
MAIN CASE

Proposal: Erection of two dwellings and garage

Location: 19 Brook Street Soham Ely Cambridgeshire CB7 5AD

Applicant: Laura & Connor Day's Trust Fund

Agent: Hutchinsons

Reference No: 12/00698/FUL

Case Officer: Sue Finlayson

Parish: Soham
 Ward: Soham South
 Ward Councillor/s: Councillor Tony Parramint
 Councillor Colin Fordham
 Councillor John Palmer

Date Received: 15 August 2012 Expiry Date: 10 October 2012

[M137]

1.0 EXECUTIVE SUMMARY

- 1.1 This application has been called to Planning Committee by Councillor J Schumann. It proposes 2 residential bungalows on land to the rear of 19 Brook Street. This is the third application that has been proposed recently to develop this site for two bungalows. The first application was refused and the second was 'declined to be determined'. This application, whilst addressing some of the issues raised for refusal in respect of highways and trees, does not address the fundamental policy issues for which it was refused. The site is in the open countryside where Policies CS1 and CS2 restrict development to certain specific 'exceptions', this application does not fall within those exceptions and is therefore contrary to those policies. The proposal is also considered to be piece meal and premature in respect of the future development of land adjacent to the site, contrary to Policy EN2. Additionally the proposal is for development behind existing properties, and would result in an erosion of the open character of the area by the encroachment of built form, albeit single storey, which would adversely impact on the existing character of the area, contrary to Policies EN1 and EN2 of the Core Strategy 2009.
- 1.2 The application is recommended for REFUSAL.
- 1.3 A site visit has been arranged for 11.05am.

2.0 **THE APPLICATION**

- 2.1 The application proposes two dwellings on part of the garden of No 19 Brook Street, its orchard and a former croquet lawn stretching behind No 21 Brook Street and overlooking the car park serving the Brook House complex. The dwellings are of simple design, to be constructed in brick with tiled roofs. They comprise single storey dwellings, Plot 1 being of 3 bedrooms and Plot 2 being of 4 bedrooms. Plot 1 would be 5.3m in height, with 2 lower front projecting gables of 4m to the ridge. The eaves height would be 2.2m and the property would be 12.2m in width and a maximum of 10.8m in depth. Plot 2 would have the same eaves height, but a lower ridge height of 4.9m max. The front projecting gable would be 8m wide and the rear part of the house 15m wide. The overall maximum depth would be 17.6m. There would be a garage block between both dwellings of 6.8m wide, 6.3m in depth, and 4.5m high, and access is proposed by means of a new private driveway to the north-west of No 19 Brook Street.
- 2.2 The application is accompanied by a Planning, Design and Access Statement; an Arboricultural Impact Assessment; Tree Survey and Radar Speed Gun Traffic measurements.

3.0 **THE APPLICANT'S CASE**

- 3.1 *Summary:* This application is in a highly sustainable location, within walking distance of the town centre. The proposal would not encroach on the countryside as it forms part residential curtilage and part former croquet lawn. The adopted Core Strategy includes a large area of land adjoining the application site for future housing. Discussions are underway on that proposal. The application site is well contained by existing hedgerows and its development cannot be seen as piecemeal as this proposal will not affect development of the larger site in the future. Development at Brook House already extends beyond the existing built form of Brook Street and this proposal will not extend any further forward into open countryside, which will, in any event be transformed to a new housing estate in the future.
- 3.2 A full version can be viewed on the Council's website via the following link:
<http://pa.eastcamb.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=M95W3N GG00100>

4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is outside the settlement boundary of Soham in open countryside and forms part of the rear garden and orchard of No 19, and a large (former) croquet lawn adjacent. The site extends behind the garden area of no 21 and 23 Brook Street and part of the car park to the Brook House complex, which comprises a function room and restaurant. Plot 1 would be sited mainly within the garden area of No 19 and Plot 2 would be on the croquet lawn. Hedges form the boundaries of the two plots, with the hedge to the north-west of the site (between plot 1 and open farm land) being a more densely established hedge which has a mature ash tree growing in it. Between the two proposed plots is a post and rail fence. To the south-east is the function room, some 27m away from the boundary of Plot 2.

4.2 Excluding the access road the site is approximately 0.17ha in area. The site has an agricultural field to the north east and north-west and would be accessed by a drive between Nos 17 and 19 Brook Street, which are two storey dwellings of relatively modern design. The distance between the rear of No 19 and the boundary of Plot 1 would be approximately 36m.

