

MAIN CASE

Reference No: 16/01763/OUT

Proposal: Proposed detached dwelling, garage, parking, access and associated works.

Site Address: Land Rear Of 4 And 5 Long Dolver Drove Soham
Cambridgeshire

Applicant: Mr And Mrs S J Smith

Case Officer: Oli Haydon, Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Councillor James Palmer
Councillor Carol Sennitt

Date Received: 15 December 2016 **Expiry Date:** 9 March 2017

[R217]

1.0 **RECOMMENDATION**

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

1. The proposed additional dwelling is located within the countryside and, by virtue of its distance from the main settlement of Soham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 55 of the National Planning Policy Framework. The proposal fails to comply with the Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.
2. Located within open countryside and remote from the development envelope of any settlement, the proposal would be a visually intrusive form of development that would cause demonstrable harm to the character of the rural landscape and its setting within the surrounding countryside contrary to the requirements of Policies ENV1 & ENV2 of the East Cambridgeshire Local Plan and, paragraphs 14 and 17 of the National Planning Policy Framework

3. It has not been satisfactorily demonstrated that any potential noise disturbance experienced by the future occupiers of the proposed dwelling can be adequately mitigated to preserve residential amenity and to prevent conflict with the operation of the nearby Country Club Kennels and Cattery. As such it is contrary to Policies ENV 2 and ENV 9 of the East Cambridgeshire Local plan and paragraph 123 of the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 Outline planning permission is being sought, with some matters reserved, for the erection of a new single-storey dwelling. Matters of access and scale are to be considered as part of this application; however matters relating to appearance, layout and landscaping are reserved.
- 2.2 The application is a resubmission of a recently refused application (16/01216/OUT – Refused 11 Nov '16). No changes have been made to the application following its refusal on the grounds of an unsustainable location and impact upon the character of the open countryside.
- 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 This application has been called in to Planning Committee by Councillor James Palmer as it is viewed that Long Dolver Drove is a sustainable location known locally as Soham Fen and should not be refused on the grounds of sustainability.

3.0 PLANNING HISTORY

- 3.1

16/01216/OUT	Proposed detached dwelling, garaging, access & associated site works	Refused	02.11.2016
--------------	--	---------	------------

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located in open countryside off the eastern side of Long Dolver Drove, 2.1 miles from the main facilities and services of Soham (by car).
- 4.2 The character of the area is defined by a predominance of arable land with commercial kennels grouped with three dwellings in an otherwise isolated location some distance to the south of the site. Further south along Long Dolver Drove are isolated dwellings en-route to its junction with Hasse Road 800m to the south.

4.3 The site and its surroundings are currently used as agricultural land. The site is located within Flood Zone 1.

5.0 RESPONSES FROM CONSULTEES

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

Soham Town Council - No Concerns Raised.

Ward Councillors – Cllr James Palmer requested the application be discussed at Planning Committee as the area is locally known as Soham Fen and is a sustainable location.

Local Highways Authority - No objections raised, subject to conditions.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Waste Strategy (ECDC) - No objections, subject to informatives.

The Ely Group Of Internal Drainage Board – No objections raised.

Environmental Health – There is another similar application currently being considered in much closer proximity to the kennels on the adjacent land. Due to the increased distance (80m), the noise impact from the kennels is of less concern.

Due to the nature of the business it would not be beneficial to gain a noise impact assessment as this will be dependent on numerous factors such as number, size, type and the temperament of the dogs, which will change.

From our mapping system it appears that the kennels external enclosures are towards the proposed development, with no screening in between, even at this larger distance there would be concerns that there could be an impact of noise on future residents, especially as the kennels must operate 24/7.

The application is for Outline approval and this layout could be subject to change. The plans show that the proposal is for a bungalow which is very beneficial. The bedrooms do have windows facing the kennels, and it is noted that the fencing is post and rail which will provide no noise mitigation. If there is no screening between this proposed property and the kennels to reduce line of sight it is advised that at the reserved matters stage mitigation measures are required to be submitted to show how the applicants intend to reduce the impact from the adjoining land use. This could be consideration of the orientation of rooms and/or windows and consideration of boundary treatment.

5.2 Neighbours – A site notice was posted, one neighbouring property was notified and an advert was placed in the Cambridge Evening News and no responses

were received. A full copy of the responses are available on the Council's website.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011)
Flood and Water SPD

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 consider when determining this application relate to the principle of development, the impacts upon character and appearance of the area, ecology, highway safety and residential amenity.

