

MAIN CASE

Reference No: 18/00933/OUT

Proposal: Erection of 3 No dwellings

Site Address: 53 Pound Lane Isleham Ely Cambridgeshire CB7 5SF

Applicant: Mr G Baxter

Case Officer: Catherine Looper, Planning Officer

Parish: Isleham

Ward: Isleham

Ward Councillor/s: Councillor Derrick Beckett

Date Received: 9 July 2018

Expiry Date: 5th October 2018

[T112]

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Time Limit - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Construction Times
- 5 Sample materials
- 6 Landscaping Scheme
- 7 Access- width
- 8 Gates - restriction
- 9 Parking & turning
- 10 Site Characterisation
- 11 Reporting of unexpected contamination
- 12 Foul and Surface water drainage
- 13 Permitted Dev - windows and openings
- 14 Permitted Dev - fences, gates and walls
- 15 No pruning, felling or removal of trees or hedges

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline consent for the construction of three dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered are access and scale. The three dwellings would share a vehicular access.
- 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.**

3.0 PLANNING HISTORY

3.1

02/00391/FUL	Proposed four bedroom dwelling with attached double garage	Refused	10.06.2002
03/00764/FUL	Proposed 4 bedroom dwelling with attached double garage.	Approved	29.08.2003
04/00355/FUL	Demolition of existing bungalow together with the erection of a replacement dwelling and detached garage	Approved	18.05.2004
04/01218/FUL	Demolition of existing bungalow & erection of replacement dwelling & detached garage.	Approved	01.12.2004
17/00436/FUL	Proposed erection of 1No private detached dwelling and cart lodge on land at 53 Pound Lane, Isleham	Approved	11.05.2017
17/01178/FUL	Proposed erection of 1No private detached dwelling & cart lodge	Approved	01.09.2017
17/01636/FUL	Proposed erection of 1No private detached dwelling & cart lodge	Approved	03.11.2017
17/02131/VAR	To vary conditions 1 (Plans and Drawings) of the decision dated 06/11/2017	Approved	30.01.2018

of previously approved
application 17/01636/FUL
for proposed erection of 1No
private detached dwelling &
cart lodge

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site is located toward the north of Isleham and is in close proximity to the development envelope. The site is currently vacant and enclosed by a well-established hedge. Isleham holds a mixture of dwelling types and designs near this location, which are generally set back a short distance from the public highway.

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.

Environmental Health – Under Section 6 of this application the applicant has indicated 'no' in the 'proposed use that would be particularly vulnerable to the presence of contamination' box. As any residential property is classed as vulnerable to the presence of contamination assessment, to be attached to any planning permission granted.

In addition, due to the proposed number of dwellings and the close proximity of the existing residential properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

08:00 – 18:00 each day Monday – Friday
08:00 – 13:00 on Saturdays and
None on Sundays or Bank Holidays.

Waste Strategy (EADC) – 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.

Senior Trees Officer - No Comments Received

Local Highways Authority – The Highways Authority has no objections in principal to this application.

I would note that this development is outside of the village boundary and as such there are no footways or lighting and none have been proposed.

CCC Growth & Development - No Comments Received

Ward Councillors - No Comments Received

Parish – Objection on grounds of the following Materials Planning Considerations.

- Emerging new plans - have already been through at least one stage of public consultation. This is clearly yet a further extension beyond our village boundary.

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 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 application made by individuals and property developers above those contained in the Local Plan. Over the last 6 years over 90 dwellings were permitted by ECDC, with 36 of these permitted within the last year alone!

It is important to note that our acceptance of the construction of No 53 Pound Lane was based on the fact that there was a house / building already existing on this site. This is clearly a new development on agricultural land and is clearly a further expansion beyond the recognised boundaries of our village.

We do not feel the applicant's statement that this development is meeting housing needs to be correct as there is already a significant number of similar band properties for sale in the village. Our village needs affordable housing.

- Highways Issues – traffic generation, vehicular access, highway safety.