5.0 **PLANNING HISTORY**

5.1

12/00374/FUL	DECLINED TO DETERMINE APPLICATION AS CONFIRMED BY SUE FINLAYSON		25.05.2012
	Erection of two dwellings and garage		
90/00528/FUL	CHANGE OF USE FROM RESIDENTIAL TO HOTEL ANNEXE	Approved	14.08.1990
89/01194/FUL	EXTENSION TO FUNCTION ROOM	Approved	13.12.1989
86/01102/FUL	EXTENSION	Approved	15.01.1987
11/00867/FUL	Erection of two dwellings and garage	Refused	19.12.2011

6.0 **REPLIES TO CONSULTATIONS**

6.1 A site notice was posted on the telegraph pole at the front access to the site. Eight adjacent occupiers were informed by letter. No replies have been received.

6.2 **Ward Councillors:** Councillor Schumann requested the application be put to Planning Committee for decision.

6.3 **Soham Town Council:** No concerns raised

6.4 **Environmental Health:** Request the addition of contamination conditions should the application be approved. The applicant should be advised that waste from the development will have to be deposited where the development meets the highway.

6.5 **Trees Officer:** My prime concern, when considering the last application, was a mature Ash tree on the northwest boundary. This remains my prime concern and I note that arboricultural information has been provided with this application. The Assessment tree protection plan of shows indicative positions of temporary tree protection barriers. However to ensure that these barriers are erected in the correct positions, it will be necessary for an amended tree protection plan to be submitted with distances from fixed points to the line of the barriers

annotated on the drawing so that the contractors responsible for erecting the barriers know exactly where to put them. I welcome the indicative landscaping to mitigate the tree losses. The details of the landscaping scheme may be addressed by way of a pre-commencement planning condition should the application be approved.

- 6.6 **County Highways:** Notes that a speed survey has been carried out to show an 85%ile free-flowing speed of 16.2mph. As there is already an edge of carriageway marking across the northern end of Brook Street to the northwest of the site, there is no need for building out the footway as indicated by the hatched area on the Site Layout drg 11:049 – 13B. A revised Site Layout should therefore be submitted to show this detail removed.
- 6.7 Suggests conditions re closure of existing access and reinstatement of footway and kerbs; any gates to be at least 5m back from the edge of the carriageway of Brook Street; access width to be 5m for at least the first 10m with a gradual taper thereafter and built to CCC specification; parking and turning prior to first occupation; visibility splays; and access to be constructed to prevent surface water from running off onto the public highway and to prevent loose material from being carried forward on to the public highway by the passage of vehicles.
- 6.8 **County Archaeology:** Advise that the site is in an area of high archaeological potential and request a planning condition requiring an investigation of the site at the developer's expense.
- 6.9 **Internal Drainage Board:** The proposal is outside the Middle Fen and Mere Internal Drainage District. Provided soakaways form an effective means of surface water disposal the Board will not object to the application.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 East Cambridgeshire Core Strategy 2009

CS1	Spatial Strategy
CS2	Housing
CS7	Infrastructure
EN1	Landscape and settlement character
EN2	Design
EN6	Biodiversity and geology
S4	Developer contribution
S6	Transport impact
S7	Parking provision

7.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations October 2011
Design Guide March 2012

7.3 National Planning Policy Framework 2012

6 Delivering a wide choice of high quality homes

7.4 East of England Plan 2008

SS1 Achieving Sustainable Development
ENV7 Quality in the Built Environment

8.0 **PLANNING COMMENTS**

8.1 This application is the third application received for the current proposals. The first application was received on 11th October 2011 (ref E/11/00867/FUL) and was refused for 4 reasons:

- being outside the settlement boundary and not conforming with the 'exceptions' policies;
- being premature and piecemeal in respect of proposed adjacent allocation land;
- not conforming to the existing development in the area and therefore contrary to its character; and
- as no pre-application discussions had taken place, the issues raised by the Trees Officer, County Highways had not been adequately addressed and no developer contributions had been agreed.

8.2 A further application was received on 9th May 2012, under reference E/12/00374/FUL which the Council declined to determine (under Section 43 of the Planning and Compulsory Purchase Act 2004) as it was submitted within 6 months of the date of the refusal of the previous application, and therefore an appeal could have been lodged.

