

22/00545/FUL

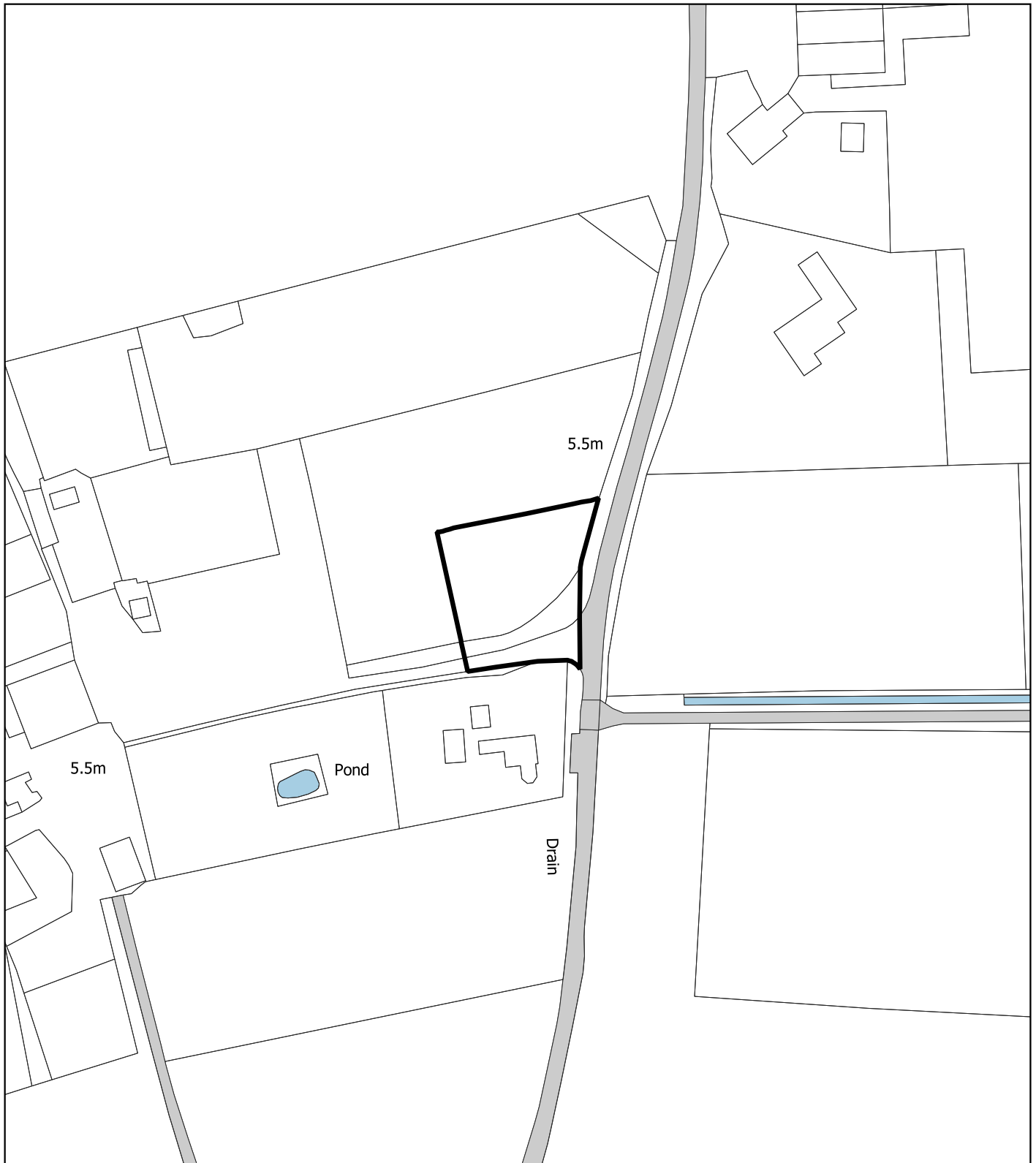
Crow Hall Farm
Site North Of 20 Northfield Road
Soham

Construction of a single storey 4 bed detached dwelling

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22/00545/FUL

Crow Hall Farm
Site North Of 20
Northfield Road
Soham



East Cambridgeshire
District Council

Date: 13/07/2023
Scale: 1:1,500



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TITLE: 22/00545/FUL

Committee: Planning Committee

Date: 2 August 2023

Author: Senior Planning Officer

Report No: Y28

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**Site Address: Crow Hall Farm Site North Of 20 Northfield Road Soham
Cambridgeshire**

