rescue Service - No Comments Received

- 5.2 A site notice was displayed near the site on 18 May 2023 and a press advert was published in the Cambridge Evening News on 11 May 2023.
- 5.3 Neighbours – 12no. neighbouring properties were notified, and the responses received are summarised below. A full copy of the responses are available on the Council's website. The 7no. objection letters received to the application are from No.16 Mill Street only.
- The proposed application occupies a larger floorspace than No.16-22 Mill Street and is approximately 1-1.5m higher to the ridge.
 - The proposed dwelling would overshadow the fruit and vegetable growing area that covers 'the last 36m of the garden'.
 - There is a hedge to be remove on site, yet this is not mentioned on the application form.
 - Proposals states the garden of No.20 and No.22 but does not mention the 40m of garden land recently owned by No.18 to be used for the proposals. 'Will mean that No.20 will never have any garden in the future.
 - Because of the positioning of this proposed house and outbuilding on the site, we are the only house impacted by this proposal as the applicant owns the 3 adjoining properties and a relative owns the other at no. 26. The lack of other objections should be read bearing this in mind; the proposed new build being on our southern border, impacts us – no one else.

- We appreciate that this resubmitted proposal has removed the garage that was directly in front of our greenhouse, but the scale of the proposed house – is still too large for the site and has too great an impact on us, including on the vegetable and fruit patch that covers the last 36m of the garden for No.16 Mill Street.
- The Mill Street area is within the conservation zone and such large infill buildings detract from the intended character of the area.
- My objection to the proposal is, again, based on the Village Plan. I understood that this type of infill housing should be subservient to existing properties, and the proposal appears to be too large.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015 (as amended 2023)

GROWTH 1	Levels of housing, employment, and retail growth
GROWTH 2	Locational strategy
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 11	Conservation Areas
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

6.2 Isleham Neighbourhood Plan 2022

Policy 1a	Housing Growth
Policy 2	Isleham's Development Envelope
Policy 3	Character & Design
Policy 10	Car Parking
Policy 11	Cycle Parking & Storage

6.3 Supplementary Planning Documents

Design Guide
 Flood and Water
 Natural Environment SPD
 Climate Change SPD

6.4 National Planning Policy Framework 2023

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

- 4 Decision-making
- 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
- 16 Conserving & enhancing the historic environment

6.5 Planning Practice Guidance

7.0 **PLANNING COMMENTS**

(including reference to relevant and specific planning policies)

The main issues to consider in the determination of this application are the principle of development; impact it may have on the residential amenity of neighbouring occupiers and the impact it may have on the visual appearance and character of the wider area.

7.1 **Principle of Development**

7.1.1 Policy GROWTH 2 of the ECDC Local Plan 2015 (as amended 2023) permits development within the policy defined development envelope – within which the application site lies – provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations and relevant Local Plan policies are satisfied.

7.1.2 The proposal is therefore considered to be acceptable in principle and also in compliance with Policy 1a and Policy 2 of the Isleham Neighbourhood Plan, subject to the proposals satisfying the requirements of other relevant policies and material considerations.

7.1.3 Policy GROWTH 5 of the ECDC Local Plan 2015 (as amended 2023) also states that the District Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.

7.2 **Character and Appearance**

7.2.1 In terms of visual amenity, Policy ENV1 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials, and colour relate sympathetically to the surrounding area and each other. Policy ENV2 requires all development proposals to be designed to a high quality, enhancing, and complementing the local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs.

7.2.2 Policy 3 Character and Design of the Isleham Neighbourhood Plan also requires proposals to ensure the location, quantum of development, form and massing is appropriate for the site, taking into account the context of the site, and important characteristics of the surrounding areas, including materials and design features, and heritage assets. Proposals should also ensure that new development is reflective of the low (two storeys or fewer) character present in the village and include visual interest to the architectural design of the dwelling.