8.3 The site is outside the settlement boundary and in an area of groundwater vulnerability. As the site is outside the settlement boundary the main issues to consider are:

- the principle of development on the site in policy terms
- the impact of the proposal on the character of the area
- the impact on residential amenity
- the impact on highway safety

8.4 The principle of development on the site:

The site is outside the settlement boundary for Soham and is therefore considered to be in the 'countryside'. Policy CS1 states that development in such areas will be restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, and outdoor recreation - or to other uses specifically identified in the Plan which support the rural economy, help meet affordable housing or special housing needs, or provide essential rural services and infrastructure. Policy CS2 states that the following exceptions may, in certain circumstances, be supported:

- Affordable housing
- Sites for gypsies and travellers and travelling showpeople
- Dwellings where it is essential for farm, stud or other rural workers to live at or near their place of work
- Alterations to or replacement of existing dwellings
- Re-use/replacement of existing buildings

The application does not fall within any of the above criteria and is therefore contrary to Policies CS1 and CS2 of the Core Strategy.

- 8.5 The applicant states that the application should be approved as (a) it is adjacent to existing built for (the function room of the Brook House) and (b) the adopted Core Strategy proposes future growth in this area by the inclusion of arrows showing general growth areas. Thus the site would be surrounded by housing development. Since the last application was refused further discussions and negotiations have been held with officers relating to the proposed area for development, housing numbers and points of access, and it is anticipated that an application will be submitted in the near future.
- 8.6 The land adjacent to the application site has been identified as a suitable area for residential growth, and since the refusal of the previous application an Environmental Impact Assessment Screening Opinion on the land has been given by officers. That Assessment, whilst concluding that the proposed development of approximately 400 dwellings would not constitute EIA development, did raise a number of issues which will need to be addressed before an application on the land can be determined positively. These include:
- Addressing flood risk, ground water vulnerability and water quality;
 - A second access point should be found; impact on adjacent road network and public rights of way;
 - The need for an archaeological investigation of the site prior to any planning decision being made; and
 - The need for an ecological and landscape assessment.
- Thus whilst the proposed development of the site has been discussed in general terms, and an application is anticipated, much more work is needed before final numbers of dwellings, layout and information in respect of the above points, can be addressed within an application. The site, of some 22 ha has been proposed for allocation on the draft Local Plan now currently being prepared. Approximately 350-400 dwellings are envisaged and a Masterplan for the whole area will be required.
- 8.7 Policy EN2 precludes piecemeal development taking place. The site of 22 ha is likely to be developed in the future, but it is considered that the current proposal for two bungalows on the edge of that site is premature, and should be considered together with the development of the wider site to ensure a more comprehensive scheme. Thus access to this application site might be gained from elsewhere and the buildings might be orientated differently when part of a wider scheme. The proposal is therefore piecemeal and premature.
- 8.8 The impact of the proposal on the character of the area:
The proposed dwellings would be built roughly in line with the existing function room of the Brook House complex, but would be the only dwellings at considerable depth from the public highway. In addition they would be behind existing properties, hidden from public view and having no relationship with the existing street scene. This is contrary to the existing residential form of development in the immediate area. In addition there would need to be a wider access way created between Nos 17 and 19 Brook Street. This currently appears as an informal grassed farm track serving the agricultural land to the rear, with a maximum width of 4.5m, which is relatively inconsequential in the street scene. However the formalising of the access is likely to have a negative impact on the street scene with a more robustly constructed surface and boundary treatments with No 19 on the frontage. In addition, looking to the future development of the larger adjacent site, it is possible that this current farm access

way could form a cycle/pedestrian link from the allocated site to Brook Street and beyond.

- 8.9 Currently the site is well treed, and otherwise open grassland, with hedging to the western boundary, and abutting open farm land. The building line along Brook Street is well established, with most properties being sited in a linear fashion directly addressing the street. It is only the Brook House, a commercial complex that is developed in depth away from Brook Street that is built further back from the established line. A further encroachment of built form, even though single storey, as a stand alone development would therefore considerably impact on the existing character of the area, contrary to Policies EN1 and EN2 of the Core Strategy 2009.
- 8.10 Further information has been submitted within this application to address some of the former concerns raised by the Trees Officer. Of prime concern is a mature ash tree on the northwest boundary. More arboricultural information has been provided with this application, showing trees to be retained and those to be lost. The Assessment Tree Protection Plan shows indicative positions of temporary tree protection barriers, but the Trees Officer requires these to be annotated with precise measurements to ensure they are positioned to protect the trees. The indicative landscaping to mitigate the loss of fruit trees is welcomed, and can be confirmed by a pre-commencement planning condition. Therefore it appears that there are no particular concerns in respect of the loss or retention of trees on the site proposed in the application.
- 8.11 It should be noted that an application for residential development on land to the rear of Nos 9,11,15 and 17 Brook Street, submitted in 1974 (E/74/00181/OUT), accessed by the same access as proposed under this application, was refused as it was considered to be undesirable backland development, causing loss of amenity to properties to the south of the site. In 2007, an application for a chalet bungalow to the rear of No 9 Brook Street (ref E/07/00507/OUT) was also refused as backland development causing appreciable harm to the character and setting of its surroundings, not respecting the local context and character of the locality, and adversely affecting the character and appearance of the countryside.
- 8.12 The impact on residential amenity:
Given the distance from the rear of No 19 to the boundary with the proposal site, some 36m, it is considered that there would not be any significant loss of privacy to existing residents from the proposal, particularly given the proposed landscaping proposals of tree planting beside the access road. However, there would be increased noise and disturbance to residents adjacent to the proposed access road from increased traffic. There may also be noise and disturbance to future residents of the properties from the car park at The Brook House, the frontage of which Plot 2 would face. The proposal would therefore be contrary to policy EN2 in those respects.
- 8.13 The impact on highway safety:
The County Highways Liaison Officer has asked for revisions to the submitted plans, but many of her previous concerns have been addressed in the plans submitted with this application. No objections have been raised to the proposal, therefore, but County Highways have suggested other conditions in respect of closure of the existing access and reinstatement of footway and kerbs, position of any gates, access width, parking and turning provision, visibility splays; and access construction