Proposal: Construction of a single storey 4 bed detached dwelling

Applicant: Mr Alan White

Parish: Soham

Ward: Soham North

Ward Councillor/s: Mark Goldsack
Keith Horgan

Date Received: 17 May 2022

Expiry Date: 04 August 2023

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the reason stated below:

- 1 The proposed development is situated outside of the development envelope and is not an allocated site, an affordable housing exception site or other exception; on this basis the proposed development fails to comply with Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 which restricts development outside of the defined development envelopes where it does not meet any of the defined exceptions within that policy. There are also considered to be no material considerations of significant enough weight to outweigh the harm arising from the identified policy conflict. On this basis, the proposed development is considered to represent unsustainable development for the purposes of the Local Plan and the NPPF.

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application proposals comprise the erection of a single-storey bungalow, of a pre-fabricated off-site construction, by the manufacturer 'Dan-Wood'.
- 2.2 The proposed dwelling would measure the following (Table 1):

	Proposed Dwelling Measurements (metres/square-metre)	Proposed Dwelling Measurements (feet/square-foot)
Ridge	c.6.6	c.22
Eaves	c.3.2	c.10.5
Depth	c.17.7	c.58
Width	c.15.3	c.50
Floorspace	c.215 (inc. external veranda)	c.2314

Table 1 – Proposed Measurements of the Dwelling

- 2.3 The materials to be used within the dwelling are white/grey render, dark grey roof tiles and grey windows and doors. The site is to be laid predominantly to grass, with a small area of fruit tree planting in the north-east corner.
- 2.4 The proposed vehicular access to the site is to be taken from the private road leading from Northfield Road, currently serving Alan's Ark and other commercial premises to the west.
- 2.5 1.2-metre (c.4ft) post and rail fencing is proposed around the site's perimeter.
- 2.6 The application has been called-in by the local ward member, Councillor Goldsack, on the 26th June 2023 for the following reasons: "I would like to state my intention to call this in for a number of reasons
Time extensions
Environmental build credentials
Exceptional and unique design"
- 2.7 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/>.

3.0 **PLANNING HISTORY**

- 3.1 The following planning history is considered to be of relevance:

16/01249/OUT

Detached single storey dwelling, garaging, parking, access and associated site works.

Approved

6 April 2017

20/01502/RMA

Reserved matters of Appearance & Landscaping of previously approved 16/01249/OUT for Detached single storey dwelling, garaging, parking, access and associated site works

Approved

19 March 2021

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site comprises the corner of a paddock field adjacent to agricultural buildings located on Crow Hall Farm. Crow Hall Farm is the site of Alan's Ark pet supplies and Charlie's dog training centre. The application site is located outside of the development envelope for Soham, within the hamlet of Broad Hill and is therefore considered to be within the countryside.
- 4.2 To the north-east of the application site along the eastern edge of Northfield Road lies two dwellings ('The Farmhouse' and 'Shamara'), beyond which lies Northfield Farm and associated buildings. A loose collection of dwellings forming the hamlet of Broad Hill lie further to the north, as well as the site of the former Old Tiger Stables.
- 4.3 No.20 Northfield Road, a residential dwelling, lies c.30 metres (c.100ft) to the south of the application site on the western edge of Northfield Road. This dwelling lies within an extensive plot with a number of outbuildings and an associated smallholding, which includes the keeping of alpacas.
- 4.4 The Grade II Listed Building of Crow Hall Farm (dwelling) lies c.125 metres (c.410 feet) to the west of the application site, with intervening buildings associated with the commercial uses.
- 4.5 The application site is not located within a Conservation Area and does not lie nearby any Listed Buildings, Structures or Monuments beyond those already identified.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and are summarised below. The full responses are available on the Council's web site.

Waste Strategy (ECDC) - 18 May 2022

States: "o 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; 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).

o The private drive access road to Crow Hall Farm is not accessible to the refuse and recycling vehicles without a signed indemnity form, and so waste and recycling from the property would need to be presented adjacent to Northfield Road where

the private access drive meets it. Consideration should be given to allowing sufficient space for the presentation of waste and recycling here to not block access / visibility.

o 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.

o Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.

o 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 detailing the payment amount and the planning reference number.”

