

**MAIN CASE**

**Reference No:** 18/01134/FUL

**Proposal:** Construction of two storey detached dwelling and garage

**Site Address:** Plot 1 Land Opposite Barley Cottage Barcham Road Soham  
Cambridgeshire

**Applicant:** Mr & Mrs Matt Gray

**Case Officer:** Richard Fitzjohn, Senior Planning Officer

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Councillor Mark Goldsack  
Councillor Carol Sennitt

**Date Received:** 28 August 2018      **Expiry Date:** 7<sup>th</sup> December 2018  
[T150]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons:

1.2

1. By virtue of their height, scale and massing, the proposed dwelling and garage would appear visually dominant within the surrounding rural landscape to an extent which would cause significant visual harm to the character and appearance of the area. This visual harm would be significant due to the visual prominence of the dwelling and garage from the A142. The proposed development is therefore considered to be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

Furthermore, there are extant planning permission (refs: 17/00087/OUT and 17/01923/RMA) for a smaller dwelling and garage on part of the current application site which would have a lesser visual impact than the dwelling and garage proposed by this application. Therefore, it is considered that the proposed development does not provide any additional benefits beyond that which would be provided by the extant planning permissions. As a result of this, it is considered that the adverse visual impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

2. Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Policy ENV1 of the East Cambridgeshire Local Plan 2015 advises that development proposals should demonstrate that they create positive, complementary relationships, respecting the pattern of distinctive historic and traditional landscape features and the settlement edge. Additional supporting information states that there should be a clear distinction between gardens and farmland, that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted.

The proposed development would increase the size of the associated residential curtilage further towards the A142, beyond that which has already been approved by the extant planning permissions (refs: 17/00087/OUT and 17/01923/RMA). This resultant change of use of additional land from agricultural to residential would allow domestic paraphernalia to be sited within it which would detract from the rural character and appearance of the area. This extension of amenity space into the countryside would not provide any additional benefits beyond that which would be provided by the extant planning permissions. Instead, the proposed development would erode the surrounding countryside character and set a precedent for similar changes of use of neighbouring land. As a result of this, it is considered that the resultant change of use of additional agricultural land to residential amenity space would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in this Framework taken as a whole.

## 2.0 SUMMARY OF APPLICATION

- 2.1 This applications seeks full planning permission for 1No. dwelling and garage. This application follows outline and reserved matters planning permissions being approved for a dwelling on part of the application site.
- 2.2 A Façade Noise Assessment has been submitted with the application.
- 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.**
- 2.4 As officers were minded to refuse the application and the committee gave an original approval for a dwelling, Councillor Mike Rouse (Vice-Chairman of the Planning Committee) stated that his initial reaction is to bring it back to committee and requested the case officer consulted with the local member/s for their views. Councillor Joshua Schumann (Chairman of the Planning Committee) concurred with Councillor Rouse and also requested that this was checked with local Members first.
- 2.5 Soham North Ward Councillor Mark Goldsack stated that, under the circumstances, he felt that the application should go to Committee again. Soham Ward Councillor Carol Sennitt also agreed that the application should to go to Committee again.

### 3.0 PLANNING HISTORY

#### 3.1

17/00087/OUT	Proposed two 2 storey dwellings, garage, parking, access and associated site works.	Approved	10.04.2017
17/01923/RMA	Reserved matters for 2no. two storey dwellings.	Approved	08.05.2018
18/01261/FUL	Creation of earth bund in association with approved dwelling (retrospective).	Pending consideration	
18/01262/FUL	Temporary change of use of land and hardstanding for siting of mobile home (retrospective)	Pending consideration	

### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located between the A142 and Barcham Road on the northern edge of Soham and outside of the established development framework. Barcham Road is a single car-width road with no pedestrian footpaths. Dwellings and rural businesses are regularly spaced along Barcham Road, including a recently constructed large two-storey dwelling immediately opposite the site to the east (ref: 16/01606/FUL) and an approved outline planning permission for a dwelling adjacent to north of the site (ref: 17/00087/OUT). There is an area of woodland and a pond located further to the north, two pairs of semi-detached dwellings within close proximity to the south-west and the A142 to the west.
- 4.2 The applications site is currently laid to temporary hardstanding in parts and is enclosed by temporary fencing, with a mobile home sited within it, all of which is currently subject to 2 separate planning applications.

