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**MAIN CASE**

**Reference No:** 20/00669/FUL

**Proposal:** Construction of 1no. two bedroom, single storey detached dwelling with parking and associated works

**Site Address:** Land To The Rear Of 39 Toyse Lane Burwell

**Applicant:** Anglia Developments Limited

**Case Officer:** Rachael Forbes, Planning Officer

**Parish:** Burwell

**Ward:** Burwell  
Ward Councillor/s: David Brown  
Lavinia Edwards

**Date Received:** 29 May 2020      **Expiry Date:**  
To be confirmed.

[V80]

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1.0 **RECOMMENDATION**

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

The introduction of a dwelling to the rear of 39 Toyse Lane would create a form of development contrary to the linear pattern of development in the existing street scene. The introduction of backland development would present a contrived and uncharacteristic layout, resulting in an incongruous and out of keeping addition with no street scene presence or visual connection to Toyse Lane. The proposal does not provide a complementary relationship with the existing development and fails to relate sympathetically to the surrounding area and is therefore contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 which seeks development proposals to create complementary relationships with existing development and preserves the character and appearance of the area.

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks the construction of a two bedroom, single storey detached dwelling with parking and associated works.

2.2 The application has been called into Planning Committee by Cllr Brown as he believes this application warrants a broader discussion in Committee bearing in mind other developments in the vicinity.

2.3 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	20/00134/FUL	Proposed dwelling, garage, parking and site works.	Withdrawn	20.05.2020
	19/01769/FUL	Proposed division and extension of existing dwelling to form 2 no semi detached properties	Approved	10.03.2020

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is within the development envelope of Burwell. The site consists of a single storey detached dwelling, which has been granted permission to be divided into two dwellings under application reference 19/01769/FUL. This section of Toyse Lane consists of single storey dwellings which are linear in form. To the rear of the application site and behind this section of Toyse Lane is open countryside.

### 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.

#### **ECDC Trees Team - 6 July 2020**

'Due to the trees in vicinity of this application site an Arboricultural Impact Assessment (AIA) is required prior to determination of the application. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels'.

#### **ECDC Trees Team (following further information) – 10 September 2020**

'The details submitted in the arb report identify the trees on site of being low quality, predominantly Category 'C' with one 'B'/C', which given the species identified is likely as domestic specimen trees.

Providing the tree protection identified in the arb report is installed prior to construction to ensure the trees to be retained are protected – No Objections'

**Parish Council - 1 July 2020**

'Burwell Parish Council stand by their original comments including Highway visibility concerns and a long driveway'.

**Ward Councillors - No Comments Received**

**Local Highways Authority - 9 July 2020**

'The highways authority has no objection in principal to this application

There is an existing access with the highway which is proposed to be improved by including pedestrian visibility splays.

**Recommended Conditions**

HW20A - pedestrian visibility splays as per the approved plans'.

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

**Waste Strategy (ECDC) - 25 June 2020**

'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'.

5.2 **Neighbours** – three neighbouring properties were notified and a site notice posted on 12<sup>th</sup> June 2020. No responses have been received.

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 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

5 Delivering a sufficient supply of homes

9 Promoting sustainable transport

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

## 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

The main considerations in the determination of this application are the principle of development, visual amenity, residential amenity, highway safety and parking, ecology and trees, flood risk and drainage and contaminated land.

## 7.1 **Principle of Development**

7.1.1 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport but more limited development will take place in villages which have a defined development envelope. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted – provided that there is no significant adverse impact on the character and appearance of the area and that all other material planning considerations are satisfied.

7.1.2 As per the Council's latest Five Year Land Supply Report, dated 21<sup>st</sup> April 2020, the Council can demonstrate a five-year supply of deliverable housing sites of 6.61 years. As such, the housing policies in the adopted East Cambridgeshire Local Plan 2015 are considered to be up-to-date.

7.1.3 The application site is within the development envelope of Burwell and therefore the principle of development for a dwelling is acceptable subject to all other material planning considerations.

## 7.2 Visual Amenity

7.2.1 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements. Policy ENV 2 states that development proposals should ensure that the location, layout, massing, materials and colour of buildings relate sympathetically to the surrounding area.

7.2.2 The proposal seeks a single storey detached dwelling to the rear of 39 Toyse Lane. The existing dwelling has been granted planning permission to be divided into two dwellings, with parking and turning to the front. The proposed dwelling will utilise the existing access to the side of 39 Toyse Lane.