The proposed development is on the approach / exit road to our village. There is no footpath on this side of the road and non-identified in the plans. The proposal includes another entry/ exit point onto Prickwillow Road. This is already a busy road with problems with speeding cars. We believe this additional entrance would increase the risk of existing road users.

The ongoing development of 17/00436/FUL is already adding to highways difficulties.

A recently installed MVAS positioned almost opposite the entrance to this site indicates that over 22% of cars exceed the 30mph speed limit as you enter / leave the village.

- Capacity of Infrastructure – public drainage or water systems.

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.
- Adverse Impact on Nature Conservation Interests

There is a highways drainage ditch and the land adjacent to the verge / boundary of this proposed development. This serves our village and would be detrimentally affected by this proposed development.

The objections that we raise also need to be considered against the back drop of the rural individuality of Isleham village.

- Local Financial Considerations – offered as a contribution or grant.

The proposed development does not meet current housing demands. There are sufficient houses within this style and price bracket already for sale within the village.

- Layout and Density of Building Design – visual appearance & finishing materials.

It is positioned on one of the main access points into our village and as such would detrimentally affect the aesthetics and character of our historic village.

We would deem this to be a significant over development of this site. The size and scale of this proposed developments would completely dominate the entrance to our

village. The laurel bushes which is used to screen the development is not typical of rural environment.

5.2 **Neighbours** – one neighbouring property was notified and the response received is summarised below. A full copy of the response is available on the Council’s website.

- Proposal is outside of the development envelope for Isleham.
- Not in designated housing zone.
- As permission has already been given for one other dwelling, does this mean that the policy is no longer valid?

5.3 A site notice was posted on 19th July 2018 and an advert was also placed in the Cambridge Evening News.

6.0 **The Planning Policy Context**

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1 Levels of housing, employment and retail growth
GROWTH 3 Infrastructure requirements
GROWTH 5 Presumption in favour of sustainable development
ENV 1 Landscape and settlement character
ENV 2 Design
ENV 7 Biodiversity and geology
ENV 9 Pollution
COM 7 Transport impact
COM 8 Parking provision

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

6.3 National Planning Policy Framework 2018

5 Delivering a sufficient supply of homes
12 Achieving well-designed places

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development
LP3 The Settlement Hierarchy and the Countryside
LP5 Community-led development
LP17 Creating a Sustainable, Efficient and Resilient Transport Network
LP26 Pollution and Land Contamination
LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.0.1 The main considerations in the determination of this application are the principle of development, the residential amenity of nearby occupiers, and the visual impact on the character of the area.

7.1 Principle of Development

7.1.1 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) and the 2017 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.

7.1.2 In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.

7.1.3 As the site is located in close proximity to the settlement boundary and the services and facilities on offer in Isleham, the principle of development is considered acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application. The proposal considered by this application would make a small but positive contribution to the local housing supply in the form of three dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage.

7.2 Residential Amenity

7.2.1 Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.2.2 Plot one is located along the south boundary of the site which borders the recently approved adjacent dwelling and is 1.5 storeys in scale. The dwelling has a maximum height of 6.8m. The indicative drawings show that the proposed dwelling does not feature first floor windows to the south elevation, which prevents direct overlooking of the neighbouring dwelling. The proposed dwelling is positioned in such a way that views of the neighbouring private amenity space would be limited, and as such the proposal is considered to adequately prevent significantly harmful impacts to the future occupiers of the neighbouring dwelling.

7.2.3 Plot two is positioned between the other two proposed dwellings and also has a maximum height of 6.8m. The majority of windows are located to the west elevation

on the indicative drawings, which faces open field. The proposed dwelling is not considered to create significantly harmful impacts to the amenity of neighbouring dwellings.