### 5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees, as summarised below. The full responses are available on the Council's web site.
- 5.2 Soham Town Council – Raise concerns due to the site being located outside of the established development framework.
- 5.3 Soham North Ward Councillor Mark Goldsack - Stated that, under the circumstances, he felt that the application should go to Committee again.
- 5.4 Soham Ward Councillor Carol Sennitt - Agreed with Councillor Goldsack's view that the application should go to Committee again.
- 5.5 Consultee For Other Wards In Parish - No Comments Received.

- 5.6 Local Highways Authority - No objections in principle. Recommended Conditions:
- Gates located as per approved drawing number 18:040-01
  - Access arrangement to be as per drawing number 18:040-01
- 5.7 CCC Growth & Development - No Comments Received.
- 5.8 Waste Strategy (ECDC) -
- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
  - Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
  - Each new property requires two bins; this contribution is currently set at £43 per property.
  - Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to [waste@eastcambs.gov.uk](mailto:waste@eastcambs.gov.uk) detailing the payment amount and the planning reference number.
- 5.9 Middle Fen and Mere Internal Drainage Board – No objections in principle to the application, provided the following conditions are met:
- The applicant will need the prior approval of the Board for the surface and foul water discharge from the site. The Board acknowledges that the Agent has identified this on a drawing. The applicant will need to satisfy themselves that the receiving watercourse has the capacity to take the proposed flow.
  - The Board's consent will also be required for the proposed ditch crossing to form the access.
- 5.10 Neighbours – A site notice was displayed and 6 neighbouring properties were notified. However, no neighbour responses have been received.
- 5.11 A full copy of the consultation responses are available on the Council's website.
- 6.0 The Planning Policy Context
- 6.1 East Cambridgeshire Local Plan 2015
- |          |                             |
|----------|-----------------------------|
| GROWTH 2 | Locational strategy         |
| GROWTH 3 | Infrastructure requirements |

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
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 2018

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

11 Making effective use of land

12 Achieving well-designed places

15 Conserving and enhancing the natural environment

## 6.4 Submitted Local Plan 2018

LP1 A presumption in Favour of Sustainable Development

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP16 Infrastructure to Support Growth

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, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP31 Development in the Countryside

## 7.0 PLANNING COMMENTS

7.1 The main considerations in relation to this application are the character and appearance of the area and residential amenity and noise impacts.

## 7.2 Principle of development

- 7.2.1 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).
- 7.2.2 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.
- 7.2.3 This application follows outline and reserved matters planning permissions (17/00087/OUT and 17/01923/RMA) being approved for a dwelling on part of the application site. The principle of development for a dwelling on part of the site has therefore already been established.
- 7.2.4 However, the application site for the previous application was smaller and did not extend as far in depth towards the A142 as the current application site. Generally speaking the loss of agricultural land is not supported by the Local Planning Authority. Local Plan policy GROWTH2 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Local Plan policy ENV1 advises that there should be a clear distinction between gardens and farmland; that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted. The proposal is contrary to this, further extending amenity space into the countryside and blurring this key relationship, eroding the surrounding countryside character and setting a precedent for similar changes of use of neighbouring land. The proposal is therefore contrary to Policy ENV1 of the East Cambridgeshire Local Plan 2015.
- 7.2.5 The proposed dwelling would result in a zero net increase of dwellings to the district's housing supply due to the extant planning permissions for a dwelling on the site. In addition, the proposed extension of this garden land is not considered necessary to improve the residential amenity of the future occupiers under Policy ENV2 of the East Cambridgeshire Local Plan 2015. Therefore, the principle of development relating to the resultant change of use of additional agricultural land to residential amenity space is not supported.

## 7.3 Character and appearance of the area

### 7.3.1 ***Impact of the proposed dwelling and garage***

- 7.3.2 Reserved Matters planning permission (ref: 17/01923/RMA) has been approved on part of the site for:
- a dwelling which would be 16.7m wide and 11.8m deep, with a ridge height of 6.5m and an eaves height of 3.2m.

- a garage which would be 9m wide and 6.7m deep, with a ridge height of 4.8m and an eaves height of 2.6m.

The current application being considered comprises the following:

- a dwelling which would be 19m and 16.5m deep, with a ridge height of 7.4m and an eaves height of 2.5m.
- a garage which would be 10.9m wide and 7.3m deep, with a ridge height of 6.9m and an eaves height of 3m.