Environmental Health - 19 May 2022

States: “I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

I have gone back to the NIA submitted as part of 16/01249/OUT to compare the layouts of the two applications. Claire had previously advised as part of 16/01249/OUT that -

"Due to the potential impact of noise at night the acoustic consultants have recommended that the bedroom windows facing the direction of the dryer are fixed closed. As the bedrooms that these windows serve have alternative means of ventilation by way of additional openings on quieter facades, I do not consider the windows necessarily require fixing closed. Occupants will be able to access alternative means of ventilation if the noise levels are such that they have to close the eastern aspect windows, and therefore they have a choice, however I understand that you may consider this differently from a planning perspective."

We can see that the bedrooms with glazed elements on the far right of the floor plan for 16/01249/OUT have the recommendations for them to be fixed closed and alternative glazed elements on a quieter façade be left openable. Claire did not feel it necessary to have the windows fixed closed but it is important that there was secondary glazing. As we can see from the new floor plan proposed this secondary glazing has been removed for most of the bedrooms (apart from Bedroom 4). I have included the site layout for both applications below for reference and we can see that the orientation is essentially the same on both plans with the bedrooms still facing the drying fans to the north east.

If the drying fans are still located in their previous location then I do have concerns with this new proposal. These concerns could be overcome by relocating the sensitive rooms (bedrooms and living room) to an alternative façade and placing the non-sensitive rooms (kitchen, bathroom, utility room) on to the noisier façade.

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The Ely Group Of Internal Drainage Board - 27 May 2022

States: “This application for development is within the Middle Fen and Mere Internal Drainage District.

The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

If the proposed package treatment plant discharges into a watercourse, the consent of the Board is required.”

Local Highways Authority - 31 May 2022

States: “I do not object to this application.

The proposals are not materially different (from a highways perspective) from those previously approved under 16/01249/OUT and 20/01502/RMA. In any case the site is accessed from a private road and the dwelling is therefore unlikely to have any material impact upon the public highway.”

Parish - 1 June 2022

States: “Noted outside the development envelope, unsustainable and it appears to not be linked to an agricultural business.”

Ward Councillor Mark Goldsack (Soham North) – 26 June 2023

States: “I would like to state my intention to call this in for a number of reasons

Time extensions
Environmental build credentials
Exceptional and unique design”

Building Control - East Cambridgeshire District Council – 13 July 2023

States: “I have looked at the information submitted relating to the near passive house standard.

I understand that the main issue is with the protentional or noise from nearby buildings. If the property is provided with a properly designed, installed and commissioned MVHR system then there will be no need to open windows or provide background ventilation (trickle vents) as the MVHR system will provide all necessary fresh air to replace the air extracted from kitchen, bathrooms utility etc.

Hopefully this answers your question but give me a call if you need any further information.”

CCC Growth & Development - No Comments Received

Consultee For Other Wards In Parish - No Comments Received

5.2 A site notice was displayed near the site on 20th May 2022 and a press advert was published in the Cambridge Evening News on 26th May 2022.

5.3 Neighbours – Six neighbouring properties were notified. No responses were received.

6.0 THE PLANNING POLICY CONTEXT

6.1 *East Cambridgeshire Local Plan 2015*

GROWTH 1 Levels of housing, employment and retail growth

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

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

HOU 2 Housing density

COM 7 Transport impact

COM 8 Parking provision

6.2 *Supplementary Planning Documents*

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

Developer Contributions and Planning Obligations

Natural Environment SPD

Design Guide

Climate Change SPD

- 6.3 *National Planning Policy Framework 2021*
 - 2 Achieving sustainable development
 - 4 Decision-making
 - 9 Promoting sustainable transport
 - 11 Making effective use of land
 - 12 Achieving well-designed places
 - 14 Meeting the challenge of climate change, flooding and coastal change
 - 15 Conserving and enhancing the natural environment
 - 16 Conserving and enhancing the historic environment

- 6.4 *Planning Practice Guidance*
Nationally Described Space Standards March 2015

7.0 **PLANNING COMMENTS**

7.1 Principle of Development

7.2 Upon the submission of the application in May 2022, the application site benefitted from an extant consent under LPA Ref. 16/01249/OUT (and subsequently 21/01502/RMA) for the erection of a single dwelling. This consent was approved following an overturn at Planning Committee, during a period whereby the Council could not demonstrate a sufficient 5 Year Housing Land Supply (5YHLS).