- 7.2.3 The proposed dwelling is a 1 and a half storey 3-bedroom chalet style dwelling approximately 7.1 metres in height (23ft). The number of proposed height is respective of the surrounding dwellings and presents a modest size home. A neighbouring application as listed in the above planning history section identifies a much larger, modern home that was approved by committee in August 2018.
- 7.2.4 The adjacent dwelling measures at the same height of 7.1 metres (23ft), with a width of 25 metres (82ft) and depth of 15.7 metres (49ft) with an overall ground floor area of 375 square metres (4036 sq. Ft). This is significantly larger than what is being proposed. The proposed dwelling has a floor area of 109 square metres (1173 sq. Ft) which is 70% smaller than the neighbouring property. The site area of the neighbouring dwelling was 2614 square metres (0.6 acres), with the proposed site area of this application 700 square metres (0.1 acre). The total build of the adjoining neighbouring and this proposal is comparable. The site area is in excess of what is required of the Design Guide SPD
- 7.2.5 On the previous application submitted for this site (withdrawn:22/00484/FUL) a garage was included in the proposals. This has been removed in these proposals in the desire to reduce any potential overlooking or overbearingness of the proposals on neighbouring dwellings. However, in removing this element also enables the site to allow for more open space and less built form within the site.
- 7.2.6 When looking the context of the proposed dwelling, it would form the third dwelling in a backland location along Mill Street, that closely sits against a substantial woodland. The proposed dwelling like the neighbouring dwelling takes access from an existing driveway from Mill Street. As seen on the neighbouring backland dwellings, they are detached in nature, with large rear gardens. This application is proposing a modest size detached dwelling that is therefore responding to its context.
- 7.2.7 The positioning of the proposed dwelling is set back from the existing dwellings on this site and is located approximately 23.5m (75 ft) west of the garden of No.16. It is not considered that this application will provide a sense of overbearing to the neighbouring dwellings, as the proposals are for a 1 and a half storey dwelling set a substantial distance from neighbouring dwellings.
- 7.2.8 Taken the existing pattern of the streetscene where there are already examples of dwellings sitting behind those on Mill Street, the site is comparable to its adjoining neighbours. On this basis the proposal is considered to maintain the character of the area.
- 7.3 **Residential Amenity**
- 7.3.1 Policy ENV 2 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) 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.
- 7.3.2 The application seeks to build an outbuilding where existing outbuildings are currently located in the dog leg area of garden. The building would be approximately 43m from the rear of No.16 Mill Street, of which the garden of No.16 abuts the boundary where

this outbuilding will be placed. Officers consider the siting of the outbuilding to be of considerable distance from neighbouring dwellings and by nature of its single storey nature (2.5m (8ft) to the eaves, and 4m (13ft) to the ridge, would, therefore not be considered to cause harm through overshadowing, overbearing or loss of privacy through overlooking. It is not considered that the size of the outbuilding would be substantially taller than those currently in situ, and therefore it is not anticipated that any harm substantial harm would come of the construction.

- 7.3.3 The proposed dwelling would have in excess of 50m² rear private amenity space, in accordance with guidance contained within the Council's Design Guide SPD. In addition, the changes proposed to the existing amenity space of No.22 would still be in accordance with the Council's Design Guide SPD. The garden to No.18 would remain the same as existing, with a shortening of the garden to No.20 to accommodate the proposed parking arrangements. The new proposed rear amenity space for No.22 is 98.9m² (324 sq. ft.).
- 7.3.4 The dormer windows to the front of the dwellings are occupied by a bedroom on the left and a family bathroom on the right (closest to the neighbour rear amenity space). As the right window closest to the neighbour is for a bathroom, which is considered not be a habitable room, any potential impact for overlooking is minimised. No overlooking will occur due to the side elevations as there are no side windows at a first floor levels, and no overlooking will occur to rear, as there is only one neighbour to the south and a woodland to the west.
- 7.3.5 The distance between the front first floor windows of the proposed dwelling and the existing first floor window of No.22 is 30m, which is significantly in excess of the requirements within the Council's Design Guide SPD.
- 7.3.6 As stated previously, the proposed dwelling is circa 43m (101ft) from the rear of dwelling fronting Mill Street, and therefore is not considered to be overbearing in nature.
- 7.3.7 The proposals are therefore considered to be acceptable in line with Policy ENV 2 of the ECDC Local Plan 2015 (as amended 2023), and Policies 1a, 2 and 3 of the 3 Isleham Neighbourhood Plan.

7.4 Visual Amenity

- 7.4.1 Paragraphs 130 and 134 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 7.4.2 Policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 requires that all development proposals are designed to a high quality, enhancing, and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs. Additionally, Policy ENV2 of the East Cambridgeshire Local Plan 2015 makes it clear that all new development proposals will be expected to respect the density and character of the surrounding area, whilst ensuring that the location, layout, scale, form, massing, materials, and

colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right.

