
MAIN CASE

Reference No: 15/00874/FUL

Proposal: Construction of detached bungalow and garage

Site Address: 83 The Causeway Isleham Cambridgeshire CB7 5TA

Applicant: Mr Martin Earl

Case Officer: Penelope Mills Senior Planning Officer

Parish: Isleham

Ward: Isleham
Ward Councillor/s: Councillor Derrick Beckett

Date Received: 23 July 2015 **Expiry Date:**

[Q105]

1.0 **RECOMMENDATION**

- 1.1 Members are requested to APPROVE the application subject to the recommended conditions below:
- 1) List of approved plans
 - 2) Time limit
 - 3) Contamination risk assessment
 - 4) Reporting of unexpected contamination
 - 5) Details of external materials
 - 6) Parking and turning
 - 7) Access in accordance with approved plan prior to first occupation.
 - 8) No gates other than in position on approved plans
 - 9) Boundary treatments
 - 10) No conversion of roofspace
 - 11) No window in east elevation
 - 12) No extensions
 - 13) Work in accordance with recommendations for trees
 - 14) Replacement tree planting
- 1.2 The recommended conditions can be read in full on the attached appendix 1.
- 1.3 The application has been brought to Planning Committee as the previous decision for the site was made by the Committee.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the construction of a detached, single storey dwelling. The dwelling would have a simple pitched roof and 'L-shaped' footprint. A detached garage and parking and turning area to the south of the site, between the new dwelling and the host property number 83, is also proposed. The dwelling would be served by an existing access from The Causeway to the west of number 83 which fronts the highway.
- 2.2 The dwelling would be positioned 1.5 metres from the boundary with the gardens of the properties along Bowers lane to the east. The rooms on this eastern side of the dwelling would be served by 5 rooflights.
- 2.3 Three poplar trees on the western boundary of the site and a section of hedge on the eastern boundary would be removed to allow for the development.
- 2.4 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
- | | | | |
|--------------|--|----------|------------|
| 13/01064/OUT | Construction of 1no. three bedroom, two storey detached dwelling and double garage | Approved | 12.02.2014 |
|--------------|--|----------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises an area of garden land to the rear of 83 The Causeway, within the development envelope for Isleham. There is an existing vehicular access from The Causeway, to the west of Number 83, which would be widened serve the proposed dwelling.
- 4.2 The site is surrounded by existing residential development; the host dwelling, number 83 The Causeway to the south; number 79, a large grade II listed property to the west; and, detached and linked detached properties fronting Bowers Lane, to the east, the gardens of which abut the site and are at a lower ground level.
- 4.3 The site is enclosed by a mix of fences and hedging. The majority of the site is laid to grass and there are a number of poplar trees along the access creating a avenue. There is also a large Horse Chestnut Tree adjacent on the western side of the access in the grounds of number 79.

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.

5.2 **Neighbours:** 6 nearby addresses notified and site notice posted. Two representations received raising the following points:

- Glad to see bungalow proposed but would prefer no dwelling
- Concern that due to higher level of land, properties on Bowers Lane will still lose privacy and noise level will increase.
- Detrimental impact on amenity of properties on Bowers Lane.
- Existing hedge to Bowers Lane should be retained
- Will land level be lowered or could a higher fence be used? Any fence should be provided in a reasonable timeframe.
- Ask that no windows fitted at a later date facing Bowers lane and that no velux windows are converted to dormer windows.
- There is no information on the impact of the development on trees. The poplar alley is a significant feature in the locality. The amenity value of the trees justifies serving a TPO and at the least measures should be taken to protect the trees.

5.3 **Parish Council:** No objection

5.4 **Environmental Health:** As this application is for a sensitive use, recommend that contaminated land conditions 1 and 4 are attached to any grant of permission.

5.5 **Trees Officer:** No objections and made the following comments:

- Support the information and recommendations of the report by Hayden's Arboricultural Consultants.
- Condition that the recommendations within the associated Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement Report are followed.
- Condition submission of new tree planting details.

5.6 **Conservation Officer:** Made the following comments:

- Whilst the principle of development on this site is an issue from a conservation viewpoint, with the neighbouring dwelling being Grade II listed, the amended proposal is considerably less intrusive from a visual point of view
- Being single storey, the property will not be visually dominant to the rear and is respectful of the hierarchy of buildings moving back from the highway into the site, where it is more common for buildings to reduce in height
- The proposal is of a simple design which will not compete with the host dwelling or the neighbouring listed building and this will therefore reduce the impact on the character, setting and appearance of the designated heritage assets nearby. No objections from a conservation viewpoint subject to any necessary conditions

5.7 **Highways Officer:** No objection in principle, as the submitted drawing show the demolition of the lean-to, to create an access width of 5 metres with gates set back far enough from the road in order not to cause an obstruction. The following conditions are recommended:

- The access width shall be provided as shown on the approved drawings and a width of 5 metres shall be provided for a minimum distance of ten metres from the highway boundary and retained free from obstruction.
- Driveway should be constructed to ensure no run-off onto the public highway
- Use of a bound material for the first five metres.
- Informative advising that separate permission is require for works to the public highway.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
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 11	Conservation Areas
ENV 12	Listed Buildings
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Design Guide

6.3 National Planning Policy Framework 2012

Core Planning Policies

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are: the principle of development and planning history; the impacts on residential amenity; the impacts on visual amenity and the historic environment; impacts on trees and biodiversity; and, highway safety.