7.3 Given the extended period of time it took for the Applicant to provide sufficient information to address Officer concerns regarding noise and residential amenity (see 'Residential Amenity' section of this report), the extant consent lapsed during the course of the current application in March 2023. The Applicant had not implemented the consent, and therefore the Applicant does not benefit from a 'fall-back' position for a dwelling within the application site.

7.4 Whilst the planning history for the application site is itself a material consideration, the Application must now be considered in light of the current planning policy context, this being that the Council can demonstrate a strong 5YHLS and Housing Delivery Test.

7.5 Policy GROWTH 1 of the Local Plan identifies the level of growth required within the district over the Local Plan Period. This includes the housing requirement for the district. Policy GROWTH 1 is accepted by the Council as being out-of-date as it uses an out of date housing requirement figure, and consequently this has triggered the preparation of the 'single issue review' of the Local Plan, in order to bring GROWTH 1 back in date. That updating of the policy remains under development following a 'regulation 19' consultation in 2022, and given further consultation pending, is afforded little weight.

7.6 Policy GROWTH 2 of the Local Plan 2015 provides the locational strategy for development within the district and provides a hierarchy for the location of housing development. That hierarchy seeks to focus the majority of development on the market towns of Ely, Soham and Littleport. It provides for more limited development within villages within a defined development envelope. The policy states that

outside defined development envelopes, development will be strictly controlled to protect the countryside and the setting of settlements and will be restricted to the exceptions listed within the policy.

- 7.7 The weight to be given to policy GROWTH 2 is a matter of judgement for the decision maker. An important factor is the consideration of whether the Policy is “out of date” and the allied question of whether the policy is consistent with NPPF for the purposes of NPPF 219. Applying national policy, there are three main reasons it could be out of date, as follows:
- (a) If the Council cannot demonstrate a Five Year Land Supply (NPPF 11d, footnote 8). This is not the case. The Council can demonstrate a healthy supply of deliverable homes, well in excess of five years’ worth, and this position has persistently been agreed by recent Inspector appeal decisions;
 - (b) If the Council ‘fails’ the Housing Delivery Test. This is not the case. The Council presently sufficiently ‘passes’ the Test; or
 - (c) If the Policy is considered ‘out of date’ on a separate basis. This has been defined by the Courts as “have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason (*Bloor v SSCLG* [2014] EWHC 754 (Admin); [2017] PTSR 1283). However the courts have further noted “*The acid test in relation to whether or not a policy is out of date is, it will be recalled, the extent to which it is consistent with the Framework.*” (*Gladman Developments Limited v SSHCLG and Central Bedfordshire* [2019] EWHC 127 (Admin), [34]). Datedness will always be a “case-sensitive exercise” (*Gladman*, [36]) and will “encompass the manner in which a policy operates in relation to the determination of a particular application” (see *Ewans v Mid Suffolk District Council* [2021] EWHC 511, [47]).
- 7.8 The Council has considered the approach taken in recent appeal decisions, noting that each case must always turn on its specific facts.
- 7.9 In APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham (dated 11 February 2022), the Planning Inspector found that policy GROWTH 2 was out-of-date in respect of a proposal for housing on the edge of Soham, a market town identified as a location for growth. That site was also within a broad location for housing (identified in the supporting text to policy GROWTH 4), where housing was anticipated to come forward during the Local Plan period (2011-2031). He concluded that as the housing requirement in GROWTH 1 was out of date and therefore uncertain, it was not clear that adequate housing could be provided in settlements and via allocations. The Inspector found that general objectives of GROWTH 2 “to manage patterns of development and protect the setting of settlement were good ones” and consistent with the NPPF, however in the specific location of the Appeal Site he found that continued strict application of GROWTH 2 was not justified given that the Local Plan anticipated housing in that location and at the market towns. The Inspector also gave weight to the fact that, while outside the development envelope for Soham, the proposal was considered to comply with the development plan as a whole, including the location of the development at one of the three market towns, consistent with GROWTH 2. It is important to appreciate that this was a case where no other development plan conflicts were identified,

including notably in respect of landscape. The Inspector therefore did not have to consider these specific wider considerations in assessing the datedness of the policy and its consequent consistency with NPPF.

