

MAIN CASE

Reference No: 17/01279/OUT

Proposal: Proposed residential dwelling, garaging, parking access and associated site works

Site Address: Land Adjacent 51 Hasse Road Soham Ely Cambridgeshire CB7 5UW

Applicant: Mr & Mrs J S Stevens

Case Officer: Gareth Pritchard, Planning Officer

Parish: Soham

Ward: Soham North
Ward Councillor/s: Councillor Carol Sennitt
Councillor Mark Goldsack

Date Received: 17 July 2017 **Expiry Date:** 9 October 2017

[S129]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reasons.
- 1.1.1 The proposed 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.
- 1.1.2 The proposed 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 Cambridgeshire Flood and Water SPD, the provisions of the Planning Practice Guidance on Flooding and Coastal Change and the National Planning Policy Framework.

- 1.1.3 Local Plan policy ENV1 of The East Cambridgeshire Local Plan (2015) which states that development proposals should have a location, scale and form which creates a positive and complementary relationship with the surrounding unspoilt rural area. Furthermore, the proposal is contrary to Local Plan Policy ENV2 which ensures that proposals respect the density and landscape of the surrounding area and are of a scale and massing that relate sympathetically to the nearby development. The sporadic dwellings along Hasse Road are generally set in large plots where development does not occupy the whole frontage of the site. Due to the scale of the proposed dwelling and garage it would occupy the whole frontage contrary to the character of the area, and would result in a site appearing overly dense and urbanising the rural character of this area. As a result the application is not considered to comply with Local Plan policies ENV1 or ENV2 and paragraph 17 of the NPPF.
- 1.1.4 Policy ENV7 of the East Cambridgeshire Local Plan (2015) requires proposals to minimise harm to or loss of environmental features such as hedgerows and trees. There are mature trees on the southern boundary of the site along the access and in the north of the site. The application has not been supported by the requested arboricultural impact assessment to demonstrate that a dwelling can be accommodated without significant harm to the trees. The application is therefore considered to be contrary to policy ENV7 in this regard.

2.0 SUMMARY OF APPLICATION

- 2.1 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 This planning application has been called into Planning Committee by Cllr Carol Sennitt for the following reason: *"I would like to CALL IN the application ref no 17/01279/OUT 51 Hasse Road, Soham I would like this to be considered by the planning committee due to the remote area it could be considered unsustainable."*
- 2.3 The proposed application seeks outline planning permission for a single dwelling. Scale and access form part of the application with appearance, landscaping and layout to remain reserved matters. The proposed dwelling would have a maximum height of 7.2 metres, maximum eaves of 3.2 metres, width of 17.2 metres and depth of 12.35 metres.
- 2.4 The proposed garage has a maximum height of 5.9 metres, eaves of 2.5 metres, width of 8.1 metres and depth of 6.7 metres.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located c.1.65 miles from the edge of Soham's development framework and a further mile from the main facilities and services found in the town centre. As a result the site is considered to be in a countryside location. The site is also within Flood Zone 3. The site has mature vegetated boundary treatments to the south and a tree within the site. The site itself appears to be of a paddocks nature and the highway runs along the south of the site with agricultural fields further to the south.

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.

Parish – Outside the development envelope

Ward Councillors – Cllr Carol Sennitt *"I would like to CALL IN the application ref no 17/01279/OUT 51 Hasse Road, Soham I would like this to be considered by the planning committee due to the remote area it could be considered unsustainable."*

Local Highways Authority – No objections subject to necessary planning conditions

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Trees Officer – Has concerns regarding the proposed development on trees and has requested an arboricultural impact assessment.

Waste Strategy (ECDC) – General waste related comments

Consultee For Other Wards In Parish - No Comments Received

The Ely Group Of Internal Drainage Board – Does not object to the use of soakaways, however, the culverting of the ditch would require permission from the Board.

Environment Agency – do not object to the proposal providing the mitigation measures within the Flood Risk Assessment are conditioned.

Environmental Health – Have raised no objections but recommended conditions.

- 5.2 Neighbours – three neighbouring properties were notified, a site notice posted and advert placed in the Cambridge Evening News and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- As adjacent neighbours take an interest in the proposed and agree plot is large enough for further development. Would hope to see more details for layout and

of buildings so that they may consider the impact on them as neighbours.