7.2.3 The proposed dwelling is approximately 5.1 metres (16.7ft) in height, 13.2 metres (43.3ft) in width and 10.6 metres (34.77ft) in length. The design takes a contemporary approach incorporating an asymmetric roof line. The materials proposed are noted in the application form to be agreed, however the plans do note gault brickwork and standing seam metal roofing – full details could be secured by condition. The dwelling to the front is approximately 5.5 metres (18.04ft) in height when measuring the approved plans for 19/01769/FUL and therefore the proposed dwelling would be subservient to the existing dwelling.

7.2.4 This section of Toyse Lane consists of single storey dwellings in a linear pattern of development. The wider street scene is a mixture of dwelling types and styles. The proposed dwelling would be sited behind the existing dwelling introducing backland development which is not seen within this section of Toyse Lane nor within the wider street scene. The introduction of backland development would present a contrived and uncharacteristic layout, resulting in an incongruous and out of keeping addition. The existing dwellings, along this part of Toyse Lane have a street scene presence; the proposed dwelling would have no visual connection to Toyse Lane.

7.2.5 The Design Guide SPD states *that 'The fact that there may be space within the curtilage to construct a dwelling, will not, in itself, be sufficient justification for doing so'*. The plot size is sufficient, however following the approval of the subdivision of the existing dwelling, this proposal would introduce a third dwelling to the site in a form that is not characteristic of the area.

7.2.6 Officers note that there has been in depth development on Toyse Lane; the closest examples being Blossom Close, Ravenward Drive and The Briars. However, this has taken the form of comprehensive cul-de-sac development, resulting in new streets being created.

7.2.7 While it is considered that the design of the dwelling is not reflective of other dwellings observed in the street scene, Toyse Lane does have a mixture of dwelling types and

styles and therefore it is considered that the dwelling itself would not be out of keeping.

- 7.2.8 However, the proposed development would introduce backland development to a street scene where this type of development is not predominant. It is considered that the proposal does not provide a complementary relationship with the existing built form and does not relate sympathetically to the surrounding area and is therefore contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

### **7.3 Residential Amenity**

- 7.3.1 Policy ENV2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.3.2 The proposed dwelling has four adjacent neighbours; 35, 37, 39 and 41 Toyse Lane.
- 7.3.3 It is considered that the proposed dwelling would be of a sufficient distance from both numbers 35 and 37 Toyse Lane as to not result in any overshadowing, overbearing or overlooking impacts. The garden area of the proposed dwelling is adjacent to the boundaries of these dwellings; the existing area adjacent to these boundaries is garden and therefore it is considered the proposed development would not change the existing situation in respect of these properties.
- 7.3.4 The proposed dwelling would sit approximately 2 metres (6.5ft) from the boundary with the 39 Toyse Lane and approximately 7.4 metres (24.27ft) from the boundary of number 41 Toyse Lane at its closest point.
- 7.3.5 In respect of number 39 Toyse Lane, the proposed dwelling is situated to the north and it is therefore considered it would not result in any significant overshadowing impacts. The ground floor windows on the elevation facing number 39 include the side of a bedroom window and an en-suite window. Furthermore, the plans show that a 1.8m (5.9ft) high close board fence is proposed along the boundary. This elevation also has high level window which will allow light into the sitting room, dining room and kitchen. It is therefore considered the proposal would not result in any significant overlooking impacts. The proposed dwelling is close to the boundary and garden areas but the eaves height of the closest part of the dwelling is only 2.5 metres (5.9ft) in height and it is therefore considered that the proposal would not result in a significant overbearing impact.
- 7.3.6 In respect of number 41 Toyse Lane, it is considered that given the height and location of the dwelling that the proposal would not result in an overshadowing impact. There are two windows on the front elevation facing number 41, which serve a bedroom and a study/playroom. The plan notes that the existing boundary treatment is to remain, which at the time of the site visit was a low height close board fence. The closest window is approximately 7.4 metres (24.27ft) from the boundary, with the further window being approximately 8.6 metres away (28.21ft). It is considered that given the single storey nature of the dwelling, the presence of outbuildings on the neighbouring boundary and the presence of the parking and turning area between the proposed dwelling and the boundary that the proposal would not result in a significant

overlooking impact. Furthermore, the proposed dwelling would be situated adjacent to the end of the neighbouring garden and away from amenity space closest to the house. It is considered that given the distance between the proposed dwelling and the boundary that the proposal would not result in a significant overbearing impact.

