
MAIN CASE

Reference No: 18/00276/FUL

Proposal: Replacement dwelling, annexe, revised access and triple carport

Site Address: 26 Mill Street Isleham Ely Cambridgeshire CB7 5RY

Applicant: Mr & Mrs James Parr

Case Officer: Oli Haydon, Planning Officer

Parish: Isleham

Ward: Isleham
Ward Councillor/s: Councillor Derrick Beckett

Date Received: 3 April 2018 **Expiry Date:** 3rd August 2018

[T69]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Specified materials
- 4 Construction Times
- 5 Reporting of unexpected contamination
- 6 Boundary Treatments
- 7 Tree Protection Measures
- 8 Biodiversity Measures
- 9 Parking & turning
- 10 Annexe Ownership

2.0 SUMMARY OF APPLICATION

2.1 The application seeks consent for a replacement dwelling, annexe and triple carport at 26 Mill Street, Isleham.

2.2 Amendments have been received throughout the course of the application to lower the ridge height, reduce the amount of glazing, relocate the car port to obscure views to the neighbouring dwelling and alterations to the materials proposed.

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

2.4 The application was called-in to Planning Committee by Cllr Beckett "because of its visibility from the recreation ground. Also possible overlooking neighbouring properties".

3.0 **PLANNING HISTORY**

3.1 No relevant planning history.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The 0.25ha (0.64 acre) site is located within the development envelope and Conservation Area for Isleham, to the rear of the large detached dwelling at 24 Mill Street. The existing dwelling on the site is single-storey, with a high pitched-roof, a large garden and a small outbuilding containing a garage and stores.

4.2 Beyond the site to the south is the dwelling at 26A and beyond is the Isleham Recreation Ground; to the west is Isleham Field and a small wooded area. The main services and facilities of the village are located to the north.

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 Council –

Emerging new plans which have already been through at least one stage of public consultation

The latest ECDC Development Plan has undergone its first round of public consultations, with four sites being identified for the village of Isleham, with a projected number of 188 houses. Seven additional sites have also been identified, which approved would bring in a further 422 houses. If approved this would bring the total number of additional new houses to 610, a 64% increase on the current number of houses in our village.

We also believe that consideration should be given to the substantial number of planning applications made by individuals and property developers above those contained in the Local Plan. Over the last 6 years over 100 new dwellings were permitted by ECDC within our village, with over 40 of these permitted within the last year alone!

Loss of sunlight

The proposed development would completely overshadow neighbouring properties and would have a detrimental effect on the amount of light they receive

Overshadowing / loss of outlook to the detriment of residential amenity

As above. The significant height of this property would have detrimental effect on the outlook of adjacent properties, particularly those immediately adjacent to this residence,

Overlooking and loss of privacy

As above. The significant increase in height of this property would have detrimental effect on the privacy of adjacent properties.

Highways issues: traffic generation, vehicular access, highway safety

It can be assumed that the increase in the size of the property would result in increased vehicles and would therefore result in increased risk to other road users and pedestrians, especially as they access Mill Street from a narrow cul-de-sac

Capacity of infrastructure & Deficiencies in social facilities

We would deem the current infrastructure of our village to be totally inadequate to accommodate further growth. For example:

- With just two buses each week, Isleham has in effective, no public bus service. There is no rail station and there are no designated cycle routes to or from the village, which is served only by poor rural “B” roads. Private car ownership is a pre requisite for working adults living in Isleham.
- The village Primary school is already at capacity and there are no proposals to extend it. The school will be significantly impacted by the Local Plan and any additional houses such as those proposed for this site will further compound this problem.
- Secondary age students have to travel 5 miles to the nearest secondary school and there is only sparse rural local employment. Carbon private car journeys will therefore have to increase. This flies in the face of the Climate Change Act 2008 which has a target of reducing carbon emissions by at least 80% below 1990 levels by 2050.
- Mobile phone signals and broadband speeds are not reliable enough to enable effective working from home, further compounding traffic problems.
- There is only one small Co-op in the village, serving a current adult population of 1900.
- Village utilities and services are already operating at or above capacity.

Loss or effect on trees

We believe from the plans submitted that this development would result in the loss of the large tree to the front of this property. If this is not the case then it would almost certainly be affected by the loss of sunlight and root system

Effect on listed buildings & conservation areas

We believe from the plans submitted that this development would result in a detrimental effect to the green area immediately to the west of this new site

Layout and density of buildings design, visual appearance & finishing materials

We believe that this is a completely disproportionate proposal and that its massive, scale and layout is completely out of character with surrounding properties. It will also be highly visible from the recreation field, potentially restricting the view of the parish church.

Ward Councillors - Cllr Beckett was concerned “because of its visibility from the recreation ground. Also possible overlooking neighbouring properties”.

