

MAIN CASE

Reference No: 17/01479/FUL

Proposal: Two eco log cabins

Site Address: Land Opposite 139 The Butts Soham Cambridgeshire

Applicant: Mr Robert Negus

Case Officer: Oli Haydon, Planning Officer

Parish: Soham

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

Date Received: 11 August 2017 **Expiry Date:** 6th October 2017

[S134]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE planning permission for the following reasons:

1. The proposed cabins are located within the countryside and, by virtue of their distance from the main settlement of Soham, are considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of these dwellings 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. It has not been satisfactorily demonstrated that the future occupiers of the dwellings will not be adversely affected by noise from the adjacent railway line to the detriment of their residential amenity. As such it is contrary to Policy ENV9 of the East Cambridgeshire Local Plan 2015.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning consent for the erection of two log cabins on a strip of land to the south of the Settlement of Soham. A previous application was submitted and refused in July 2017.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application was called-in to Planning Committee by Cllr Bovington as it is considered that the site is in a sustainable location and permission was granted down The Butts for an eco-dwelling recently.

3.0 PLANNING HISTORY

- 3.1
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|--------------|-----------------------------|---------|------------|
| 17/00644/FUL | Proposed two eco log cabins | Refused | 13.07.2017 |
|--------------|-----------------------------|---------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside the development envelope for Soham. It is located 1.1 mile by road to the nearest services and facilities of the town and is accessed via a single-track road with no footpath. The site is located opposite the applicant's dwelling alongside the railway line between Ely and Newmarket.

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.

Soham Town Council – Concerns raised over the use of the buildings and access

Local Highways Authority – No objections raised.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Environmental Health – “The proposed development is in close proximity to the rail line. Previous applications in other locations at similar distances have provided a noise impact assessment completed by an acoustician. The information received with this application regarding noise levels is not in line with other assessments and cannot be compared with government recommended guidelines, we therefore cannot determine the potential impact from the noise of the rail line.

I am unsure as to the proposed use of the buildings and if they are for permanent residents or for use as holiday homes?

I note the proposed design of the cabins and that they are single storey, which will be beneficial from a noise aspect. The identity of the rooms facing the rail line is not clear and we would recommend these are non-noise sensitive rooms (such as bathrooms and kitchens) or have alternative means of ventilation and adequate glazing to reduce any impact from passing trains. The sound insulation properties of the building would also need to be considered. A solid wooden fence along rail line to protect garden area is also likely to be required. Due to the issues discussed further information is required.”

Waste Strategy (ECDC) - No Comments Received

Ward Councillors – Cllr Bovington wished the application to be determined by Planning Committee as it is considered that the site is in a sustainable location with recently approved dwellings in the vicinity.

Consultee For Other Wards In Parish - No Comments Received

5.2 **Neighbours** – One neighbouring property was notified, a site notice was posted 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 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Flood and Water

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

7.0.1 The main issues to consider when determining this application relate to the principle of development, noise impact, 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 approximately 1 mile 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 approximately 0.7 miles south-west of Soham and 1.1 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 approximately 1 mile 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/VO510/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 3.9 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/VO510/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. This proposal, while in the parish of Soham is located a considerable distance from the main settlement. 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 **Visual amenity**

7.2.1 The proposal seeks consent for the construction of two log cabins, 3.7m in height and 13m in width with detached garages and a 100m long access from The Butts. 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.

7.2.2 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. .

7.2.3 The introduction of two log cabins and garages would, to a certain extent, result in an urbanising of the landscape. However due to the plot size and scale of the dwellings this urbanizing impact is not considered to cause significant and demonstrable harm. The site currently contains various sheds and outbuildings and as such there is existing built form in close proximity to the proposed cabins.

7.2.4 On balance while there is a considered harm through the urbanization of this currently open field, it is not considered to have a significant and demonstrable

harm on its locale. Therefore the application is considered to comply with policies ENV1 and ENV2 in this regard.

7.3 **Residential amenity**

- 7.3.1 The scheme would be significantly isolated from any nearby dwellings and therefore have a negligible impact on the area's residents. The scheme is therefore considered compliant with Local Plan Policy ENV2 in this regard.

7.4 **Highways**

- 7.4.1 The proposal will utilise an existing access off The Butts with the dwellings located approximately 100m from this access point. A condition could be placed on any approval to ensure details of the driveway are submitted prior to construction.
- 7.4.2 The Local Highways Authority have raised no concerns with the proposal and it's subsequent impact on the local highway network.

7.5 **Noise Impact**

- 7.5.1 The site is located adjacent to the railway line between Ely and Newmarket. A noise assessment was requested at pre-application stage although no evidence was submitted as part of the previous refusal on the site. This current application was accompanied by a spreadsheet showing several instances of noise on the site, ranging from trains and helicopters to rain and farming operations. The noise assessment submitted is very elementary, with no recommendations or conclusions to support or oppose the development on the site. Local Plan Policy ENV9 states 'all applications for development where pollution is suspected must contain sufficient information to enable the Council to make a full assessment of potential hazards and impacts'. In the absence of this level of information, the Council is unable to make a full and informed assessment of the potential disturbance from the railway line, as such, the application is recommended for refusal for this reason.
- 7.5.2 Furthermore, the Environmental Health officer concluded that "the information received with this application regarding noise levels is not in line with other assessments and cannot be compared with government recommended guidelines". The officer states that there may be scope for the scheme to reduce the impact of noise, although based on the information provided; no application-specific guidance can be given.

7.6 **Other Material Matters**

- 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. The application is unlikely to impact upon any trees or biodiversity in the area. In order to safeguard future biodiversity, a condition could be applied to a permission to ensure biodiversity enhancements are implemented within the site. The application is considered to comply with Local Plan policy ENV7 in this regard.

7.6.2 The site is located at a low risk area of flooding and as such a Flood Risk Assessment was not required. A condition could be placed on any approval to ensure the submission of a surface and foul water drainage scheme for consideration by the Local Planning Authority.

7.7 **Planning Balance**

- 7.7.1 The proposal would provide the following benefits:- the provision of two additional residential dwellings 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.
- 7.7.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by the siting of two additional dwellings in an unsustainable location and increasing reliance on the car to gain access to services and facilities.
- 7.7.3 Furthermore, the proposal is not accompanied by sufficient information to demonstrate to the Local Authority that the residential amenity of the occupiers of these dwellings would not be significantly and demonstrably harmed by the noise emitting from the activity on the adjacent railway line.
- 7.7.4 The application is therefore considered to be contrary to this proposal is in conflict with Local Plan policies GROWTH5, COM7 and ENV9 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01479/FUL	Oli Haydon Room No. 011 The Grange	Oli Haydon Planning Officer 01353 665555
17/00644/FUL	Ely	oli.haydon@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>