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**MAIN CASE**

**Reference No:** 19/01115/OUT

**Proposal:** Construction of 2no. detached single storey dwellings and associated works

**Site Address:** Site North Of 55 Pound Lane Isleham Ely Cambridgeshire CB7 5SF

**Applicant:** Mr & Mrs Baxter

**Case Officer:** Catherine Looper, Senior Planning Officer

**Parish:** Isleham

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

**Date Received:** 5 August 2019      **Expiry Date:** 6<sup>th</sup> December 2019  
[U137]

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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
- 16 Biodiversity Improvements

## 2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline consent for the construction of two dwellings adjacent to the site of a recently permitted dwelling. The matters to be considered are access, appearance, layout and scale. The two dwellings would share a vehicular access. The application has been submitted following refusal of an earlier application for two dwellings on this site.

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 The application has been brought back to Committee as it has previously been determined at Committee.

## 3.0 PLANNING HISTORY

3.1

18/01572/OUT	Erection of 2No dwellings (Re-submission)	Refused	07.02.2019
18/00933/OUT	Erection of 3 No dwellings	Refused	04.10.2018

## 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.

### **Parish - 3 September 2019**

Previous appeal decisions & planning enquiry reports

Although the number of dwellings has been reduced from 18/00933 this new application does NOT address the Reasons for refusal identified in the decision dated 4th October 2018, specifically

- the visual intrusion of built form into the open countryside
- detrimental impacts to ... sustainability

**Ward Councillors** - No Comments Received

**Local Highways Authority** - No objections raised.

**CCC Growth & Development** - No Comments Received

**ECDC Trees Team** - The use of Laurel hedging for the boundary treatment of this site is not in keeping with the sites rural nature. I accept that this hedging is already established but its use draws attention to the site rather than aid the assimilation of the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. Further development of this site will not assimilate into the landscape.

**Environmental Health** - 12 August 2019

Recommend standard investigation and unexpected contamination conditions are appended to any grant of permission.

Recommend construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

Recommend condition requiring a method statement for any ground piling.

**Waste Strategy (ECDC)** - 28 August 2019

No objections raised

5.2 Neighbours – 1 neighbouring property was notified. No responses from the public have been received.

5.3 A full copy of all responses are available on the Council's website.

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 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 8	Flood risk
ENV 9	Pollution
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 2019

2 Achieving sustainable development

12 Achieving well-designed places

15 Conserving and enhancing the natural environment

9 Promoting sustainable transport

## 7.0 PLANNING COMMENTS

### 7.1 **Principle of Development**

7.2 The Five Year Housing Land Supply report dated June 2019 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) cannot be considered up-to-date in so far as it relates to the supply of housing land. 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.

7.3 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.

7.4 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 two dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage.

## **7.5 Residential Amenity**

- 7.6 Policy ENV2 of the East Cambridgeshire Local Plan 2015 require proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.7 Both proposed plots would be single storey in scale and the indicative layout suggests that these can be positioned to ensure that issues such as overlooking, overbearing and overshadowing are minimised.
- 7.8 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 given the separation distances and single storey scale of the proposals. The proposal therefore complies with Policy ENV2 of the Local Plan 2015.

## **7.9 Visual Amenity**

- 7.10 The layout of the proposed scheme shows that acceptable plot sizes, rear amenity spaces, building sizes and separation distances can be achieved, and the proposal therefore complies with the requirements of the Design Guide SPD.
- 7.11 The elevation drawings show that the main windows to habitable rooms will face away from the road, limiting the level of glazing present on the east elevations. From the public highway the buildings will look moderately agricultural due to the external materials and detailing.
- 7.12 In terms of visual amenity, policy ENV2 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. The proposal will create a change to the existing appearance of the settlement edge. However, given the more rural design of the proposed dwellings and the substantial boundary hedging around the site, the impact of built form in this site would be reduced.
- 7.13 The maximum height of the dwellings is 6.1m. This scale is similar to other nearby dwellings and is considered appropriate for the edge of settlement location. The single storey scale of the dwellings 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.
- 7.14 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.
- 7.15 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.

## **7.16 Highways**

7.17 The applicant proposes to create a new driveway access off the public highway, which would be 5m in width for the first 10m. The Local 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.

## **7.18 Ecology**

7.19 Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. In accordance with the relevant policies within the local plan and the NPPF, it is recommended that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements.

## **7.20 Flood Risk and Drainage**

7.21 A scheme for the disposal of foul and surface water drainage can be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

7.22 Planning Balance

7.23 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.

## **8.0 APPENDICES**

8.1 Recommended Conditions

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/01115/OUT	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
18/01572/OUT	Ely	catherine.looper@e

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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- Recommended Conditions**

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

<u>Plan Reference</u>	<u>Version No</u>	<u>Date Received</u>
P-6150-03		5th August 2019
P-6150-02		5th August 2019
P-6150-01		7th October 2019

- 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: 07:30 - 18:00 each day Monday-Friday, 07:30 - 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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. 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.
- 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.
- 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.
- 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.
- 16 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.
- 16 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 17 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.

- 17 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 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.
- 18 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), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling, without the prior written consent of the Local Planning Authority.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.