Conservation Officer – No comments to make.

Local Highways Authority - The Highways authority has no objection in principal to this application. There is an existing dwelling in-situ and access with the highway. The use and trip generation of this access will not change as a result of this proposal

Waste Strategy (ECDC) – No objections subject to informatives.

5.2 **Neighbours** – Four neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and the one response received is summarised below. A full copy of the responses are available on the Council’s website.

- Inappropriate design – not in-keeping
- Loss of light
- Loss of privacy – not currently overlooked but proposal will significant overlook rear garden and dwelling at 24
- Impact on highway safety
- Impact on trees
- Impact on Conservation Area
- Noise disturbance
- Annexe resembles a second property - Legal access to only one property
- Construction noise and disturbance
- Inadequate landscaping
- Removal of trees
- Loss of view of forest area to rear
- Great Crested Newts in the pond of 24 Mill St

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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
HOU 2	Housing density
COM 7	Transport impact

- COM 8 Parking provision
- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 8 Flood risk
- ENV 9 Pollution
- ENV 7 Biodiversity and geology
- ENV 11 Conservation Areas

6.2 Supplementary Planning Documents

Design Guide

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

Developer Contributions and Planning Obligations

Flood and Water

6.3 National Planning Policy Framework 2012

7 Requiring good design

11 Conserving and enhancing the natural environment

12 Conserving and enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP22 Achieving Design Excellence

LP25 Managing Water Resources and Flood Risk

LP26 Pollution and Land Contamination

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP27 Conserving and Enhancing Heritage Assets

7.0 **PLANNING COMMENTS**

7.1 The main considerations with the proposal are the principle of development, residential amenity, visual impact, historic environment, highways, ecology, trees and drainage.

7.1 **Principle of Development**

7.1.1 The proposal involves a replacement dwelling within the defined development envelope for Isleham and in close proximity to the services and facilities on offer in the village. As such, the principle of development is considered acceptable.

7.1.2 The proposed annexe element is incorporated well into the main dwelling, through a physical connection at the ground floor utility room. The annexe provides a bedroom, dining room, sitting room and wet room for the applicant's elderly parents

and, by virtue of its physical connection and proximity to the main dwelling, would not be tantamount to the creation of a separate dwelling. The proposal would appear as a reasonable extension to the dwelling and the occupant would share the access, garden and parking areas of the main dwelling. The subordination in size also adds weight in favour of the annexe and further reinforces the conclusion that this does not constitute the creation of a new dwelling. A condition will be applied to any permission to ensure that the annexe remains ancillary to the main dwelling, 26 Mill Street.

7.2 Visual Amenity & Heritage Impact

- 7.2.1 The proposal involves the replacement of the existing bungalow on the site, 6.1m in height with a footprint of approximately 110sqm with a large dwelling and attached single-storey annexe; the dwelling represents a maximum of 7m in height (ridge), 25.4m in width and 14.9m in depth. The proposal includes a triple carport, 10m in width, 5m in height (ridge) and 6.5m in depth. The dwelling features two gable ends, with a large amount of glazing in the central element. The single-storey annexe is attached to the dwelling by way of a rear lobby.
- 7.2.2 The proposed dwelling represents a significant increase in width, depth and footprint from the existing dwelling, albeit a small increase in overall ridge height. Despite this, the plot size for the development is substantial, with the new dwelling (278sqm) representing a site coverage of 10%, well within the recommended plot coverage of 33% as cited in the SPD Design Guide 2012.
- 7.2.3 The proposal represents a density of 4 dwellings/ha (1.5 dwellings/acre) with the surrounding development having a density of 6.5 dwellings/ha (2.6 dwellings/ha). It is considered that the dwelling's layout and density is in-keeping with its immediate surroundings and it would not represent a significant and demonstrable level of harm to the visual character of the area in this regard.
- 7.2.4 The site is widely screened from the Mill Street and there are a limited number of vantage points from which the new development would be visible. The existing bungalow offers minimal visual contribution to the street-scene and the wider conservation area. Whilst the replacement dwelling is wider and deeper than the existing dwelling and represents an increase in height of approximately 0.9m, the visibility of the structure would remain largely obscured from any public view. A reduction in height and the amount of glazing in the front elevation was reduced through an amendment and the overall visual impact of the proposed dwelling is not considered to lead to a significant level of harm to the character and appearance of the area.
- 7.2.5 The triple carport would be located beyond the front elevation of the dwelling, contrary to the recommendations of the SPD Design Guide. However, it's considered that due to the lack of visibility of the site from Mill Street and the presence of an existing series of outbuildings off the front and side elevations, that an acceptable visual precedent has been set.
- 7.2.6 The site is located on the edge of Isleham Conservation Area although the Conservation Officer has responded with no concerns raised. As previously stated,

the bungalow offers minimal heritage value to the area and presents no visual relationship to the historic character buildings present along the frontage of Mill Street. The proposal is considered to have an acceptable impact on the historic character and appearance of the Isleham Conservation Area.