7.2 Principle of development

7.2.1 The application site lies outside of the defined development boundary. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries. However as the Council cannot currently demonstrate a 5 year supply of housing land, Policy GROWTH 2 cannot be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

- 7.2.2 Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. This site is considered to be isolated from any built settlement, being 0.7 miles from the edge of nearest settlement of Soham (as the crow flies) and 2.1 miles by road from the services and facilities of Soham. The site is located along a 60mph road in a rural location. It is therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in a recent appeal decision which forms a material consideration to be given significant weight in determining this application.
- 7.2.3 The appeal decision bears similarities with this proposal and followed the refusal by the Planning Committee for two dwellings at 14 The Cotes, located 1.8 miles north of Soham, in an isolated cluster of dwellings.
- 7.2.4 The recently received appeal decision for The Cotes in Soham (APP/V0510/W/16/3143840) cited the location as unsustainable due to the reliance on the car. The appeal stated that “both (sites) would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development” and “the isolation of the sites from community facilities would weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing”. Furthermore, the appeal also stated “given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access, I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities”. As previously stated, the Cotes is approximately 1.8 miles to the centre of Soham, and this application site is 2.1 miles from the centre of Soham where local shops and services are located.
- 7.2.5 Members are reminded of 2 further appeal decisions which support the stance that this site is in an unsustainable location. The inspector stated that it “it is highly probable that occupiers would use the private car” and “the effect of allowing a development in a functionally isolated location would result in unsustainable journeys contrary to a core land use planning principle of the framework which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling”.
- 7.2.6 It is considered that the proposal is contrary to Local Plan policy COM7 which requires that development is designed to reduce the need to travel, particularly by car, and to promote sustainable forms of transport. This site is located 2.1 miles from the centre of Soham and, as such, the Local Planning Authority view it as unsustainable as there are a number of sites within Soham which are in a more sustainable location and are either allocated for development or could be windfall sites. The proposal is located within the parish of one of the market towns where growth should be focused in a sustainable location in accordance with the Inspector’s decisions.
- 7.2.7 It is acknowledged that dwellings exist south of the site. These dwellings have been on site for some time and their presence does not mean that new development should be accepted on this open field. Furthermore, the Inspector in a recent appeal decision accepted that “existing development is not a *fait*

accompli for subsequent development; each case must be decided on its own merits”.

7.3 Residential Amenity

- 7.3.1 The proposed dwellings would be distanced sufficiently from any neighbouring residential properties such that no loss of amenity would occur from overlooking. The site also has sufficient space to accommodate the dwelling with an acceptable level of amenity as set out in the SPD Design Guide.
- 7.3.2 However, the proposed dwelling will be located approximately 80m from the Country Club Kennels and Cattery. The facility features exercise runs and outdoor exercise paddocks. The Environmental Health Officer does not consider it would be beneficial to gain a noise impact assessment as this will be dependent on numerous factors such as number, size, type and the temperament of the dogs, which will change. It appears that the kennels external enclosures are towards the proposed development, with no screening in between and there would therefore be potential significant noise from the dogs barking at the site. The Environmental Health Officer considers that the distance to the kennels would have an adverse noise impact on the residential amenity of future occupiers which may be mitigated by the provision of alternative boundary treatments. However, as this is likely to be in the form of close-boarded fencing, this would be unacceptable in planning terms as it would be visually intrusive in this open rural location. The proposed dwelling is therefore unacceptable in this location due to the likely loss of residential amenity to the future occupiers by the siting of a commercial kennels in close proximity and it is not considered that this likely noise source can be satisfactorily mitigated.
- 7.3.3 The presence of a dwelling in relatively close proximity to an existing kennel business is also likely to lead to future restrictions on the activities of the kennel business; contrary to Policy ENV9 of the Local Plan which seeks to protect existing businesses from noise sensitive development. This is recognized in Paragraph 123 of the NPPF.

It is considered that there is a significant risk to the functionality and viability of the business if this dwelling was to be permitted (by virtue of necessary restrictions on the activities of the Country Club Kennels and Cattery).

