
MAIN CASE

Reference No: 17/02148/FUL

Proposal: Erection of a part two storey 3 bedroom detached dwelling

Site Address: 17 Short Road Stretham Ely Cambridgeshire CB6 3LS

Applicant: Mr & Mrs Peter Saunt

Case Officer: Keith Hutchinson (Hutchinsons)

Parish: Stretham

Ward: Stretham
Ward Councillor/s: Councillor Bill Hunt
Councillor Charles Roberts

Date Received: 11 December 2017 **Expiry Date:** 14 March 2018

[S254]

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 – FUL/FUM/LBC
- 3 Investigation for contamination
- 4 Remediation if contamination is found
- 5 Archaeological investigation
- 6 Foul and surface water drainage
- 7 Materials
- 8 Soft landscaping
- 9 Hard landscaping
- 10 Boundary treatment
- 11 Construction times
- 12 No burning of materials on site
- 13 Access
- 14 Turning
- 15 Biodiversity
- 16 Protection of trees

2.0 SUMMARY OF APPLICATION

- 2.1 Full planning permission is being sought for the erection of a part two storey three-bedroomed dwelling. There is already an extant outline planning permission for two single storey bungalows relating to this site and the adjoining plot to the east.
- 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 set for determination by the Planning Committee in the interests of transparency, because the applicants are the parents of the Planning Manager.

3.0 PLANNING HISTORY

3.1	07/00518/OUT	Outline application for 2 detached dwellings	Approved	13.07.2007
	08/00078/FUL	Proposed new dwelling	Refused	17.03.2008
	11/00983/FUL	Two storey side extension	Approved	03.01.2012
	16/01366/FUL	Proposed outbuilding to be used beauty salon.	Approved	13.12.2016
	17/00103/OUT	No2 Single storey bungalows	Approved	10.04.2017

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the rear of 17 Short Road, Stretham in the south-western part of a former orchard, although the majority of the trees have been felled. To the east of the site is a second building plot and further to the east are bungalows in Starlock Close. The western boundary is defined by an existing post and rail fence; the southern boundary is defined by existing vegetation; although there is at present no definition of the northern and eastern boundaries of the plot. An existing hedgerow separates the eastern building plot from the dwellings in Starlock Close. Access to the site is via an existing driveway, which runs from north to south between 16 and 17 Short Drove.

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 – Stretham Parish Council has no objections to the application, but indicates that they would like to see that the property does not exceed the height of the surrounding bungalows.

Ward Councillors – Cllr B Hunt indicated that he had been contacted by a number of residents, who were concerned that they had been assured that the new dwellings would be bungalows and he refers to the planning permission granted on 10th April 2017 for two single storey bungalows and particularly Conditions 13 and 14, which removed permitted development rights relating to the erection of extensions and the insertion of windows, etc. to safeguard the residential amenity of neighbouring occupiers.

CCC Growth & Development - No Comments Received

Local Highways Authority (08.01.2018) – The LHA is unable to ascertain the exact width of the vehicle access with the highway. This is a shared use access so should be a min of 5m wide for the first 10m.

Local Highways Authority (31.01.2018) – On receipt of confirmation that the access is 5m for the first 10m – no objection subject to a condition requiring this to be implemented.

Senior Trees Officer – Confirms tree removals acceptable, but wishes to ensure trees on neighbouring site protected by appropriate condition.

Waste Strategy (EADC) – The Council will not enter private property to collect waste or recycling, so it will be the responsibility of owners/residents to take any sacks/bins to the public highway boundary.

5.2 **Neighbours** – A site notice was displayed near the site and 21 neighbouring properties were notified. A notice was also placed in the Cambridge Evening News on 28th December 2017, advertising the application as a departure from the development plan. The responses received are summarised below, but a full copy of the responses is available on the Council's website.