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 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development

6.2 Supplementary Planning Documents

Design Guide
Flood and Water
Developer Contributions and Planning Obligations
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

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

7.0.1 The main issues to consider when determining this application relate to the principle of development, flood risk, the impact upon character and appearance of the area, residential amenity, highways safety and other matters.

7.1 Principle of development

7.1.1 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 five year land supply for housing, policy GROWTH 2 cannot be considered up to date in so far as it relates to supply of housing land.

- 7.1.2 In this situation the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits of the proposed dwelling.
- 7.1.3 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 c.1.65 miles from the nearest settlement of Soham. The site is located in an isolated, 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.
- 7.1.4 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. The proposed development site in this case is some 1.65 miles north of Soham and 2.65 miles from the centre of Soham where local shops and services are located.
- 7.1.5 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 c.1.65 miles from the edge of Soham and c.2.65 miles from the centre of Soham where local shops and services are located. Members are also aware of subsequent appeal decisions in Little Downham and Isleham relating to unsustainable locations and reliance on the private motor vehicle (APP/VO510/W/3158114 and APP/V0510/W/3160576 respectively).
- 7.1.6 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 4 miles from the centre of Soham and, as such, the Local Planning Authority view it as isolated and 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.
- 7.1.7 The Local Planning Authority have recently received a further appeal (APP/V0510/W/17/3173190) relating to sustainability. While the appeal was allowed it is considered that as the site was previously developed, it carries little weight in determining this application as this site is undeveloped agricultural land. In any event each site needs to be treated on its own individual merits.

- 7.1.8 This proposal differs from residential permissions granted in the small rural settlements in the District. This is due to the fact that encouraging growth at these rural sites will improve their sustainability and since they are presently reliant on nearby villages and reliant on the car already; the introduction of new dwellings ultimately helps their long-term sustainability and keeps these communities alive. The NPPF supports this by stating in paragraph 55 that development can support services in a village nearby and that isolated new homes in the countryside should be resisted unless there are special circumstances.

7.2 **Flood Risk**

- 7.2.1 Paragraph 14 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.2.2 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.
- 7.2.3 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted unless the development is necessary.
- 7.2.4 Paragraph 101 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.
- 7.2.5 Policy ENV8 of the East Cambridgeshire Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within the Parish of Soham suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.2.6 A Flood Risk Sequential Test has not been submitted by the applicant, who advises this should be carried out by the LPA. However, the Flood and Water SPD states this should be completed by the applicant. In the absence of one the LPA have considered the requirements of the Sequential Test. There are a number of

allocated sites for housing within the Parish of Soham, as specified within the East Cambridgeshire Local Plan 2015. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Soham and windfall sites not within Flood Zone 3 are also available. It is therefore considered by the Local Planning Authority that there are a number of other reasonably available sites for the erection of a single dwelling within the Parish of Soham which are at a lower probability of flooding. Therefore, the proposed additional dwelling is not necessary in this location and the application fails the Sequential Test for this reason.

- 7.2.7 It should also be noted that the recently adopted Cambridgeshire Flood and Water SPD advises that applications for sites in Flood Zone 2 and 3 where there is no Sequential Test information provided will be deemed to have failed to Sequential test.
- 7.2.8 Had the Sequential Test be passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.2.9 The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- 7.2.10 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk, Both elements need to be passed for development to be allocated or permitted under paragraph 102 of the NPPF.
- 7.2.11 The application fails to demonstrate that the dwelling provides wider sustainability benefits to the community that outweigh flood risk and therefore fails part one of the exception test. However, the Environment Agency have advised they have no objections to part two of this test providing conditions are applied.
- 7.2.12 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place a dwelling in an area at significant risk of flooding, contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.

7.3 **Visual amenity**

- 7.3.1 Under Local Plan policy ENV1 this application should ensure that it provides 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. Under Local Plan policy ENV2 this application should take care to ensure that the location, layout, form, scale, massing and materials are sympathetic to the surrounding area.

