

---

**MAIN CASE**

**Reference No:** 16/00242/OUT

**Proposal:** Outline application for bungalow, garaging, access and associated site works

**Site Address:** 81 Brook Street, Soham, Ely, Cambridgeshire CB7 5AE

**Applicant:** Mr & Mrs A Mackenzie

**Case Officer:** Barbara Greengrass, Senior Planning Officer

**Parish:** Soham

**Ward:** Soham South  
Ward Councillor/s: Councillor Hamish Ross  
Councillor Ian Bovington  
Councillor Dan Schumann

**Date Received:** 23 February 2016      **Expiry Date:** 19 April 2016  
EOT sought

[R9]

---

1.0 **RECOMMENDATION**

1.1 Members are requested to REFUSE the application for the following reasons:

1. The proposed development would introduce an unacceptable backland form of development and urban encroachment into the open land beyond the confines of the existing linear settlement pattern of development. It would therefore result in a development which is out of context and incongruous, to the detriment of the character and appearance of the area. As such it is contrary to Policies ENV1 and ENV 2 of the East Cambridgeshire Local Plan 2015 and paragraphs 17, and 56-68 of the National Planning Policy Framework and Design Guide SPD.

2. The site forms part of the land allocated for comprehensive housing development within Policy SOH 1 of the East Cambridgeshire Local Plan. Consequently, the current application is considered to be premature and would result in a piecemeal form of development to the detriment of the comprehensive development of the allocation as a whole. As such it is contrary to Policies ENV 2 and SOH 1 of the East Cambridgeshire Local Plan 2015 and paragraphs 56 – 68 of the National Planning Policy Framework.

3. The amenities that are currently enjoyed by the occupants of the existing host dwelling at Number 81 would be significantly harmed by virtue of noise and disturbance from the movement of vehicles alongside the windows of habitable

rooms which are directly adjacent to and form the boundary to the access track. As such it is contrary to Policy ENV 2 of the East Cambridgeshire Local Plan 2015 and paragraph 17 of the National Planning Policy Framework.

4. The proposal does not provide for adequate visibility each side of the vehicular access which would likely lead to danger and inconvenience to users of the footway from egressing vehicles to the detriment of highway safety. As such it is contrary to Policy COM 7 of the East Cambridgeshire Local Plan and paragraph 32 of the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

2.1 This is an outline application with all matters reserved, for the erection of a bungalow, garage and provision of a new access drive along the southern boundary of the site. The bungalow is proposed to the rear of the existing dwelling on land which forms part of a larger field. The plot itself measures some 24 metres wide X 26 metres deep and shows provision for a bungalow facing west with an 11 metre rear garden depth. The access is proposed via an existing opening but there is no dropped kerb so this has not been used as a formal access. Access to the host dwelling is on the other side of the property. The applicant states that the bungalow is required for occupation by the applicant, for personal medical reasons.

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 This application has been called to Planning Committee by Cllr James Palmer.

## 3.0 PLANNING HISTORY

3.1 None relevant.

## 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within Soham town to the rear of existing frontage properties in Brook Street. It falls within the designation of SOH 1 within the Local Plan which is a housing allocation of 22 hectares, to accommodate approximately 400 dwellings on land to the east of Brook Lane. The development site projects into the allocated land on its western fringe. The development site is situated directly behind the two storey dwelling at 81 Brook Street within a field to the rear of the garden curtilage, approved under the original planning permission for reserved matters in 1998.

## 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.

Environmental Health Scientific Officer- recommends contaminated land conditions and provision of a gas proof membrane.

Local Highways Authority – Objects as inadequate visibility is available and cannot be provided as the adjoining land is outside the applicants control.

CCC Growth & Development - No Comments Received

Environmental Health – No issues

Waste Strategy (ECDC) – East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the residents to take any sacks/bins to the public highway boundary on the relevant collection day. East Cambs as a waste collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

Parish – No objections

Ward Councillors – Cllr James Palmer wishes the application to be called in for consideration by planning committee. The bungalow is planned within the planning envelope and I do not believe it will have a detrimental effect on the future development of SOH 1 or neighbouring properties.

5.2 Neighbours – A site notice was posted and 11 neighbouring properties were notified. No responses have been received.

## 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
SOH 1	Housing allocation
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
- 6.3 National Planning Policy Framework 2012
  - 6 Delivering a wide choice of high quality homes
  - 7 Requiring good design
  - 11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main issues to be considered in determination of this application are the principle of development, impact on the character and appearance of the area, residential amenity and highway safety.

7.2 Principle of Development

The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, Local Plan policy GROWTH 2 relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits taking account of the NPPF as a whole.

In the context of a shortfall of housing supply, the provision of this bungalow would make a modest contribution to the overall supply and the positive contribution to the local and wider economy in the short term through construction work. The additional benefit to be given some weight is the fact that it will provide for accommodation for the applicant fulfilling a need generated by a medical condition. These factors weigh in favour of the proposal.