- 7.4.3 Policy HOU 2 of the ECDC Local Plan 2015 requires that proposals take into account the existing character of the locality and densities of existing development, as well as the need to make efficient use of land; the biodiversity of the site and its surroundings; the need to accommodate other uses such as open space and parking, the levels of accessibility; and the safeguarding and provision of high levels of residential amenity.
- 7.4.4 The design is considered to be in keeping with the character of the area and the context of the site in accordance with Policy ENV 2 of the ECDC Local Plan 2015 (as amended 2023) and Policy 3 of the Isleham Neighbourhood Plan. Whilst it is accepted the dwelling has not fully confirmed its materials with regard to colour, it is anticipated a condition for materials would be suitable if this application was to be approved.
- 7.4.5 Additionally, the design and proposed materials that have been outlined on the Site Plan as proposed 04/2758r/04 Rev D and Elevation Plans are sympathetic to the character of the dwellings that front Mill Street, and No. 20 and 22, within this site. It is important to note the approved replacement dwelling, annexe, and triple car port to the immediate west of the site that has particularly modern features and materials. This neighbouring dwelling was consented at committee with the materials known at the time as light grey aluminium windows, Crest – hardwood Blend brickwork with white mortar, vertical larch cladding allowed to grey over time, light grey fascia boards and inclined soffits and Spanish slate roof tiles. The consented dwelling also included a substantial quantity of glazing to the front elevation and high-pitched gable end roofs.
- 7.4.6 The dwelling proposed in this application includes smaller windows that are sympathetic to the design of and characteristics of neighbouring dwellings within the conservation area and are considered to be of beautiful design in accordance with the NPPF.
- 7.4.7 The proposed dwelling is also a 3-bedroom chalet style home in closer context to the surrounding existing dwellings, and smaller than the neighbouring No.26 consented under 18/00276/FUL which is a 5-bedroom house and link attached annexe. It is therefore considered that this proposal is in accordance with Policies ENV1, ENV2, HOU2 of the ECDC Local Plan 2015 (as amended), Policy 3 of the Isleham Neighbourhood Plan, the NPPF, and Design Guide SPD.

7.5 Historic Environment

- 7.5.1 Policy ENV12 of the East Cambridgeshire Local Plan, 2015 states that proposals that affect the setting of a Listed Building will only be permitted where they would:
- Preserve or enhance those elements that make a positive contribution or better reveal the significance of the heritage asset
 - Not materially harm the immediate or wider setting of the Listed Building
 - Facilitate the long-term preservation of the building

- 7.5.2 When assessing the impact of a proposed development on a heritage asset, the more important the asset, the greater weight should be. For example, a Grade I, Grade II*, or a Grade II listed building should be afforded greater weight than a conservation area. The NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 7.5.3 As previously discussed in this report, the proposals will be removing a garage and timber shed from the middle of the site to provide access to a dwelling at the rear. The proposed dwelling will be circa 53m (173ft) from the highway, and therefore it is considered any visual impact on the proposed dwelling on the streetscape or the visual and physical setting of the listed building at No.18 Mill Street is neutral and therefore the public benefits of the scheme do not need to weigh against. .
- 7.5.4 Comments have been provided by the Councils Conservation Officer which can be summarised as follows: The application site is within 50m of NHLE ref 1126436 No 18 Mill Street, a Grade II listed C18 building (which forms a pair with the unlisted No 16) located within the Isleham conservation area. However, the intervening presence of Nos 20 & 22 Mill Street to the rear of No 18 limit any intervisibility, so the proposal is not considered to have any undue impact on the latter’s setting. Recommendation: No objection.
- 7.5.5 Taking into consideration the Conservation Officers comments and the lack of visual impact on the Conservation Area the proposal is considered to have a neutral impact on the heritage assets and therefore complies with policies ENV11, ENV12 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023) and the NPPF.
- 7.6 Highways**
- 7.6.1 Policy COM 8 of the ECDC Local Plan 2015 (as amended 2023) seeks to ensure that proposals provide adequate levels of parking (two parking spaces for a dwelling in this location), and Policy COM 7 of the ECDC Local Plan 2015 (as amended 2023) require proposals to provide safe and convenient access to the highway network.
- 7.6.2 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 7.6.3 Policy COM8 of the ECDC Local Plan 2015 (as amended 2023) requires 2 spaces for the proposed dwelling. The application proposals provide the required 2 spaces for No.20 (relocated to the middle of the site from the access drive) and 22 on site. No.18 will continue to park on the highway as has always been the case for this site.
- 7.6.4 Three parking spaces have proposed for the new dwelling, which exceeds the required level of 2 spaces per dwelling.
- 7.6.5 The Local Highways Authority has commented on this application as it has development since submission. The proposals shown on drawing 04/2758r/23

Revision D address the previous comments and concerns about the proposals, provided the access to the new dwelling remains un gated. Conditions recommended by the Local Highways Authority can be added to this application should it be approved at Committee.