- 7.3.2 The Design Guide SPD suggests that dwellings should occupy one third of a plot which should be a minimum of 300sqm. The site and scale of the proposed dwelling would comply with these guidelines.
- 7.3.3 The proposed dwelling is situated approximately 42 metres from the dwelling to the east and 18 metres from the residential curtilage to the west. As a result it is relatively detached from neighbouring dwellings and would not be viewed as infill development. The neighbouring dwellings do not occupy the whole frontage of the plots and are modest dwellings set within large plots of a sporadic nature.
- 7.3.4 The surrounding area is generally devoid of development, however, what development there is, is generally found on the same side of the road as this application.
- 7.3.5 There is a hedgerow and trees to the south of the site where the main views from the highway would be taken which would offer partial screening to the proposed development. However, it is considered that the development would result in a hardening and urbanisation of the landscape, as there would be views of the proposed dwelling and garage from the highway due to their height and scale.
- 7.3.6 The sporadic dwellings along Hasse Road are generally set in large plots where development does not occupy the whole frontage of the site. Due to the scale of the proposed dwelling and garage it would likely occupy the whole frontage contrary to the character of the area, and would result in a site appearing overly dense and urbanising the rural character of this area. For these reasons the application is considered to be contrary to policies ENV1 and ENV2 of the Local Plan.
- 7.4 **Residential amenity**
- 7.4.1 Under Local Plan policy ENV2 this application should take care to ensure there is no significantly detrimental harm to the residential amenity of the occupier and neighbouring occupiers as a result of the proposed.
- 7.4.2 The Design Guide SPD requires new dwellings to provide a minimum of 50sqm private amenity space. The proposal will provide sufficient space as to comply with this.
- 7.4.3 Due to the location of the proposed in relation to neighbouring dwellings it is not considered to cause a significant loss of privacy for neighbouring occupiers that could not be dealt with at reserved matters stage.
- 7.4.4 While layout is a reserved matter the indicative plan has demonstrated how the dwelling could be situated a suitable distance from neighbouring properties as to ensure that it does not have an overbearing or loss of light impact.
- 7.4.5 As a result the application is not considered to result in a significantly detrimental harm to the residential amenity of nearby occupiers or future occupiers that could not be dealt with at reserved matters. As a result it is considered to broadly comply with the residential amenity aspect of policy ENV2.
- 7.5 **Highways safety and parking provision**

7.5.1 Under Local Plan policy COM7 this application should ensure that it can provide safe and convenient access to the highway network. The Local Highways Authority did not object to the principle of the application but have requested a number of necessary conditions which can be attached to any approval. As a result the application is considered to comply with policy COM7 in relation to safe and convenient access.

7.5.2 Local Plan policy COM8 requires new dwellings to provide a minimum of two parking spaces. The indicative layout shows adequate parking at the dwelling for two motor vehicles. As a result the application is considered to comply with policy COM8.

7.6 **Trees**

7.6.1 Under Local Plan policy ENV7 this application is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees.

7.6.2 There is mature planting along the southern boundary of the site and a tree within the rear of the site. The Tree Officer has requested additional information in the form of an arboricultural impact assessment so that the potential impacts can be properly assessed. At the time of writing, this information has not been forthcoming from the applicant, and therefore the Local Planning Authority is unable to adequately assess the impact to the trees as part of the proposed application.

7.6.3 As a result of the above and in the absence of supporting information the application is considered to be contrary to policy ENV7 in this regard.

7.7 **Other matters**

7.7.1 A scheme to deal with surface water can be secured by way of condition as can unexpected contamination due to the sensitive end use.

7.7.2 Consideration has been given to the ecological value of the site. The site upon visit had a paddock type appearance to it and appeared to be used and well kept. There are a number of ponds in close proximity but generally separated from the site by the highway, and as a result of this and their distance from the site are not considered to result in a significant impact. A biodiversity enhancement scheme could also be secured by condition to ensure improvements on the site.

7.8 **Planning balance**

7.8.1 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.

7.8.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm visually and by the siting of an additional dwelling in an

unsustainable location and increasing reliance on the car to gain access to services and facilities. 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. The applicant has also failed to demonstrate it would not significantly impact trees on and surrounding the site.

- 7.8.3 The application is therefore considered to be contrary to this proposal is in conflict with Local Plan policies GROWTH5, ENV1, ENV2, ENV7, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01279/OUT	Gareth Pritchard Room No. 011 The Grange Ely	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@eastcambs.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>