- 7.10 Elsewhere recent Inspectors have found policy GROWTH 2 up-to-date, albeit in respect of proposals for housing on the edge of villages (i.e. not market towns) with such settlements falling lower down the locational strategy hierarchy detailed within GROWTH 2.
- 7.11 Turning to the facts of this particular application, the proposal is located outside of the development envelope, is not one of the exceptions listed in GROWTH 2. Whilst falling within the Soham parish, the proposal is considered to be isolated, insofar as it is located a significant distance from the market town of Soham, where growth is directed to by GROWTH 2. It is, therefore, clearly contrary to policy GROWTH 2.
- 7.12 The Council have considered whether GROWTH 2 (including development envelopes derived by it) should be considered out of date or not, and in particular in doing so considering recent appeal decision on this matter. A number of appeal decisions in settlements away from market towns have indicated that GROWTH 2 is up to date. The Inspector in a recent decision at Soham (i.e. a Market Town) identified that GROWTH 2 is out of date (APP/V0510/W/21/3282449 Land to the North East of Broad Piece, Soham, dated 11 February 2022).
- 7.13 The Council has carefully considered all of these decisions and in particular whether the circumstances are similar to those in the recent appeal decision in Soham (in respect of the nature of the conflict). The Council considers that the Soham decision is distinguishable.
- 7.14 For the purposes of this application, GROWTH 2 is considered up to date. All recent decision makers (including the Appeal Inspectors) have concluded that the locational strategy of the policy is consistent with the NPPF. As the Soham Inspector observed at DL17: "general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework"
- 7.15 This proposal, in this isolated location (i.e. located a significant distance from a market town), is not consistent with that strategy.
- 7.16 Whilst GROWTH 1 is out of date, the locational strategy within GROWTH 2 is not out of date. The locational strategy remains entirely valid and consistent with NPPF.
- 7.17 This view is reinforced by the fact that the Council can demonstrate it has a Five Year Land Supply, and passes the Housing Delivery Test.
- 7.18 In conclusion, therefore, for this particular proposal in this location, GROWTH 2 is considered up to date, and should carry full weight. And, as already described, the proposal is clearly contrary to GROWTH 2, and therefore this proposal is contrary to the development plan representing unsustainable development.

- 7.19 Notwithstanding, consideration has also been given to material considerations that could warrant a departure from the Development Plan, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 7.20 In accordance with Paragraph 7.7(c) of this report, it is not considered that there has been any 'on the ground' or contextual changes in the character of this area of Broad Hill, Soham that would amount to a material consideration to justify a decision at variance with Policy GROWTH 2 of the Development Plan.
- 7.21 Paragraph 79 of the NPPF further states that *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."* Broad Hill is no more than a cluster of dwellings c.2km (c.1.2 miles) from the edge of Soham, which contains no services, facilities, footpaths, street-lighting or access to public transport. It is not considered that the provision of a single dwelling in the hamlet of Broad Hill will therefore enhance or maintain the vitality of the rural community, but would instead represent unsustainable development.
- 7.22 The applicant has in correspondence also put forwards a late-stage argument that the proposed dwelling would comprise a self-build dwelling, and that this should be afforded weight in the decision-making process. The Applicant has stated that they are content to provide a legal agreement securing the property as a self-build property.
- 7.23 The provision of a self-build dwelling is considered to attract limited weight in the consideration of this application, not least because it does not form an exception with Policy GROWTH 2, but also because of the Applicant's limited advancement or development of this argument. The Applicant has not demonstrated that they are on the self-build register held by the Council. The Applicant has also not demonstrated that other consented self-build plots provided in Soham or elsewhere in the district were considered as alternatives before the application site.
- 7.24 Members are advised that the Council are currently providing their statutorily required number of self-build plots within the district to meet demand for those on the self-build register. The Council also have a Local Plan policy (and Supplementary Planning Document) which secures the delivery of self-build plots for major sites over 100 dwellings. It is therefore considered that the Application site is not required to make-up any shortfall in this self-build requirement.
- 7.25 The Applicant has also put forwards that the siting of the proposed dwelling in proximity to their workplace would minimising traffic movements, as well as highlighting the sustainability of the dwelling's construction.
- 7.26 The dwelling has not been put forwards as a rural worker's dwelling, and therefore no weight can be afforded to the argument over the dwelling's proximity to the applicant's workplace, as no need for the dwelling in this location has been identified, other than the Applicant's control of the land.

