
MAIN CASE

Reference No: 18/00667/OUT

Proposal: Detached house and garage

Site Address: 45 East Fen Road Isleham Ely Cambridgeshire CB7 5SW

Applicant: Mr Ivan Cox

Case Officer: Richard Fitzjohn, Planning Officer

Parish: Isleham

Ward: Isleham
Ward Councillor/s: Councillor Derrick Beckett

Date Received: 4 June 2018 **Expiry Date:** 3rd August 2018

[T73]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE the application for the following reason:

1. The existing dwellings on the north side of East Fen Road comprise single-depth, linear development fronting the public highway, with gardens and agricultural fields to the rear of the dwellings. The proposed dwelling would be located to the rear of 45 East Fen Road where it would comprise back land development. There are no existing examples of back land development and there is no contextual basis for back land development within the locality. Therefore, the proposed development is contrary to guidance in the East Cambridgeshire Design Guide Supplementary Planning Document which states that back land development will only be acceptable if supported by a contextual analysis of the locality. Furthermore, by extending residential built form against the linear grain of development on the northern edge of the village, the proposed development would cause significant harm to the character and appearance of the area and could potentially set a precedent for further back land development in the locality, contrary to Policies ENV1, ENV2, HOU2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.

2.0 SUMMARY OF APPLICATION

2.1 Outline planning permission, with all matters reserved, is being sought for the erection of 1No. dwelling and garage on land to the rear of 45 East Fen Road, Isleham.

2.2 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.3 This application has been called-in to Planning Committee by Councillor Derrick Beckett on the grounds that there are other developments of this nature in the village and he believes it is in the public interest for it to be debated by Committee.

3.0 PLANNING HISTORY

3.1

17/02090/OUT	Residential development for 2no. detached houses and garages	Withdrawn 02.02.2018
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4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located on the northern edge of, but within, the established development framework for Isleham. The site comprises land to the rear of a two-storey residential property, No.45 East Fen Road, which can be accessed by a vehicular track adjacent to the east boundary of the host dwelling that currently provides access to the agricultural land to the north of the site. The site is also situated rear of other residential properties along the north side of East Fen Road where the residential built form comprises single-depth, linear development fronting the public highway.

5.0 RESPONSES FROM CONSULTEES

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

5.2 Isleham Parish Council – Recommends outright refusal of planning permission. Isleham Parish Council does not believe the reduction in the number of proposed properties for this site address their previous objections (submitted 19th December 2017 for 17/02090/OUT). Isleham Parish Council's concerns remain the same. Specifically that:

- This development should be considered in the context of the emerging Local Plan which includes the development of over 200 houses within our village.
- This particular development would result in the further erosion of our 'village fringe' (see 17/01729/FUL) and would clearly set a precedent for further developments at the rear of number 47 and 49 East Fen.

- Should this application be approved we would ask that the condition is made that a 'solid road' surface is applied to the access road.

5.3 Ward Councillor Derrick Beckett – Requests the planning application is called into Committee on the grounds that there are other developments of this nature in the village and he believes it is in the public interest for it to be debated by Committee.

5.4 Cambridgeshire Archaeology – Records indicate that the site lies in an area of high archaeological potential, situated on the eastern edge of the historic village of Isleham. To the west are the scheduled earthwork remains of fish ponds, hollowed lanes and platforms that were part of Isleham Priory (National Heritage List for England ref 1013278, Cambridgeshire Historic Environment Record reference DCB221). The only remaining standing priory building at Isleham is the Chapel of St Margaret of Antioch, a Grade I Listed Building (DCB713) to the north of which lie the buried foundations of the convent buildings and the earthwork remains of the associated agricultural complex (07528). Archaeological investigations to the west of the proposed development at Ellwoods Close revealed evidence of significant Saxon, medieval and post-medieval occupation as well as artefact evidence which suggest the location of a high status Roman building in the vicinity (ECB4634). Investigations at Church Lane revealed significant evidence of Prehistoric, Roman, medieval and post-medieval occupation (ECB4610). Further archaeological investigations at Priory Gardens (CB15283) and Beck Road revealing further evidence of medieval and post-medieval occupation (MCB18442). In addition, to the north of the application area is Neolithic settlement site (11281).

Cambridgeshire Archaeology does not object to the proposed development but considers that the site should be subject to a programme of archaeological investigation secured by planning condition due to a high probability of architectural finds in this location.

5.5 Local Highways Authority - No objections. The applicant has overcome the highways concerns and objections highlighted in the withdrawn application 17/02090/OUT.

Recommend conditions relating to parking and turning, access width and visibility splays to accord with the submitted drawing with no boundary feature with the highway above 0.6m in height.

