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**MAIN CASE**

**Reference No:** 16/00665/OUT

**Proposal:** Replacement dwelling and additional dwelling

**Site Address:** 3 Chapel Lane Soham Ely Cambridgeshire CB7 5UL

**Applicant:** Mrs Claire Norman

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

**Parish:** Soham

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

**Date Received:** 23 May 2016      **Expiry Date:** 11<sup>th</sup> January 2017  
[R167]

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**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. The proposed additional dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Soham with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, the provisions of the PPG on Flooding and Coastal Change and the National Planning Policy Framework.

3. The erection of an additional 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, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, and Paragraphs 14, 17 and 56-68 of the National Planning Policy Framework.

## 2.0 SUMMARY OF APPLICATION

- 2.1 This application has previously been to Planning Committee on Wednesday 5<sup>th</sup> October. However, the application was deferred by Members awaiting an ecology report to be submitted. An ecology report has subsequently been submitted to the Local Planning Authority on 26<sup>th</sup> October 2016 and the application has been brought back to Planning Committee for Members to determine. 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.**

- 2.2 During the course of the application, the application site red line boundary has been amended so that it adjoins the adopted public highway. All consultees and neighbours were re-consulted for 21 days and a new site notice was displayed on 7<sup>th</sup> December 2016. The expiry date for re-consultation responses is 28<sup>th</sup> December 2016. All re-consultation responses will be provided as an update to Members at Planning Committee.

## 3.0 PLANNING HISTORY

- 3.1 There is no relevant planning history on this site.

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located in the open countryside to the north-east of Soham, approximately 3 miles from the established development framework for Soham. The site is located towards the west end of Chapel Lane, a single-track road accessed from Great Fen Road which lies approximately 350m from the site. The site comprises an existing two-storey dwelling, 2 outbuildings of a rural appearance and some trees. The site is predominantly surrounded by open agricultural fields, with the Internal Drainage Board's Town Drain and Fodder Fen Drove running adjacent to the west of the site. A neighbouring dwelling, No.5 Chapel Lane is also located within close vicinity to the site to the north-west.

## 5.0 RESPONSES FROM CONSULTTEES

- 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.
- 5.2 Soham Parish Council – No objection. The Committee noted that development was again outside of the current development envelope.

- 5.3 Ward Councillors - No Comments Received.
- 5.4 Local Highway Authority – No objections in principle subject to the following improvements and conditions being made to Chapel Lane and attached to any approval the planning authority is minded to grant:
1. A passing bay should be installed within the adopted highway verge. This bay should measure 5 metres x 2 metres with 2x 5 metre tapers and be constructed as per Cambridgeshire County Council Standards. The location of this bay should be shown on the approved plans and agreed with the Highway Authority prior to planning approval.
- A plan showing the location of the required passing bay has since been submitted to the Local Planning Authority and the Local Highway Authority has confirmed that the location is acceptable.
- 5.5 CCC Growth & Development - No Comments Received.
- 5.6 Environmental Health – Advise that conditions are appended to any grant of planning permission requiring a contamination assessment to be carried out prior to development.
- 5.7 Waste Strategy (ECDC) - East Cambs 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. East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles.
- 5.8 The Ely Group Of Internal Drainage Board – The Board’s drainage system has no residual capacity to accept direct discharge over the Board’s Greenfield run-off rate of 1.11/s/ha. The discharge will require the consent of this Board. The Board’s Town Drain is directly adjacent to the site. No structure can be erected within nine metres of the edge of the Drain without the prior consent of the Board. The Board would wish to see the detailed design for drainage at the full planning stage.
- 5.9 Environment Agency – Awaiting consultation response which will be provided as an update to Members at Planning Committee.
- 5.10 Senior Trees Officer - None of the existing trees look worthy of TPO. As the site is rural, suggests a specimen tree is planted in each plot to compensate for the loss of trees and suggests some native hedgerow planting as new boundary features.
- 5.11 A site notice was displayed and one neighbouring property (No.5 Chapel Lane) has been notified of the application. However, no representations 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
HOU 8	Extension and replacement of dwellings in the countryside
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
COM 7	Transport impact
COM 8	Parking provision

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
 Design Guide  
 Cambridgeshire Flood and Water SPD

## 6.3 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 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, flood risk, the impacts upon character and appearance of the area, ecology, highway safety, trees and residential amenity.

7.2 All considerations, other than ecology, remain the same as stated within Committee Report for Agenda Item 5 of Planning Committee held on Wednesday 5<sup>th</sup> October 2016 (Appendix 1).

### 7.3 Ecology

Policy ENV7 of the East Cambridgeshire Local 2015 requires an ecological report to be submitted where it is suspected that there could be an impact on protected species that needs to be adequately mitigated.

The findings of the ecology report, received by the Local Planning Authority on 26<sup>th</sup> October 2016, conclude that there are no significant ecological constraints that would prevent residential development of the site. The report considers that the barn and shed located within the site are both of low roosting suitability for bats and no evidence of barn owls was found. The report also recommends biodiversity mitigation and enhancements for bats, birds, water voles, reptiles and amphibians which would provide a net gain in biodiversity. It is recommended that these mitigation and enhancement measures are secured by planning condition should Members be minded to approve the application.

It is therefore considered that the proposal accords with Policy ENV7 of the East Cambridgeshire Local Plan 2015.

#### 7.4 Planning Balance

The proposal would provide the following benefits:- the provision of an additional residential dwelling to the District's housing stock 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. Furthermore, the mitigation measures and enhancements recommended within the submitted ecology report would result in a net gain in biodiversity, if implemented.

However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to gain access to services and facilities, in addition to the detrimental urbanising impact upon the surrounding rural landscape. Further harm is caused by the increased risks as a result of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding.

In conclusion, this proposal is in conflict with Policies GROWTH5, ENV1, ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

#### 8.0 APPENDICES

Appendix 1 – Committee Report for Agenda Item 5 of Planning Committee held on Wednesday 5<sup>th</sup> October 2016.

8.2 Appendix 2 – Appeal Decision APP/V0510/W/16/3143840 - The Cotes, Soham.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00665/OUT	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.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.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>