- Outline permission was for single storey
- Similar proposals for two storey development refused permission
- Overlooking and breach of privacy
- Overshadowing nearby bungalows
- Precedent for remaining development
- Junction and traffic problems
- Support for contemporary design
- Ridge height lower than approved dwellings at Meadow Farm

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

- 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
- 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

- Presumption in favour of sustainable development
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

6.4 Submitted Local Plan 2017

- LP1 Presumption in favour of sustainable development
- LP3 The settlement Hierarchy and the Countryside
- 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
- LP28 Landscape, Treescape and Built Environment Character
- LP30 Conserving and Enhancing Biodiversity and Geodiversity
- LP31 Development in the Countryside

7.0 **PLANNING COMMENTS**

7.1 The main issues to consider in the determination of this application relate to the principle of development, visual amenity and character, residential amenity and access.

7.2 **Principle of Development**

7.2.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990 . Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development

Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted East Cambridgeshire Local Plan (2015) and related Supplementary Planning Documents.

- 7.2.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Local Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Stretham is one such settlement and the application site lies outside the defined "development envelope" for the village.
- 7.2.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan 2015 makes it clear that outside established settlement boundaries new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy, none of which are relevant to the current proposal.
- 7.2.4 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036 and the new Plan has now been submitted to the Secretary of State. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account in the determination of this application.
- 7.2.5 Policy LP1 of the newly submitted Local Plan confirms that the presumption in favour of sustainable development is at the heart of the strategy for East Cambridgeshire.
- 7.2.6 Stretham is identified as a Large Village in Policy LP3 of the submitted Local Plan, reflecting its relatively wide range of facilities and services and, as in the adopted Plan, the application site is located adjacent to, but outside, the defined "development envelope."
- 7.2.7 Policy LP31 relates to development in the countryside, which is, effectively, any development outside the development envelopes and it specifies the types of

development which will be acceptable, reflecting the Government's guidance in the NPPF. These do not include non-essential market housing.

7.2.8 The principle of development on this site is therefore contrary to adopted and emerging planning policy. However, and most importantly, the application relates to the erection of a dwelling on a site, which already benefits from an extant outline planning permission (Ref: 17/00103/OUT). The outline permission was granted at a time when the Council were unable to demonstrate a 5-year supply of housing land and the location of the site on the edge of the settlement confirmed the sustainability of the development and its acceptability, because the benefits of the development were not demonstrably and significantly outweighed by any adverse impacts.

7.2.9 Even though the Council now considers it can demonstrate a 5-year housing supply, the extant planning permission has established the principle of residential development on this site, which is, in any event, locationally sustainable in terms of access to facilities and services.

7.3 Visual Amenity and Character

7.3.1 The character of the area is derived from a mixture of different dwelling types ranging from substantial two and even two-and-a-half storey properties to the north along Short Road to the shallow-pitched roof bungalows in Starlock Close.

7.3.2 The proposed dwelling provides an interesting contemporary design solution, using a variety of mono-pitched roofs with a strong vertical emphasis created by the central element. This central section incorporates a corridor leading to a limited amount of first floor accommodation, which comprises two bedrooms and a bathroom. A ground floor bedroom and bathroom provide an opportunity for the dwelling to become a "lifetime home"

7.3.3 Materials proposed for the dwelling comprise a black zinc standing seam roof, Equitone fibre cement panelling to the vertical section, a buff brick and black aluminium framed windows and doors.

7.3.4 In terms of scale, the height of the proposed dwelling is only 6.1m, which is achieved by the mono-pitched roof construction and compares to a height of 8m for the 2-storey dwelling at 17 Short Road and 8.8m for the modern two-and-a-half storey dwelling at 16 Short Road.

7.3.5 The bungalows in Starlock Close have very shallow roof pitches and the bungalow at 5 Starlock Close, the nearest to the application site, has a height of only 4m.

7.3.6 However, it is not considered that the height of the proposed dwelling will make it incongruous or out of scale in its surroundings and it provides an appropriate transition between the dwellings in Short Road and the bungalows in Starlock Close. Its height is comparable to many single storey dwellings, for example the recently approved bungalows at Meadow Farm to the east of Starlock Close, which have a height of 6.4m (Ref:16/01685/FUL).