Principle of Development and Planning History

- 7.2 East Cambridgeshire District Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. As such, relevant policies for the supply of housing should not be considered up to date and proposals for housing development should be considered in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF).
- 7.3 For decision taking, this means granting permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.
- 7.4 The benefits of the development are considered to be an additional dwelling towards the district's housing needs and the short term economic benefits arising from construction.
- 7.5 All other policies within the Local Plan remain relevant and should be taken into account when making a decision, as should all relevant material planning considerations. One such material consideration is the existing extant outline planning permission on the site for a two storey detached dwelling and double garage, which was granted by the Planning Committee in 2014. When assessing the current proposal a key consideration should be whether it would result in any significantly different or increased impacts than the earlier approved development.

Residential Amenity

- 7.6 The proposed dwelling would be located in a similar position within the plot to the one approved under 13/01064/OUT, backing on to the gardens of the dwellings in Bowers Lane, 1.5 metres from the common boundary. The finished floor levels are the same as the approved dwelling, however, this application seeks permission for a single storey dwelling and not a two storey property.
- 7.7 Given that the land is currently undeveloped, and the change in levels between the site and the land to the east, the proposed dwelling will undoubtedly have some impact on the residential amenity of the neighbouring dwellings in Bowers Lane. However, the level of impact is considered to be considerably less than the impact that would arise from a two-storey dwelling as in the earlier approval.
- 7.8 The roof lights on the eastern elevation would be visible, but would introduce no actual overlooking due to being set high above the internal floor level of the rooms that they would serve. No windows are proposed on the eastern side elevation and the creation of new windows and the conversion of the roofspace would be prevented through the use of conditions.
- 7.9 The proposed dwelling is not substantially different to the sort of building that could be constructed as an outbuilding under permitted development, and although the use as a separate dwelling would result in an increase and disturbance from comings and goings, it is unlikely to have a significant detrimental impact. Due to

its low height, the building would also not have a significant overbearing impact on neighbouring dwellings, despite the difference in levels.

- 7.10 On balance, it is considered that the proposal would not have a significant adverse effect on residential amenity and in this respect it is in accordance with Policy ENV2 of the East Cambridgeshire Local Plan 2015.

Visual Amenity and the Historic Environment

- 7.11 Officers previously raised concerns over the development of the site in terms of the conflict with the existing pattern of development and the harm it would cause to the setting of the listed building. However, the principle of development on this site has now been established and the extant permission for a two-storey dwelling is a relevant material planning consideration.
- 7.12 The proposed dwelling would have significantly less impact on visual amenity than the previously approved development, being less easily visible from the public realm due to its reduced height. Whilst the site of the proposed dwelling is still considered to be somewhat at odds with the prevailing character of the area and therefore in some conflict with elements of policy ENV2 of the Local Plan, the degree of harm is considerably less. As such, this should attract only limited weight against the proposal in the planning balance.
- 7.13 The Conservation Officer agrees that this proposal is less intrusive from a visual point of view. It is considered that the property will not be visually dominant and respects the hierarchy of buildings moving back from the highway into the site, where it is more common for buildings to reduce in height.
- 7.14 The simple design will not compete with the host dwelling or the neighbouring listed building, reducing the impact on the character, setting and appearance of the designated heritage assets nearby. For these reasons the Conservation Officer does not object to the proposal.
- 7.15 On balance it is considered that the proposal meets the requirements of policy ENV12 of the Local Plan.

Trees and Biodiversity

- 7.16 A Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement Report were submitted during the course of the application. This shows that 3 poplar trees and a section of hedge would need to be removed to allow the development to take place. It is possible that these trees would also have to be removed to facilitate the extant planning permission. However, this information was not submitted at the time of the last application.
- 7.17 The Trees Officer has reviewed the submitted information and is satisfied that none of the trees would be suitable candidates for a Tree Preservation Order and as such they do not object to the application.