The site is located within Soham town settlement boundary and as such the principle of development is acceptable subject to compliance with other local and material planning policies and all other material planning considerations that form part of the planning balance for this application.

However the site is identified within Policy SOH 1 of the Local Plan as a housing allocation comprising 22 hectares of land and allocated for approximately 400 dwellings. In addition, Policy ENV 2 of the Local Plan seeks to secure comprehensive development, avoiding uncoordinated piecemeal development, to create a strong and attractive sense of place and local distinctiveness. Clearly this is important that this housing allocation is developed in a comprehensive manner and the Policy seeks the provision of a masterplan to be submitted with any planning application to ensure this occurs.

It is considered that this proposal is unacceptable in principle as it would amount to a piecemeal development which is premature and although comprising only one dwelling for special circumstances, would set a dangerous precedent for similar such developments occurring across the allocation, thereby comprising the best development of the site and the opportunity to truly provide for a comprehensive scheme which will function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development and optimise the potential of the site to accommodate development. This is particularly important on this allocation as the majority of the site is in single family ownership, with three smaller parcels owned by other individuals. The proposal is therefore piecemeal and premature and as a form of backland development is also contrary to the Design Guide SPD .

### 7.3 Impact on the character and appearance of the area

The environmental role of sustainable development seeks to , in part, contribute towards protecting and enhancing the natural, built and historic environment. Consideration of a development impact on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development, as is design.

In addition, Policies ENV 1 and ENV 2 seek to protect landscape and settlement character and in particular new development should demonstrate that the location, form and scale will create positive, complementary relationships with existing development. The proposed development would extend built form beyond the existing residential curtilages, of the dwellings which front Brook Street at a considerable depth beyond the existing linear pattern of development along Brook Street.

It would also amount to a backland form of development which would be out of keeping with the established character of built form in the vicinity of the site. The Design Guide SPD makes it clear that backland developemnt will only be acceptable if supported by a contextual analysis of the locality, which has not been undertaken. The Design Guide also makes it clear that, there must be sufficient space to allow for an access road whilst protecting residential amenity and piecemeal development of backland sites will be refused if a comprehensive development proposal has not been explored. Whilst it is noted that there is sufficient room for an access road, there are concerns with the impact on residential amenity.

Brook Street has a strong linear character and the introduction of this form of development in depth would erode this and set an unwanted precedent for further encroachment development of a similar nature. This form of development to the rear of existing linear development will also have the effect of eroding the sites present contribution to the openness of the land to the rear.

In this regard the proposal in considered to be contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015 and the Design Guide SPD.

#### 7.4 Residential amenity

The application shows an indicative layout for the proposed bungalow which provides for sufficient garden land for the new bungalow whilst retaining the existing garden to the host dwelling. However, the provision of a new property with access alongside the host dwelling is considered unacceptable in terms of the resultant loss of residential amenity to those occupiers. The application shows provision of an access drive of 3.7m which will pass directly alongside the windows of habitable rooms on the side elevation. This cannot be mitigated unless a fence is erected directly outside this window which is considered impractical and has not been shown on the application submission. Whilst some loss of amenity will also be caused to the habitable rooms with windows on the side elevation of the bungalow to the south, these are set slightly further away and this could be mitigated by the erection of a continuous boundary wall or fence and by ensuring that an appropriate material is used in the construction of the access.

It is considered highly likely that noise and disturbance from passing vehicles would be experienced by the occupants of the host dwelling due to the location of habitable windows directly on the boundary with the access track, such that an unacceptable loss of amenity would result, which would not be overcome by the provision of a boundary fence. The proposal does not therefore accord with Policy ENV 1 of the Local Plan or paragraph 17 of the NPPF.

#### 7.5 Highway safety

The indicative plan shows that space can be provided on the site for parking and exiting the site in forward gear. However, the Highway Authority have objected to the proposed new access provision as although there is a gap in the boundary wall at present there is no dropped kerb so this access have never been formally given consent. Inadequate visibility is available on the eastern side of the access, which would likely lead to danger and inconvenience to users of the footway. Furthermore, the applicant does not appear to have control over the land to the east, to the front of Number 87, in order to provide improved visibility. The proposal is therefore detrimental to highway safety and contrary to Policy COM 7 of the Local Plan.

#### 7.6 Planning balance

The proposal provides for one dwelling to meet the applicant's personal circumstances and contributing to the Council's housing provision, construction would provide some short term economic benefits.

However, this is outweighed by the significant and demonstrable harm caused to the character of the established pattern of built form being a backland form of development, the piecemeal premature nature of the development threatening the comprehensive redevelopment of the housing allocation, the harm to highway safety and to the residential amenities of the host dwelling, contrary to a number of local and national planning policies.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00242/OUT	Barbara Greengrass Room No. 011 The Grange	Barbara Greengrass Senior Planning Officer
96/00107/OUT	Ely	01353 616240 barbara.greengrass @eastcambes.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.eastcambes.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>