- 7.27 With regard to the sustainability credentials of the dwelling, Policy ENV 4 of the Local Plan 2015 states that: *“All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable.”* The updates to Building Regulations in June 2023 also hold new development to much higher standards of energy efficiency and sustainability.
- 7.28 NPPF Paragraph 134 does also require that *“... significant weight should be given to:*
- a. *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
 - b. *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
- 7.29 Members are reminded that the Applicant has been explicitly clear that the dwelling proposed is **not** a passivehouse, but will operate in a similar manner through means of mechanical ventilation and high energy efficiency. The dwelling will not therefore be a true passivehouse. Whilst it is therefore considered that the provision of the energy efficient dwelling in this instance demonstrates a compliance with Local Plan policy and updated regulations, it not considered to go above and beyond these standards to such a degree that it would form a material consideration, of significant enough weight, to outweigh the harm arising from the policy conflict with Policy GROWTH 2.
- 7.30 Whilst the NPPF calls for significant weight to be applied to outstanding or innovative designs, it is Officer opinion that the proposal is neither outstanding or innovative. Innovation is suggestive of new, advanced designs, but as the National Design Guide notes at Paragraph 31, *“Modern methods of construction are becoming more common, whether in the form of mass production for modular construction, or off-site bespoke construction for self-or custom-build.”* It is Officer opinion that the type of dwelling proposed under the current application is not therefore an innovative design. Indeed, the manufacturer (Dan-Wood) has been in the market for 25-years.
- 7.31 It is on this basis that the sustainability credentials of the proposed dwelling can be afforded only modest weight in the consideration of this proposal.
- 7.32 Members are also advised that the NPPF seeks to prevent the delivery of ‘isolated homes in the countryside’ unless they comprise one of the exceptions established under Paragraph 80. The only applicable criterion of Paragraph 80 in this instance is considered to be 80(e), which states:
- “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*
-

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”

7.33 It is not considered that the provision of a passivehouse alone meets the definition of ‘exceptional quality’ or ‘the highest standards of architecture’, and the design of the dwelling would need to be significantly enhanced in order to satisfy the very high bar laid out by the NPPF.

7.34 For all of the reasons set out, it is considered that the proposed development is contrary to Policy GROWTH 2 of the East Cambridgeshire District Local Plan 2015, as it does not fall within one of the exceptions listed within the Policy. Furthermore, there are not considered to be any material considerations of significant enough weight that would direct a departure from the Development Plan.

7.35 Residential Amenity

7.36 Policy ENV 2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 130(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users. The Design Guide SPD requires that, in most cases, rear private amenity space should be a minimum of 50 square metres.

7.37 Upon the submission of the application in May 2022, the Environmental Health Officer (domestic) raised concerns with the design of the proposed dwelling and its relationship with Northfield Farm to the north-east. This was on the basis that all proposed bedroom windows faced towards the farm and the drying fans associated with the farm’s operation, and had no secondary glazing with the exception of bedroom 4. This meant that, in order to provide ventilation and/or rapid purge ventilation, these windows facing the fans would have to be opened, subjecting internal occupiers to potentially unacceptable levels of noise during the night-time if the fans were in operation.

7.38 Members are reminded that concerns over the noise from the drying fans were identified by the Applicant’s **own** Noise Impact Assessment (NIA) submitted under LPA Ref. 16/01249/OUT, which identified that the fans could result in ‘Significant Observed Adverse Effect Level’ upon prospective occupiers of the dwelling if no means of mitigation were put in place; this was despite the fans only being in operation seasonally and for short periods of time. These concerns were however successfully ‘designed-out’ within the approved (now lapsed) dwelling, with alternative window arrangements and secondary glazing within less sensitive facades to provide ventilation. When submitting the current application proposals, the Applicant is therefore presumed to have been fully aware of the noise sensitivities of the application site.