- 7.18 The Trees Officer has advised that a planning condition should be used to ensure the recommendations of the submitted reports, including the tree protection measures should be adhered to. They have also requested a condition for replacement planting.
- 7.19 Neighbour representations have raised concerns that the hedge to Bowers Lane should be retained. Due to the proximity of the dwelling and garage and the requirement to install sufficient boundary treatments in the interests of amenity, it is considered that it would not be reasonable to insist on its retention. Furthermore, it should be noted that the hedge was not retained through a condition on the previous planning permission. Due to the similar position of the buildings it is likely that the hedge would have also had to be removed to facilitate the development in the previous application.
- 7.20 The application has been assessed against the Natural England Standing Advice for Protected Species. It was considered that no features of habitats were present that would require the submission of detailed ecological surveys.
- 7.21 It is considered that biodiversity enhancements could be achieved through the selection of species for the replacement planting requested by the Trees Officer.
- 7.22 On balance it is considered that the proposal would meet the requirements of policy ENV7 of the East Cambridgeshire Local Plan.

Highways

- 7.23 The access from the public highway is the same as the access for the previous permission. However, the configuration from the existing access drive into the site is slightly different to take account of the existing access rights.
- 7.24 At the time of the last application the Highways Officer did not object in principle, but requested that the access be widened to five metres for the first 10 metres stretch. This was not secured as part of the previous planning permission and as such there is an existing extant permission for a dwelling with an access identical to the one currently proposed. It is considered that in this context it is not reasonable to insist on further widening of the existing access from The Causeway, beyond that shown on the submitted plans.
- 7.25 The Highways Officer has once again confirmed that they have no objection in principle, and has reiterated the request regarding the increase in width for 10 metres. As explained above, it is considered unreasonable to require further works to the access other than those shown on the submitted drawings, which show the demolition of the lean-to, to create an access width of 5 metres with gates set back far enough from the road in order not to cause an obstruction. The completion of these works prior to the first occupation of the dwelling would be secured by condition.
- 7.26 It is considered that on balance the proposal would meet the requirements of policies COM7 and COM8 of the Local Plan.

Summary and Planning Balance

- 7.27 The application site already has outline planning permission for a single two-storey dwelling. This proposal would have a slightly larger footprint, but would provide only single storey accommodation and would therefore have less impact on the amenity of neighbouring occupiers. It is acknowledged that there would be some impact on neighbours, but given the single storey nature of the proposal and the existing permission on the site, this should attract only limited weight in the planning balance.
- 7.28 The site itself is considered to be in a sustainable location, being located within Isleham, a village with a good range of local services.
- 7.29 The proposed bungalow is a simple design that would have less impact on the streetscene and the setting of the adjacent listed building than the previously approved development. It is recognised that the insertion of a dwelling in this location would be at odds with the general pattern of development. However, given the extant permission this should attract only limited weight in the planning balance.
- 7.30 On balance, it is considered that the adverse effects would not significantly and demonstrably outweigh the benefits of the development and as such it is recommended for approval.

8.0 APPENDICES

- 8.1 Appendix 1 – List of recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
Case File and History File (15/00874/FUL and 13/01064/OUT)	Penelope Mills Room No. 011 The Grange Ely	Penelope Mills Senior Planning Officer 01353 665555 penny.mills@eastcambs.gov.uk
	Also available to view on public access http://pa.eastcambs.gov.uk/online-applications	

NPPF and Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

East Cambridgeshire District Local Plan 2015 <http://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan-2015>

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APPENDIX 1
ADDITIONAL CONDITIONS

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

Plan Reference	Version No	Date Received
1667 01 FLOOR ROOF LOCATION BLOC DESIGN AND ACCESS		A 23rd July 2015 28th September 2015
TREE SURVEY ARBORICULTURAL IMPAC 4997	D	12th October 2015 12th October 2015

- 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 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 before any development takes place.
- 3 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.
- 4 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 in writing to the Local Planning Authority within 24 hours. An investigation and risk assessment must be undertaken 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.

- 4 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.
- 5 No above ground construction shall take place on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include all materials for the dwelling and the garage including bricks, boarding, roof materials and doors/fenestration. 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 to safeguard the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 6 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.
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 7 Prior to the first occupation of the dwelling here by approved the works to the access, including the demolition of the lean-to to allow a width of 5 metres, shall be completed in accordance with the details shown on the approved plans.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 8 No gates shall be erected across the access other than in the position shown on the approved plans.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 No above ground construction shall take place until full details of the boundary treatments are submitted to the local planning authority and agreed in writing. The boundary treatment shall be completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and to safeguard the setting of the Listed Building, in accordance with policies ENV2, ENV11 and ENV12 of the East Cambridgeshire Local Plan 2015.
- 10 The roofspace of the dwelling shall not be converted to habitable accommodation.

- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 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 in the eastern elevation.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 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.
- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 13 The recommendations within the associated Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement report dated 12th October 2015, submitted with the application, shall be followed at all times during construction.
- 13 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.
- 14 Prior to the first occupation or commencement of use of the development details of replacement tree planting, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority. Planting shall take place in accordance with the approved details within the first planting season following completion of the development or in accordance with the program of planting approved by the LPA. Any such trees that are removed die or become, in the opinion of the LPA, seriously damaged or defective within a period of 5 yearsIN of planting shall be replaced with specimens of a similar size and species as originally required.
- 14 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.