- 7.2.7 Concerns have been raised with regards to the views of the development site from the Isleham Recreation Ground and also views to the Parish Church. The gable end of the neighbouring 26A can be seen from the recreation ground, although the view is mainly dominated by the large structure at The Beeches. The pitch of 26 Mill Street can also be partially viewed from the recreation ground. Whilst the new structure will be more visible from this public area than the existing bungalow, the other views to the north, east and south from the recreation ground are of dwellings, some large in size. Furthermore, the application does not seek to create an *additional* dwelling and the overall lack of significant change in circumstances and insubstantial increase in height is not considered to constitute demonstrable harm to the views from this public area. The church is located 300m to the north-east with several large buildings between and the proposal is not considered to significantly interrupt any key views from the public realm.

7.3 Residential Amenity

- 7.3.1 The proposed dwelling would be set back within the site when compared to the existing dwelling. The bungalow at present is situated 7m from the eastern boundary, 15m to the northern boundary and 3m to the southern boundary. The proposed dwelling would be sited 18m from the eastern boundary, 5m from the northern boundary and 5m from the southern boundary. The site is bordered on three sides by neighbouring dwellings, Number 22 to the north, 24 and 28 to the east and 26A to the south.
- 7.3.2 Regarding the dwellings to the north-east, the proposed replacement dwelling would be situated approximately 26m from the dwelling at 22 Mill Street. Due to the position of the annexe, the main two-storey element of the proposal is located a further 3m away. It is considered that due to the height of the existing bungalow and the separation distances that any overbearing impact is likely to be acceptable. The nearest first floor windows to the neighbours to the north are sufficiently distanced to avoid a harmful impingement of privacy and they are set at an obscure angle to produce a level of resistance to direct overlooking. The side facing windows to the north are rooflights which further reduce overlooking on the rear garden of 22 Mill Street.
- 7.3.3 Regarding the neighbour to the east, 24 Mill Street, the proposed dwelling is sited 35.5m from the rear elevation of the neighbouring dwelling. This dwelling has a large glazed element at the rear and concerns have been raised regarding loss of privacy and overbearing from this resident. Amendments have been made to attempt to obscure the view between these dwellings, these changes included relocation of the carport and a reduction in height and glazing. The neighbouring resident has supplied significant evidence to demonstrate the impact that the proposed dwelling will have on their privacy and private amenity space. The SPD Design Guide 2012 states that 10m distance between dwelling and boundary, resulting in a separation distance of 20m being acceptable in principle. The proposal well exceeds this separation distance which adds weight in support of the

proposal. The relocation of the carport helps obscure the view somewhat into the private amenity space of 24 Mill Street and this adds further positive weight in the planning balance.

- 7.3.4 Consideration is made to the fact that the 6.1m high bungalow currently on site could potentially have its roofspace converted with the addition of dormers, without the need for planning permission (under permitted development). These dormers would be located at a similar height to those first floor windows proposed in this application. It is acknowledged that the overlooking arising from a dormer is likely to be less than a full size window but nonetheless the fall-back position with regards to what can be completed without planning permissions contributes weight to the overall balance.
- 7.3.5 Two 'upper' Sight-lines have been provided by the neighbouring resident to demonstrate the vantage points from which their privacy would be compromised at first floor level; as previously stated, these are well in-excess of the separation distances deemed as acceptable in the SPD Design Guide. The neighbour response is accompanied by correspondence with the Planning Department from 2009 relating the neighbours own planning application; these comments are outside the remit of this application although the considerations raised regarding overlooking were valid.
- 7.3.6 Most development in urban areas affords a level of overlooking and privacy impingement and this proposal is accompanied by a *perception* of overlooking due to the amount of glazing proposed. Additionally, if the replacement dwelling is constructed there would be a level of overlooking *arising* from 24 Mill Street, considered acceptable due to the separation distances. It is considered that in this instance, on balance, the amount of overlooking does not constitute a significant and demonstrable level of harm to the privacy of the resident of 24 Mill Street.
- 7.3.7 The dwelling to the south, 26A is positioned 17m from the proposed dwelling. The side elevation of the proposal contains no first floor windows (aside from two rooflights serving a bathroom and the staircase) and has an eaves height of 4.4m. It is considered that the dwelling would avoid a significantly overbearing impact and an acceptable level of overlooking on the front elevation and driveway of 26A Mill Street. The dwelling to the south-east, 28 Mill Street is located 38m from the dwelling and is unlikely to be impacted by the replacement dwelling in terms of overlooking and overbearing.
- 7.3.8 The proposal itself provides ample private amenity space and would not be harmfully overlooked by surrounding dwellings.
- 7.3.9 The scheme is considered to be broadly compliant with the relevant policies relating to residential amenity and, on balance, the overlooking and overbearing impact and any loss of light arising from the proposal has been overcome by the separation distances, design, application amendments and consideration of the fall-back position.