- 7.39 The Applicant was therefore invited very early on in the current application proposals (May 2022) to amend the scheme, to reach an acceptable internal residential amenity for prospective occupiers. However, no such amendments were forthcoming, and instead the validity of the concerns over the drying fans was repeatedly disputed by the Applicant and their agent at the time. This was because the fans were stated as not having been used for a significant period of time.
- 7.40 Whilst the lack of use of the fans is not disputed, no evidence or updated Noise Impact Assessment (NIA) has been provided to the Council for consideration that would suggest the previous NIA is no longer valid. The Applicant was also reminded that it was the prerogative of the farm to re-instate these fans whenever it was deemed to be necessary, outside of the Applicant's control.
- 7.41 It is also considered that, to approve a dwelling whereby legitimate noise concerns are raised and not addressed could detrimentally impinge upon the operation of the farm, who may become subject to noise complaints if noise is not appropriately addressed at the application stage.
- 7.42 As a means of addressing Officer concerns, the Applicant therefore proposed the dwelling as a passivehouse. Members are reminded that this detail was not clarified within the original submission, and indeed the manufacturer of the pre-fabricated dwelling as proposed ('Dan-Wood') does not claim to deliver passivehouses.
- 7.43 Officers were content that a passivehouse could provide a solution to the noise concerns, if it was a *genuine* passivehouse, insofar that it did not require windows to be opened for ventilation, thereby precluding significantly detrimental noise concerns.
- 7.44 However, over the course of the application, the Applicant unfortunately failed to provide Officers with sufficient reassurances that the proposed dwelling would indeed be constructed to passivehouse standards. This included the Applicant's unwillingness to commit to testing during and post construction to evidence that the proposed dwelling would meet passivehouse standards.
- 7.45 Officers therefore could afford very limited weight to the claims that the dwelling would be a passivehouse, in the absence of information to demonstrate that it would indeed be 'passive'. Members are reminded that Officers were of the view that simple design revisions (i.e. secondary windows in alternative facades) could likely have addressed the noise concerns, and therefore the onus upon the Applicant to provide a passivehouse arose purely because these design revisions were not forthcoming.
- 7.46 After significant discussions with the Applicant, their Agents and Building Control, the Applicant provided a comparison of the proposed dwelling (a 'Dan-Wood' pre-fabricated house) in April 2023 and the general passivehouse standards, to demonstrate that the two were not dissimilar. The information also included details of the Mechanical Ventilation and Heat Recovery (MVHR) system, that would provide the internal ventilation.

- 7.47 Following discussions with Building Control, it was concluded that, subject to the provision of the MVHR and supporting infrastructure, the dwelling would in-effect function similarly to a passive house. This means that windows would not need to be opened to provide ventilation.
- 7.48 It is therefore only on this basis that the proposed development is found to be acceptable in the interests of residential amenity for prospective occupiers. Conditions would need to be imposed, if the application is approved, to ensure that the MVHR and associated infrastructure are installed, retained and maintained in perpetuity to ensure residential amenity is safeguarded.
- 7.49 The proposed dwelling would provide a good outlook, light receipt and internal and external amenity space for prospective occupiers.
- 7.50 With regard to impacts upon nearby occupiers, the proposed dwelling is considered to be located a sufficient distance so as to preclude any significantly detrimental impacts in terms of overlooking, overshadowing, overbearing, loss of light or loss of privacy.
- 7.51 For the reasons outlined, the proposed development is considered to result in acceptable residential amenity impacts upon existing and prospective occupiers by virtue of its design, siting and scale, subject to the imposition of the conditions set out above. The proposed development is therefore considered to comply with the objectives of Policy ENV 2 of the Local Plan, the Design Guide and the NPPF.
- 7.52 Visual Amenity and Heritage
- 7.53 Policy ENV1 of the ECDC Local Plan 2015 seeks to ensure that proposals provide a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Policy ENV2 of the ECDC Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other.
- 7.54 The Design Guide states that, in most cases, building plots should be approximately 300 square metres (c.3229sqft), and that the footprint of any proposed development should be no more than approximately one third of the plot size. Paragraphs 126 to 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history.
- 7.55 Existing residential development along Northfield Road is sporadic, interspersed with agricultural buildings and varied in design, meaning there is no discernible dwelling type or materials palette for the application proposals to emulate. The application site also occupies a relatively prominent corner location along Northfield Road.
- 7.56 Notwithstanding, under the now-lapsed 16/01249/OUT (and 21/01502/RMA) the Council previously found that a dwelling of a single-storey scale in this location was acceptable in its visual amenity impacts. It is considered that the previous decision is a material consideration in the determination of this application, particularly given

that the consent has not long lapsed and that there is not considered to have been any contextual changes to warrant arriving at an alternative conclusion as to the urbanising impacts of development in this location. These conclusions are however dependent upon the design of the dwelling itself.