to prevent surface water run off onto the public highway and carriage of loose materials.

8.14 Other issues:

All development proposals are required to contribute towards the infrastructure provision of the district in accordance with Policies CS7 and S4, and the Councils adopted SPD on developer contributions. The applicant has not proposed a draft agreement in respect of this requirement, but negotiations have not been progressed on this matter due to the fact that the proposal is considered contrary to key policies in respect of housing spatial strategy.

8.15 Conclusion:

This is the third application that has been proposed recently to develop this site for two bungalows. The first application was refused and the second was 'declined to be determined'. This application, whilst addressing some of the issues raised for refusal in respect of highways and trees, does not address the fundamental policy issues for which it was refused. The site is in the open countryside where Policies CS1 and CS2 restrict development to certain specific 'exceptions', this application does not fall within those exceptions and is therefore contrary to those policies. The proposal is also considered to be piece meal and premature in respect of the future development of land adjacent to the site, contrary to Policy EN2. Additionally the proposal is for development behind existing properties, and would result in an erosion of the open character of the area by the encroachment of built form, albeit single storey, which would adversely impact on the existing character of the area, contrary to Policies EN1 and EN2 of the Core Strategy 2009.

8.16 The site will undoubtedly form part of the future wider development of land off Brook Street. It can then be properly incorporated into the masterplanning of the area. This process is well appreciated in East Cambridgeshire and the benefits of this approach should not be eroded by sporadic development.

9.0 RECOMMENDATION

1 The site is located outside the development envelope of Soham, on land which is classified as 'countryside', where there is a policy of strict control over residential development. Exceptions to this policy of control may include dwellings essential for the efficient operation of agricultural or other rural enterprises; exception affordable house, traveller or gypsy sites. As the proposed development does not fall within the exceptions allowed it is contrary to Policies CS1 and CS2 of the East Cambridgeshire Core Strategy 2009.

2 Whilst the area close to the proposal site has been identified in the East Cambridgeshire Core Strategy Proposals Maps 2009 as an area of search for future residential development, and has been proposed for allocation in the Draft Local Plan, currently being prepared, no firm proposals have yet been finalized, and no outline application has been received. Consequently the current application is considered to be premature and would result a piecemeal form of development which could be detrimental to possible comprehensive development of the allocation as a whole. As such it is considered contrary to Policy EN2 of the East Cambridgeshire Core Strategy 2009.

- 3 The prevailing form of residential development in the immediate area is of dwellings fronting onto Brook Street, with their gardens opening onto open fields to the north. The only exception is the built form of The Brook House, a commercial establishment within the frontage and to the rear of some properties in the street. Whilst the proposed development would be in line with some of the commercial buildings, it would be behind other residential properties, forming an isolated pair of dwellings with no relationship to the main public highway and contrary to the existing built form. The current garden and former croquet lawn form a green, well treed transformation to the open countryside. The proposal would result in an erosion of this open character by the encroachment of built form, albeit single storey, which would adversely impact on the existing character of the area, contrary to Policies EN1 and EN2 of the Core Strategy 2009.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application Files E/74/00181/OUT E/07/00507/OUT E/11/00867/FUL, and E/12/00374/FUL SPD on Developer Contributions SPD on Design	Sue Finlayson Room No. 011 The Grange Ely	Sue Finlayson Team Leader, Development Control 01353 665555 sue.finlayson@eastcambs.gov.uk