7.4 Residential amenity

- 7.4.1 The proposed dwelling is situated 35m from the nearest property at 5 Starlock Close and at that distance it will have no overbearing effect on any of the bungalows in Starlock Close. Indeed, it is unlikely that the proposal will be visible from 5 Starlock Close when the intervening dwelling is built.
- 7.4.2 The window in the eastern elevation at first floor level serves the bathroom and will be obscure glazed and in any event is 38m from 5 Starlock Close; and the window in the north elevation serves a bedroom and is 60m from the dwelling at 17 Short Road, which is far in excess of the 20m separation distance advised in the Council's Design Guide. First floor windows to the west serving the corridor and a bedroom look towards garden land or existing vegetation.

7.5 Highways

- 7.5.1 Access to the site is from an existing driveway from Short Road adjacent to 17 Short Road.
- 7.5.2 The access driveway will be 5m wide for the first 10m from the edge of the carriageway.
- 7.5.3 Adequate parking and turning are provided within the site.

7.6 Other Matters

- 7.6.1 The impacts of the development on archaeology, possible land contamination, foul and surface water drainage, biodiversity, soft and hard landscaping, and tree protection remain the same as on the previous outline planning permission for two bungalows. No additional issues in respect of these matters are created by this proposal and therefore similar conditions are recommended.

7.7 Planning Balance

- 7.7.1 The site lies outside the defined development envelope for Stretham in both the adopted Local Plan and the submitted Local Plan and it is therefore in conflict with the provisions of the development plan, although it is located in a relatively sustainable position, satisfying in a modest way the social, economic and environmental roles referred to in the NPPF.
- 7.7.2 However, the fact that there is an extant outline planning permission for residential development is a material consideration of significant weight in determining the acceptability of the principle of development.
- 7.7.3 The outline planning permission did relate to the erection of "single storey bungalows" but that in itself does not preclude the submission of a proposal for a two-storey dwelling. Similarly, conditions imposed on the outline permission withdrawing permitted development rights for the insertion of first floor windows etc. merely brings such matters within the Council's control.

- 7.7.4 The determining issue in this case is whether the proposal provides a satisfactory design solution in terms of the character of the locality and the impact on visual and residential amenity. The scheme provides an attractive modern design and the scale of the proposed dwelling will be in keeping with other properties in the locality, both existing and recently approved.
- 7.7.5 The grant of planning permission in this instance would set no precedent for the erection of dwellings elsewhere in the locality, particularly on the adjoining plot, because each application must be determined on its own individual merits.
- 7.7.6 On balance, it is considered that this is an acceptable proposal and the application is recommended for approval subject to the conditions set out below.

8 **APPENDICES**

8.3 Appendix 1 – Recommended conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/02148/FUL	Room No. 011 The Grange Ely	Keith Hutchinson

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 - 17/02148/FUL Conditions

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

Plan Reference	Version No	Date Received
17-472 02	01	31st January 2018
17-472 11		31st January 2018
17-472 01	A	11th December 2017
17-472 08		11th December 2017
17-472 06	C	11th December 2017
17-472 07		11th December 2017
17-472 05	C	11th December 2017
17-472 04	B	11th December 2017
17-472 12		19th February 2018
17-472 09		11th December 2017

- 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 and timeframe as agreed in writing by the Local Planning Authority.
- 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 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.

- 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 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.

- 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 and LP26 of the Submitted Local Plan 2017.

- 5 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

- 5 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 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.

- 6 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.

- 6 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. The condition is pre-commencement as is detailed as one of the model conditions.

- 7 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. Development shall be carried out in accordance with the approved details.

- 7 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.

- 8 Prior to first occupation or commencement of use a full schedule of all soft landscape 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. 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.

- 8 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.
- 9 No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: hard surfacing materials. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 9 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.
- 10 No above ground construction shall commence until details of the boundary treatments have been submitted to and agreed in writing with the Local Planning Authority. The boundary treatments shall be in situ in accordance with the approved details prior to the first occupation of the dwelling.
- 10 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.
- 11 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.
- 11 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.
- 12 During the clearance and construction phase, there shall be no burning of any materials on site.
- 12 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.
- 13 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.

- 13 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017.
- 14 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.
- 14 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Proposed Submission Local Plan 2017.
- 15 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.
- 15 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 16 No development shall take place until a scheme for the protection during construction of the trees adjacent to the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 16 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.