7.6.6 For the above reasons, it is considered that the proposals would accord with the objectives of policies COM 7 and COM 8 of the East Cambridgeshire District Council Local Plan 2015 (as amended 2023), and Policies 10 and 11 of the Isleham Neighbourhood Plan.

7.7 Biodiversity, Trees, and Ecology

7.7.1 Policy ENV1 of the Local Plan 2015 (as amended 2023) requires proposals to protect, conserve and enhance traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV 7 of the ECDC Local Plan 2015 (as amended 2023) seeks 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.

7.7.2 The Natural Environment SPD Policy SPD.NE6 also requires that all; new development proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

7.7.3 Notwithstanding, the development proposal triggers the above requirement for biodiversity net gain. It is considered the application site presents ample opportunities for securing a significant biodiversity net gain. Some information has been put forward to suggest compliance with the above policy requirements for the specific proposals put forwards. This can be found on the Site Plan as Proposed drawing number 04/2758r/23 Rev D.

7.7.4 The provisions include hibernation homes for hedgehogs and other wildlife, swift boxes under the eaves, a row of bee blocks, and a landscaping area which is to be seeded with native planting including night scented plants, that are beneficial to bats. This is considered to be acceptable in order for the proposals to comply with the above policies.

7.8 Flood Risk and Drainage

7.8.1 Policy ENV 8 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential test and exception test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1.

7.8.2 The site is located in Flood Zone 1 where the principle of development is considered acceptable in terms of Flood Risk. The Ely Group of Internal Drainage Board has comments that the application states that surface water will be disposed of via soakaways and 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.

7.8.3 Therefore, Officers consider the current proposed drainage to be in accordance with policy and ENV8 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

7.9 Climate Change

7.9.1 Local Plan Policy ENV4 states: 'All proposals for new development should aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable' and 'Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.'

7.9.2 The adopted Climate Change SPD and Chapter 14 of the NPPF encourages all development to include sustainability measures within their proposal. No specific measures have been put forward as part of the application other than the use of Solar Panels on the proposed outbuilding. While this does weigh against the application, it would not form a reason for refusal on its own merit due to the minor scale and nature of the proposed development.

8.0 Planning Balance

8.0.1 The proposal is considered to be acceptable in all other aspects including impacts of the proposal upon the character and appearance of neighbouring occupiers, residential amenity, and highways safety. The proposal complies with all other relevant Local Plan Policies. It is therefore considered that no demonstrable harm would arise from the proposed development. The application is therefore recommended for approval.

8.1 Costs

8.1.1 An appeal can be lodged against a refusal of planning permission, or a condition imposed upon 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 throughout the appeal process) then a costs award can be made against the Council.

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

8.1.3 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.

9.0 APPENDICES

9.1 Appendix 1: Recommended Conditions

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

04 / 2758R / 23	Rev D	19th October 2023
01 / 2758R / 23		25th April 2023
02 / 2758R / 23		25th April 2023
03 / 2758R / 23		25th April 2023
05 / 2758R / 23		25th April 2023
06 / 2758R / 23		25th April 2023
07 / 2758R / 23		25th April 2023
08 / 2758R / 23		25th April 2023
Design & Access Statement		25th April 2023

1 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

2 The development hereby permitted shall be commenced within 3 years of the date of this permission.

2 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015 (as amended 2023).

3 No above ground construction shall take place on site until details of the external materials and colours to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

3 To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

4 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending, or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 04 / 2758r / 23 revision D.

- 4 In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 5 Prior to first occupation or commencement of use the proposed on-site parking and turning area shall be laid out, demarcated, levelled, surfaced, and drained in accordance with the approved plan 04 / 2758r / 23 revision D and thereafter retained for that specific use.
- 5 In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 7 The first floor window on the front elevation, situated in the bathroom 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.
- 7 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Reporting of Unexpected Contamination: 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.
- 8 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.
- 9 No development shall take place until a scheme to dispose of foul water and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of the dwelling.
- 9 To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 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 and the details need to be agreed before construction begins.

- 10 Prior to first occupation or commencement of use a full schedule of all soft 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 To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015.
- 11 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the occupation of the dwelling.
- 11 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 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.
- 12 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 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.
- 13 To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 14 To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area and the setting of the Listed Building, in

accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.

Background Documents

23/00305/FUL

22/00484/FUL

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>