- 7.57 As previously approved, the proposed dwelling comprises a relatively low-level dwelling with number of gable ends and staggered ridge heights. Whilst an urbanising feature within the rural landscape, the proposed dwelling would not be out of keeping with the character and appearance of the wider area and would be seen in the context of the commercial development to the west. The dwelling is considered overall to be a sympathetic addition to the street-scene in the context of what was previously approved within the application site. Members are however reminded that the dwelling, whilst considered to be good, is not considered to amount to 'exceptional' quality or design as required by the NPPF, so as to justify its isolated location in the countryside.
- 7.58 The proposed materials palette, comprising a pale (white and grey) coloured render with a dark grey roof and grey windows/door, is also considered to be acceptable within this location and found elsewhere along Northfield Road, in particular the white painted-brick of No.20 Northfield Road immediately to the south of the application site.
- 7.59 Whilst the LPA are unable to rely solely on planting to justify the visual impacts of proposals, which should be acceptable in their own right, the design and scale of the proposals are considered to be acceptable and appropriate for this location; the proposed planting will, in this instance, assist in the assimilation and visual softening of the proposed dwelling within this rural location and within the street-scene, as well as making a genuine contribution to the enhancement of biodiversity within the site.
- 7.60 The areas of proposed hard landscaping are also minimal and located to the rear of the dwelling and set back from Northfield road, where they will be less readily visible within the street-scene. The proposed 1.2-metre (c.4ft) post-and-rail fencing is also considered to be appropriate for the rural location of the application site, and would have a less urbanising impact than alternative types of fencing. On this basis, it is considered pertinent to restrict permitted development rights for gates, fences, walls and other means of enclosure in the interests of protecting visual amenity, given the relatively prominent and rural location of the application site.
- 7.61 The proposed dwelling satisfies the requirements of the Design Guide SPD with regard to plot size and coverage, as agreed at the outline stage.
- 7.62 Given the siting, scale and intervening development, the proposed development is not considered to result in any harm to the setting or significance of the nearby heritage asset of Crow Hall Farm.
- 7.63 For the reasons provided above, whilst the proposals will be highly visible within the street-scene, given their scale, location and design, the visual amenity impacts of the proposals are considered to be acceptable in accordance with Policies ENV 1, ENV 2 and ENV 12 of the ECDC Local Plan 2015, the Design Guide SPD and the guidance contained within the NPPF.

- 7.64 Other Material Matters
- 7.65 Highways – the proposed development provides policy-compliant levels of on-site parking for vehicles and bicycles. The Local Highways Authority raise no objections to the proposed development in terms of highway safety, subject to conditions relating to controls over the erection of gates, fences, walls across the site’s vehicular access; and the provision of parking and turning spaces. These conditions were imposed upon the previous outline consent, and are considered to be necessary in the interests of highway safety in accordance with Policy COM 7 and COM 8 of the Local Plan and the NPPF.
- 7.66 Ecology and Biodiversity – there are no trees within the application site, which is laid to grass and grazed by horses. The site is considered unlikely to support protected species. Tree planting is proposed as part of the proposals, although these are indicative. A comprehensive soft landscaping scheme could be secured via a planning condition. It is considered that, subject to conditions securing soft landscaping and biodiversity enhancement details, the proposed development would be acceptable in accordance with Policies ENV 1 and ENV 7 of the Local Plan, the Natural Environment SPD and the NPPF.
- 7.67 Flood Risk and Drainage – the application falls wholly within Flood Zone 1 and is therefore at a low risk of flooding. The IDB raise no objections to the proposed use of soakaways or package treatment plant for foul sewerage, subject to consent being obtained from the Board. Subject to a condition securing a drainage strategy for the site, the proposed development is therefore considered to be compliant with Policy ENV 8 of the Local Plan, the Flood and Water SPD and the NPPF.
- 7.68 Contamination and Pollution – the Environmental Health (Scientific) Officer has not raised any concerns with the application proposals, and no investigative contamination conditions were imposed upon the previous consent given the low contamination risk associated with the site. Notwithstanding, a safeguarding condition regarding unexpected contamination will be imposed upon the consent.
- 7.69 The Environmental Health (Domestic) Officer has requested conditions pertaining to ground piling and construction hours. These are considered to be necessary in the interests of protecting residential amenity of surrounding occupiers.
- 7.70 Planning Balance
- 7.71 Whilst the proposed development is considered to be acceptable in all other respects, there is an in-principle objection to the location of the proposed development outside of the market town of Soham. Policy GROWTH 2 is considered to be in-date for the purposes of the current application, which does not support the delivery of housing in this location, nor does the NPPF. There are also considered to be no material considerations of significant enough weight to outweigh the harm arising from the identified policy conflict. On this basis, the proposed development is considered to represent unsustainable development.

Background Documents

22/00545/FUL

16/01249/OUT

20/01502/RMA

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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