7.3.3 The current proposal would therefore increase the height, depth and ridge height of the proposed dwelling and garage significantly beyond the dimensions of the dwelling and garage already approved on the site by planning permission 17/01923/RMA.

7.3.4 By virtue of the additional height, scale and massing of the proposed dwelling and garage beyond that of the dwelling and garage already approved on part of the site, the proposed development would appear visually dominant within the surrounding rural landscape to an extent which would cause significant visual harm to the character and appearance of the area. This visual harm would be significant due to the visual prominence of the dwelling from the A142.

7.3.5 The proposed development is therefore considered to be contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

7.3.6 Furthermore, the extant planning permission for a smaller dwelling on part of the application site would have a lesser visual impact than the dwelling proposed by this application. Therefore, it is considered that the proposed development does not provide any additional benefits beyond that which would be provided by the extant planning permissions. As a result of this, it is considered that the adverse visual impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### 7.3.7 ***Impact of the additional land changing use from agricultural to residential***

7.3.8 Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 advises that applications outside of the development envelope should be strictly controlled to categories such as agriculture to protect character of the countryside. In addition, Policy ENV1 of the East Cambridgeshire Local Plan 2015 advises that development proposals should demonstrate that they create positive, complementary relationships, respecting the pattern of distinctive historic and traditional landscape features and the settlement edge. Additional supporting information states that there should be a clear distinction between gardens and farmland, that this is maintained, and considers that ad hoc changes that damage this relationship will not be permitted.

7.3.9 The proposed development would increase the size of the associated residential curtilage further towards the A142, beyond that which has already been approved by the extant planning permissions (refs: 17/00087/OUT and 17/01923/RMA). This resultant change of use of additional land from agricultural to residential would allow

domestic paraphernalia to be sited within it which would detract from the rural character and appearance of the area. This extension of amenity space into the countryside would not provide any additional benefits beyond that which would be provided by the extant planning permissions. Instead, the proposed development would erode the surrounding countryside character and set a precedent for similar changes of use of neighbouring land. As a result of this, it is considered that the resultant change of use of additional agricultural land to residential amenity space would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in this Framework taken as a whole.

#### 7.4 Residential amenity and noise impacts

- 7.4.1 The proposed dwelling and garage would be distanced sufficiently from any neighbouring residential properties, to prevent any significant adverse impacts in respect of residential amenity.
- 7.4.2 Due to the proximity of the site to the A142 road, a condition was appended to the outline planning permission (ref: 17/00087/OUT) requiring a Noise Assessment to be carried out prior to above ground construction being carried out. The proposed dwelling provides the same design solution as was accepted by the Council's Environmental Health department on the extant reserved matters planning permission (ref: 17/01923/RMA). It is therefore considered that the proposed dwellings would provide a satisfactory level of amenity for future occupiers of the dwellings in respect of noise impacts. The site also has sufficient space to accommodate the proposed dwellings with an acceptable level of amenity as set out in the SPD Design Guide.
- 7.4.3 It is therefore considered that the proposal accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 in respect of residential amenity.

#### 7.5 Other matters

- 7.5.1 The site is not of any particular ecological importance and any ecological improvements could be secured by a planning condition if planning permission was to be approved.
- 7.5.2 Drainage and contamination risks could be controlled by a planning condition if planning permission was to be approved.

#### 7.6 Planning balance

- 7.6.1 The principle of development for a dwelling has already been established on part of this site by the extant outline and reserved matters planning permissions (refs: 17/00087/OUT and 17/01923/RMA). With consideration given to the planning history on the site, it is considered that the proposed development will not deliver any additional benefits beyond that which the extant planning permissions would provide. As a result of this, it is considered that the adverse visual impacts of the proposed development on the character and appearance of the area and the unjustified change of use of additional agricultural land to residential amenity space



would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in this Framework taken as a whole.

7.6.2 The application is therefore recommended for refusal.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01134/FUL	Richard Fitzjohn Room No. 011 The Grange	Richard Fitzjohn Senior Planning Officer
17/00087/OUT	Ely	01353 665555
17/01923/RMA		richard.fitzjohn@ea
18/01261/FUL		stcambs.gov.uk
18/01262/FUL		

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>