7.4 Highways

- 7.4.1 The proposal would seek to utilise the existing access for the bungalow, with parking and turning sited to the front of the site. A triple car port is proposed along with a further two parking spaces. The Local Highways Authority have raised no concerns with the proposal and there would not be a harmful intensification of use on the access track arising from the proposal.

7.5 Ecology, Trees and Drainage

- 7.5.1 The proposed development comprises a replacement dwelling with minimal biodiversity impact expected. The proposed dwelling includes several biodiversity enhancements in the form of bat/bird boxes and the implementation of these will be secured by condition.
- 7.5.2 The proposal includes a scheme for surface and foul water drainage which is acceptable. The implementation of this will be overseen by the building control department.
- 7.5.3 The proposal would involve the removal of several small trees and hedging; the mature trees at the rear of the site are being retained and consent will be required for their removal due to the sites location in the Conservation Area. A condition requiring a scheme of boundary treatments to be submitted will secure additional boundary planting to assimilate the development into its surroundings. The safeguarding of trees during construction will also be secured by condition.

7.6 Other Material Matters

- 7.6.1 Investigation and reporting of unexpected contaminated land discovered during construction will be secured by condition. Construction time will be restricted and enforced by condition to ensure a minimal disturbance to nearby residents.
- 7.6.2 The Parish Council raised issues of growth within Isleham and that sufficient development has been allocated elsewhere in the district. As the proposal is a replacement dwelling and does not involve the creation of a new planning unit, these comments are not relevant. The Parish Council are concerned that the larger dwelling will result in increased vehicles but the Local Highways Authority does not consider there to be any harmful increase in vehicle traffic arising from the proposal. The capacity of the infrastructure and lack of social facilities identified by the Parish Council are no relevant in this instance as the proposal is for a replacement dwelling.

7.7 Planning Balance

- 7.7.1 The proposal involves the provision of a replacement dwelling, located close to the village centre and built to modern construction standards. The long and short-term economic benefits also attract some limited weight in favour. Matters in relation to residential amenity and highway safety can be addressed by condition.

- 7.7.2 The proposal involves the construction of a dwelling of a larger footprint than that of the dwelling which it is replacing. The dwelling has been designed to include an annexe for an elderly relative and this is incorporated well into the dwelling itself, appearing as an extension with a physical connection to the dwelling. The site is obscured from view from the street-scene and partially visible from the recreation ground. The dwelling is of a contemporary design with a prevalence of glazing on the front and rear elevation. The materials proposed would appear in-keeping with the area and the Conservation Officer has raised no concern with the proposal.
- 7.7.3 The proposal meets the Council’s parking standards and would utilise an existing access track off Mill Street. The Local Highways Authority have raised no concerns with the proposal.
- 7.7.4 The proposal has the potential to overlook the neighbouring resident at 24 Mill Street. This matter has been given significant consideration and whilst a level of harm will be caused, this is not considered to be significant and demonstrable due to a separation distance between windows exceeding 35m and the positioning of the 5m high carport between the two dwellings.
- 7.7.5 In conclusion it is considered that the harmful impacts of the proposal on the conservation area and local residents do not demonstrably outweigh the benefits of the scheme and the application is recommended for approval.

8.0 APPENDICES

8.1 Recommended Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00276/FUL	Oli Haydon Room No. 011 The Grange Ely	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.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>

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

Plan Reference	Version No	Date Received
17:130-0		3rd April 2018
17:130-1	C	31st May 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 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 The materials to be used in the construction of the external surfaces, including walls, roof, windows, doors, shall be as specified on Drawing 17:130-2 (D). All works shall be carried out in accordance with the approved details.
- 3 Reason: 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 and LP22 and LP27 of the Submitted Local Plan 2017.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public or Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017
- 5 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.
- 5 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 and LP26 of the Submitted Local Plan 2017.

- 6 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 first occupation.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 The tree protection measures as shown on Drawing 17:130-1 (C) shall be implemented prior to the commencement of development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered
- 7 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 and LP22 and LP28 of the Submitted Local Plan 2017. 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.
- 8 The biodiversity improvements as shown on Drawing 17:130-2 (D) shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.
- 8 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 9 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.
- 9 Reason: To ensure construction of a satisfactory access, in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 10 The annexe hereby permitted shall be used for purposes ancillary to the residential use of the main dwelling known as 26 Mill Street and shall not be occupied as an independent unit of accommodation at any time.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.