7.4 Visual Impact

- 7.4.1 The area surrounding the application site is rural in nature, with the application site surrounded by agricultural fields. The application site forms part of a larger open agricultural field with the nearest development 130m to the south at the Country Club Kennels and a row of three residential dwellings.
- 7.4.2 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires new development proposals to demonstrate that their location creates positive, complementary relationships with existing development and protects,

conserves, and where possible enhances space between settlements and their wider landscape setting. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires all new development proposals to respect the landscape of the surrounding area and ensure the location of buildings relates sympathetically to the surrounding area. The NPPF also seeks to protect the intrinsic character and beauty of the countryside.

7.4.3 Due to the matter of appearance being reserved, no details of the design of the proposed dwelling will be considered. The scale of the proposal will be that of a single-storey dwelling, relatively large in size (22m in width, 14.5m in depth and 5m high). The proposed dwelling will not occupy more than a third of the plot size, in line with the guidelines of the SPD Design Guide. However, it is considered that the erection of an additional dwelling would create an urbanising impact which erodes the predominantly rural open character of the area. Furthermore, it is visually intrusive upon the surrounding rural landscape and harmfully impacts on the extensive countryside views present along Long Dolver Drove and the surrounding highways and byways.

7.4.4 On balance, it is therefore considered that the proposed dwelling in this location would cause significant and demonstrable harm to the rural character and appearance of the area, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14, 17 and 56-68 of the NPPF. The development would reinforce the presence of built form within the countryside, appearing overly dominant and stark contrast to its surroundings. Whilst the houses would continue the line of existing built development, they would introduce built form into an area that is largely rural and open in character.

7.5 Highways

7.5.1 The matter of access remains to be considered at the Reserved Matters stage; however, the submitted plans would appear to demonstrate that adequate parking and turning could be achieved for at least 2 domestic cars within the plot. The vehicular access shown on the indicative plans is likely to benefit from adequate visibility onto Long Dolver Drove Road and Cambridgeshire County Council Highways have raised no objections in principle, subject to conditions relating to maintenance of an unobstructed access onto the site.

7.6 Ecology

7.6.1 In order to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, a condition should be placed on any approval to ensure that measures to enhance the biodiversity in the vicinity are installed prior to occupation of the development.

7.7 Flood Risk and Drainage

7.7.1 The site is located in Flood Zone 1 and is not therefore considered to be at high risk of flooding. Any planning permission granted will be subject to a condition requiring a detailed drainage strategy to be submitted and approved by the Local Planning Authority.

7.8 Trees

- 7.8.1 The applicant has stated that there are no trees on the site that will be impacted upon as a result of the development. At the reserved matters application stage, a scheme to assimilate the development into its surroundings will be submitted.

7.9 Other Material Considerations

- 7.9.1 The site is located within the Mineral Safeguarding Area for Sand and Gravel designated by Policy CS26 of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). The Growth and Economy dept at Cambridgeshire County Council do not consider this proposal to pose any threat of sterilisation of the mineral resource and would raise no objections to the scheme (so long as the extraction of any mineral resource during the development is put to a sustainable use).
- 7.9.2 Members must also take into account as a material consideration the existing recent refusal of planning permission by the Council of exactly the same proposal (16/01217/OUT).

7.10 Planning Balance

- 7.10.1 The proposal would provide the following benefits:- the provision of an additional residential dwelling to the district's housing supply which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.10.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by this unsustainable form of development.
- 7.10.3 Furthermore, the erection of a dwelling within this location, which comprises a predominantly open and rural setting, would have an urbanising impact upon the surrounding rural landscape which would be visually intrusive and detrimental to the character and appearance of the area.
- 7.10.4 It is also considered that the likely levels of noise disturbance experienced by future occupiers of the dwelling would lead to a loss of residential amenity which cannot be satisfactorily mitigated and an adverse impact on the future operations of the kennel business.
- 7.10.5 Weight has also been given to the fact that the Council have recently refused planning permission for the same proposal.
- 7.10.6 In conclusion, this proposal is in conflict with Policies GROWTH5, ENV1, ENV2 and COM7 of the East Cambridgeshire Local Plan 2015 and the core principle of the NPPF and would counterbalance the recent multiple conclusions of the Planning Inspectorate.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/01763/OUT	Oli Haydon Room No. 011	Oli Haydon Planning Officer
16/01216/OUT	The Grange Ely	01353 665555 oli.haydon@eastca mbs.gov.uk

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