- 7.3.7 The Council's Design Guide SPD states that building plots should be 300sqm (0.03 hectares/0.074 acres) with the footprint of any proposed development being no more than one third of the plot size. The plot size is in excess of 300sqm (0.03 hectares/0.074 acres) at approximately 513sqm (0.0513 hectares/0.126 acres). The Design Guide also states that 50sqm (0.005 hectares, 0.012 acres) of garden area should be provided; 197sqm (0.0197 hectares/0.048 acres) has been provided.
- 7.3.8 The proposal is considered to provide sufficient amenity for future occupiers and does not result in any significant adverse impacts to the residential amenity of neighbouring dwellings. The proposal is therefore considered to comply with Policy ENV 2 of the Local Plan, 2015 in respect of residential amenity.

#### **7.4 Highway Safety and Parking**

- 7.4.1 Policy COM 7 of the East Cambridgeshire Local Plan, 2015 states that development proposals shall provide a safe and convenient access to the highway network. The Parish Council have commented that they have concerns with visibility when entering the highway from the property and do not like the long driveway. The Local Highway Authority have been consulted as part of the application and have no objection in principal as there is an existing access with the highway which is proposed to be improved by including pedestrian visibility splays. In respect of the concern around the long driveway, this is the existing access which extends almost to the rear of the plot.
- 7.4.2 Policy COM 8 of the East Cambridgeshire Local Plan, 2015 states that development proposals should provide adequate levels of car and cycle parking in accordance with the Council's parking standards, which is two car parking spaces for a dwelling and 1 cycle space per dwelling. The plans show two car parking spaces have been provided and there is sufficient space for cycles to be stored on site, and as such this is acceptable.
- 7.4.3 The proposal is therefore considered to comply with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

#### **7.5 Ecology and Trees**

- 7.5.1 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation,

individual and woodland trees, field patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

- 7.5.2 The Trees Officer commented that due to the trees in vicinity of this application site an Arboricultural Impact Assessment (AIA) would be required prior to the determination of the application, providing information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. This has been provided and the Trees Officer has commented that the details submitted in the arboricultural report identify the trees on site of being low quality and providing the tree protection identified in the report is installed prior to construction to ensure the trees to be retained are protected there were no objections. Compliance with the Arboricultural Impact Assessment could be secured by condition.
- 7.5.3 In respect of ecology, the site is not within or adjacent to any designated sites. The application form states that there is not a reasonable likelihood of priority or protected species, designated sites, important habitats or features of geological conservation importance being affected by the development. It is considered that the site is likely to be of low ecological value given its use as garden land. Drawing number 19:113-100 Rev A shows provision of a bee brick, swift box, bat shelter and a native species hedge for biodiversity enhancements and these could be secured by a suitably worded condition. The proposed development therefore complies with Policies ENV1, ENV2 and ENV7 of the Local Plan, 2015, in respect of ecology.

## **7.6 Flood Risk and Drainage**

- 7.6.1 Policy ENV 8 of the Local Plan, 2015 states that all developments and re-developments should contribute to an overall flood risk reduction. The sequential and exception test will be strictly applied across the district and new development should normally be located in flood zone 1; the application site is situated in flood zone 1 and therefore development is considered to be acceptable.
- 7.6.2 The application form states that surface water will be disposed of via soakaway and foul water via the mains sewer. Details of both are set out on drawing number 19:113-100 Rev A and therefore the imposition of a condition requiring these details would not be reasonable or necessary.
- 7.6.3 The proposal is therefore considered to comply with Policy ENV 8 of the East Cambridgeshire Local Plan, 2015.

## **7.7 Contaminated Land**

- 7.7.1 Policy ENV 9 of the Local Plan, 2015 states that all development should minimise and where possible reduce all emissions and other forms of pollution, including light and noise pollution and ensure no deterioration in air and water quality.
- 7.7.2 The use of the site as a residential garden is likely to result in a low risk potential for contamination of the site, however, as this is not certain, it would be considered reasonable to condition a contamination investigation and a condition requiring the



reporting of any further contamination to the Local Planning Authority during construction.

7.7.3 It is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

## 7.8 Planning Balance

7.8.1 It is considered that the proposal dwelling would not result in significant adverse impacts to neighbouring dwellings and would provide sufficient amenity to future occupiers. It is also considered that the proposal is acceptable in respect of highway safety and parking provision. The design of the dwelling is also considered to be acceptable. However, the proposal introduces a form of backland development which goes against the prevailing pattern of linear development in the immediate street scene which results in an incongruous and contrived development with no visual connection to Toyse Lane. The proposal is considered to be contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and is therefore recommended for refusal.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
20/00669/FUL	Rachael Forbes Room No. 011 The Grange Ely	Rachael Forbes Planning Officer 01353 665555 rachael.forbes@eastcambs.gov.uk

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>