5.6 CCC Growth & Development – No comments received.

5.7 Environmental Health - Broadly accept the conclusions of the Enviroscreen report supplied with the application. The site appears to be at low risk of land contamination and recommends that a condition requiring further work is not required. However, old maps show a canal on the western boundary which is no longer present and is presumably filled in. As this application is for a sensitive end use (residential), recommends a condition in respect of unexpected contamination.

5.8 Waste Strategy (ECDC) –

- 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.
- Each new property requires two bins; this contribution is currently set at £43 per property.
- 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.

5.9 Middle Fen and Mere Internal Drainage Board – The application is outside of the Middle Fen and Mere Internal Drainage District. The Board have no comment to make from a drainage viewpoint.

5.10 Neighbours – A site notice was displayed near the site on 25th June 2018 and 15 nearby properties were directly notified of the application by letter. No representations have been received from occupiers of nearby properties.

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 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest
COM 7	Transport impact

COM 8 Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide

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

6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP3 The Settlement Hierarchy and the Countryside
- LP16 Infrastructure to Support Growth
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP27 Conserving and Enhancing Heritage Assets
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 The main issues to consider when assessing this application relate to the principle of development and the impacts on the character and appearance of the area, residential amenity and highway safety.

7.2 Principle of Development

7.2.1 The local planning authority 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, when assessed against the policies in this framework taken as whole.

- 7.2.2 The application site is located within the established development framework for Isleham, where the principle of development is generally considered to be acceptable, subject to all other material planning considerations being satisfied.
- 7.3 Character and appearance of the area
- 7.3.1 The existing dwellings on the north side of East Fen Road comprise single-depth, linear development fronting the public highway, with gardens and agricultural fields to the rear of the dwellings. The proposed dwelling would be located to the rear of the host dwelling and other dwellings along the northern side of East Fen Road, where it would comprise back land development.
- 7.3.2 The East Cambridgeshire Design Guide states the following in regard to back land development:
- Back land development (one dwelling built behind another) will only be acceptable if supported by a contextual analysis of the locality (particularly with reference to the point below about large houses);
 - There must be sufficient space to allow for an access road to the rear, the width of which may be determined by the status of any adjoining highway;
 - Adequate protection against noise and disturbance must be provided for the host dwelling;
 - Consideration should be given to the inclusion of adjacent land, to avoid piecemeal development. Applications may be refused if it cannot be demonstrated that the possibility of a more comprehensive development has not been explored;
 - The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so;
 - There can be no presumption that large houses in extensive curtilages should be able to subdivide the garden ground into smaller plots. It is important to retain a stock of housing that can accommodate the growth aspirations of Ely and the larger settlements in East Cambridgeshire, where there will be a demand for 'executive' style dwellings.
- 7.3.3 In respect of assessing whether there is a contextual basis for back land development within the locality, the case officer has conducted this assessment on the northern side of East Fen Road where the proposed development would be located, as this would be where the visual impact would occur.
- 7.3.4 It is acknowledged that there is an example of a back land dwelling (No.8A East Fen Road) to the rear of No.8 East Fen Road, located further to the south of East Fen Road towards the junction of East Road/Sheldrick's Road. A planning application (ref: 09/00647/FUL) for this dwelling was allowed on appeal, following refusal of planning permission by the Local Planning Authority in 2009 for the following reason:

- 7.3.5 *“The site currently comprises the rear garden of No. 8, and the new dwelling would be sited behind the existing dwelling, set back more than 30m from the road. The eastern side of East Fen Road is characterised by a single row of frontage development, all set back a similar distance from the road (between approximately 7.5m and 13m). Introducing a dwelling to the rear of No. 8 would be completely at odds with this spatial layout, and out of keeping with the character of the area. Furthermore, it would have a detrimental impact on the setting of the village, as it would bring substantial built development much closer to the boundary with the countryside. At present, the large rear gardens of the dwellings on the east side of East Fen Road provide something of a ‘green buffer’ between the dwellings and the countryside beyond. Introducing a dwelling into the rear garden of No. 8 would erode this. This impact would be exacerbated by the fact that the proposed dwelling would be taller than the existing dwelling and therefore more visually dominant. Allowing residential development in this location would also make it difficult to resist proposals for similar development in the rear gardens of the other dwellings on the east side of East Fen Road, the cumulative impact of which would have a severely detrimental impact on the setting of the village. For these reasons, the proposal would be contrary to policies 28, 58 and 59 of the East Cambridgeshire District Local Plan, 2000, policies EN1 and EN2 of the Emerging Core Strategy, and policies SS1 and ENV7 of the East of England Plan, 2008, Planning Policy Statement 1 and Planning Policy Statement 3.”*
- 7.3.6 However, this appeal was allowed prior to adoption of the East Cambridgeshire Design Guide Supplementary Planning Document which provides additional weight to refusing planning applications for back land development in locations where it is out of character with the locality. Furthermore, No.8A East Fen Road is distanced more than 150m away from the application site and does not form part of the northern edge of the village which would be impacted, therefore not providing a contextual basis for back land development on the application site.
- 7.3.7 It is considered that there are no existing examples of back land development and there is no contextual basis for back land development within the locality which would make the back land nature of the proposed development acceptable. Therefore, the proposed development is contrary to guidance in the East Cambridgeshire Design Guide Supplementary Planning Document which states that back land development will only be acceptable if supported by a contextual analysis of the locality.
- 7.3.8 By extending residential built form against the linear grain of development on the northern edge of the village, the proposed development would cause significant detrimental harm to the character and appearance of the area and could potentially set a precedent for further back land development in the locality, contrary to Policies ENV1, ENV2, HOU2 of the East Cambridgeshire Local Plan 2015 and Policies LP22 and LP28 of the Submitted Local Plan 2017.
- 7.4 Residential amenity
- 7.4.1 The application seeks outline planning permission with all matters reserved. Therefore, no specific details relating to matters of layout, scale and appearance can be assessed as part of this application. However, it is considered that a single dwelling could be accommodated with the application site without creating any

significant impacts on neighbouring with regards to overlooking, overbearing, loss of light and loss of outlook. The access to the proposed dwelling would be via an existing vehicular access and the intensification of this use for vehicles serving 1No. dwelling would not be likely to create any significant issues in respect of noise or light disturbance.

7.4.2 It is therefore considered that the proposed development would not cause any significant detrimental impacts to the residential amenity of the host dwelling or neighbouring dwellings, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2017.

7.5 Highways

7.5.1 The application site is served by an existing vehicular access along the track to the east of the host dwelling. There is adequate space within the application site to provide parking for 2 cars and adequate turning provision, as demonstrated on the submitted indicative plan. Furthermore, the Local Highway Authority has stated they have no objections and that the applicant has overcome the highways concerns and objections highlighted in the withdrawn application 17/02090/OUT.

7.5.2 Isleham Parish Council has asked that, should this application be approved, a condition is made that a 'solid road' surface is applied to the access road. The Local Highway Authority has not advised, at this stage, that this would be required to make the access safe to serve a residential dwelling. However, this application seeks outline planning permission with all matters reserved, and therefore specific matters of access and landscaping are not being considered. Consideration of details of access/driveway surfacing would be considered as part of a separate application if Members were to approve this application.

7.5.3 It is therefore considered that the proposed development would not cause any significant detrimental impacts in respect of highway safety or parking, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and Policies LP17 and LP22 of the Submitted Local Plan 2017.

7.6 Archaeology

7.6.1 Cambridgeshire Archaeology has stated that records indicate the application site lies in an area of high archaeological potential. Cambridgeshire Archaeology does not object to the proposed development but considers that the site should be subject to a programme of archaeological investigation secured by planning condition due to a high probability of architectural finds in this location.

7.6.2 If Members are minded to approve this application, it is considered that a condition requiring an archaeological investigation should be appended.

7.7 Other Material Matters

7.7.1 The application site is located in Flood Zone 1 where the principle of development is considered acceptable in drainage terms.

- 7.7.2 The Council's Environmental Health department has stated that site appears to be at low risk of land contamination and recommends that any unexpected contamination could be controlled through condition.
- 7.8 Planning Balance
- 7.8.1 The benefits of the proposed development are the provision of an additional dwelling to the district's housing stock and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling. The site is located within a sustainable location within the established development framework. In addition, the proposed development is considered acceptable in respect of its impacts upon residential amenity, highway safety and archaeology.
- 7.8.2 However, on balance, it is considered that the benefits of the proposed development would be outweighed by the significant and demonstrable harm which would be caused to the character and appearance of the area, contrary to policies ENV1, ENV2 and HOU2 of the East Cambridgeshire Local Plan 2015, policies LP22 and LP28 of the Submitted Local Plan 2017 and guidance set out within the East Cambridgeshire Design Guide Supplementary Planning Document. Therefore, the application is recommended for refusal for the reasons set out within paragraph 1.1 of this report.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00667/OUT	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Planning Officer 01353 665555
17/02090/OUT	Ely	richard.fitzjohn@ea stcambs.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>