- 7.2.4 Plot three is single storey in scale and is located to the northern-most dwelling on the plot. The dwelling is modest in size, with a maximum height of 6.3m. Due to the single storey scale and the distance between the dwelling and the other plots, plot three is not considered to create overlooking or overbearing on neighbouring dwellings.
- 7.2.5 Although the elevations and appearance are not formally considered as part of this application, should the elevation drawings submitted be put forward as part of the reserved matters stage, it is considered that the location and scale of the proposed dwellings would not create any significantly detrimental effects on the residential amenity of nearby occupiers and therefore complies with Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.3 Visual Amenity

- 7.3.1 The proposed plot sizes, rear amenity space and building sizes comply with the requirements of the Design Guide SPD. In addition, the indicative elevations show that the main windows to habitable rooms face away from the road.
- 7.3.2 In terms of visual amenity, policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The proposal will create a change to the existing appearance of the settlement edge. The agent has included indicative elevations of the proposed dwellings, which are of a more rural design. Although appearance is not considered at this stage, the indicative drawings indicate that this type of design would be suitable for the location.
- 7.3.3 The maximum height of plots one and two is 6.8m, and plot three would be 6.3m. This scale is similar to other nearby dwellings and is considered appropriate for the edge of settlement location. The single storey scale of plot 3 is considered appropriate to define the stopping point of built form and provides a step-down from other two-storey development near the settlement edge.
- 7.3.4 The previous permission on the adjacent site (17/00436/FUL) removed permitted development rights in relation to any alterations or extensions, outbuildings, additional openings and fences, gates or walls, to restrict any future alterations which may be made under permitted development that might impact on the character and appearance of the settlement edge. It is considered necessary to add these restrictions as conditions to any grant of planning permission to ensure that this development does not create harm to the character of the area.
- 7.3.5 Details of materials and landscaping would be considered at a reserved matters stage, and can be secured by condition. The existing hedge surrounding the site is considered to be beneficial to the appearance of the site within the street scene

and provides a softer boundary to the site. It is important that this hedge is retained within any scheme for landscaping.

7.4 Highways

- 7.4.1 The applicant proposes to create a new driveway access off the public highway, which would be 5m in width for the first 10m. The County Highways Authority has been consulted and has stated that they raise no objections in principle to the application. Conditions are recommended to ensure that the proposal does not create impacts on highway safety. The proposal provides sufficient parking spaces for the proposed dwellings and therefore complies with policy COM8 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017.

7.5 Planning Balance

- 7.5.1 On balance, the proposal complies with planning policy and would result in the provision of three additional dwellings to the local housing supply. The application is therefore recommended for approval.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00933/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@eastcambs.gov.uk
02/00391/FUL		
03/00764/FUL		
04/00355/FUL		
04/01218/FUL		
17/00436/FUL		
17/01178/FUL		
17/01636/FUL		
17/02131/VAR		

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 18/00933/OUT Conditions

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

Plan Reference	Version No	Date Received
P-6105-01		9th July 2018
P-6105-02		9th July 2018
P-6105-03		9th July 2018
P-6105-04		9th July 2018
P-6105-05		9th July 2018
P-6106-01		9th July 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 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 Holidays 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 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 6 Prior to first occupation or commencement of use a full schedule of all soft and hard landscaping 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, as well as details of hard surfacing materials and boundary treatments. 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.

- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 The access shall be a minimum width of 5m, for a minimum distance of 10m measured from the near edge of the highway carriageway and thereafter retained in perpetuity. No unbound material shall be used to form the driveway surface within 5m of the highway.
- 7 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 8 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 the approved plans.
- 8 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 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: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 10 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 10 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.
- 11 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.
- 11 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 12 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation
- 12 Reason: 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 and LP22 and LP25 of the Submitted Local Plan 2017.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, east and south elevation(s), without the prior written consent of the Local Planning Authority.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting

that Order), no fences, gates or walls shall be erected within the curtilage of the dwellinghouse, without the prior written consent of the Local Planning Authority.

- 14 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 15 Except as detailed on the approved plans and only for making provision for the approved access, no trees shall be pruned or removed/felled and no hedges shall be removed without the prior written approval of the Local Planning Authority
- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.