
MAIN CASE

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

Location: Land East Of 139 The Butts Soham Cambridgeshire

Applicant: Mr C Palmer

Agent:

Reference No: 14/00969/OUT

Case Officer: Rebecca Saunt

Parish: Soham
Ward: Soham South
Ward Councillor/s: Councillor Hamish Ross
Councillor Tony Parramint
Councillor Colin Fordham

Date Received: 5 September 2014 Expiry Date:

[P114]

1.0 EXECUTIVE SUMMARY

- 1.1 The application seeks outline permission for a residential dwelling, garage, parking, access and associated works. Approval is sought for the access. The appearance, landscaping, layout and scale would be reserved matters.
- 1.2 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.
- 1.3 The proposed development is located outside the development envelope on unallocated land, and would therefore normally constitute a departure from both Core Strategy and draft Local Plan policies.
- 1.4 The emerging Local Plan is currently under Examination, and the Local Plan Inspector issued an Interim Conclusions Report in July, stating that in his view there is a shortfall of 320 dwellings in the Council's five year housing land supply. The Hearings for the Examination were deferred for two months to allow the Council to address this issue and the second examination will take place on the 11th November 2014.

- 1.5 In the absence of a five year supply of land for housing paragraph 49 of the National Planning Policy Framework (NPPF) applies, which states that relevant policies for the supply of housing should not be considered up-to-date, and housing applications, should be considered in the context of the presumption in favour of sustainable development. For this reason, in the Planning Committees immediately following the Inspector's interim conclusions, applications for housing have been assessed using the presumption in favour of sustainable development.
- 1.6 Following the Inspector's comments the Council has been out to consultation on a series of proposed modifications to the Local Plan to address the issue. These modifications consist of five additional housing allocations on the edge of Soham. These modifications will be considered by the Inspector on the 11th November 2014.
- 1.7 The Council has sought legal advice with regards to the housing supply issue in relation to planning applications currently coming through for determination. The advice confirmed that for development control purposes, the Council should regard itself as having a 5-year supply of land for housing. For this reason, current housing applications will not be considering the proposal in terms of the presumption in favour of sustainable development set out in the NPPF and the policies within the development plan will be the starting point for any assessment, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.
- 1.8 The application site is located within the Parish but outside the development envelope of Soham and has an area of approximately 0.29 hectares, accessed and situated to the north of Cherry Tree Lane. The site is surrounded by countryside. The key considerations in the determination of this application are the principle of development in the countryside, the impact on residential amenity and on the character or appearance of the area/countryside, surface water drainage and the impact of the proposal on highways.
- 1.9 While the proposal would not impact on highways or residential amenity and the objection from the Internal Drainage Board (IDB) could be overcome, the application site is located outside the development envelope of Soham where development is strictly controlled. The proposal does not fit in with any of the exceptions allowed under policy CS1 and CS2 of the Core Strategy and policy GROWTH 2 of the Draft Local Plan Pre-submission version (as amended June 2014) or advice contained within paragraph 55 of the National Planning Policy Framework, 2012. Due to the existing use of the site and its locality the proposal would change the overall character and appearance of the area, eroding the rural character and increasing pressure for further development in the future. The proposal would therefore be contrary to Policy EN1 of the East Cambridgeshire Core Strategy 2009 and ENV1 of the Draft Local Plan Pre-submission Version (as amended June 2014).
- 1.10 This application is therefore recommended for **refusal**.
- 1.11 This application has been brought to Planning Committee at the discretion of the Planning Manager because the applicant is Cllr Palmer's father. It is not a requirement of the Constitution that the application be considered by Planning Committee.

1.12 **A Site visit has been arranged for 9.50am, prior to the Planning Committee meeting.**

2.0 THE APPLICATION

2.1 The application seeks outline permission for a residential dwelling, garage, parking, access and associated works. Approval is sought for the access. The appearance, landscaping, layout and scale would be reserved matters.

2.2 The proposed access incorporates an adoptable standard turning head which would be constructed and offered for adoption by Cambridgeshire County Council via a Section 278 Agreement, because Cherry Tree Lane does not benefit from a turning head at its termination. This turning head would form an opening in the existing hedge which borders the front of the site and would also serve as the access to the site.

2.3 As the application is in an outline format, the plan submitted with the application shows an indicative appearance, layout, scale and landscaping for the proposal, these matters would be assessed as part of a reserved matters application. The plan submitted with the application indicates that the scale parameters would be 7.5 metres in height, 17 metres wide and 22 metres long.

3.0 THE APPLICANT'S CASE

3.1 The Applicant's case can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambbs.gov.uk/online-applications/>. Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, on the application file.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located within the Parish of Soham, outside the development envelope in the countryside. The site has an area of approximately 0.29 hectares, accessed and situated to the north of Cherry Tree Lane.

4.2 The site comprises a field and is surrounded by countryside, with the railway line situated to the west and a couple of residential properties situated within the vicinity of the site. The boundaries of the site are defined by existing hedging.

5.0 PLANNING HISTORY

5.1 No relevant planning history

6.0 REPLIES TO CONSULTATIONS

6.1 **Site notice posted and 3 neighbour letters sent** – No objections were received.

6.2 **Parish Council** – Outright refusal of the scheme as it is outside the development envelope of the town.

- 6.3 **Environmental Health** – The Landmark Envirosearch report dated 4th September 2014 has been reviewed and I am satisfied that no further work is necessary.
- 6.4 **Internal Drainage Board** – No details of how surface water will be disposed of within the application. Therefore, the Board objects to this application until details of surface water disposal are received by the Board.
- 6.5 **Highways** – The Highway Authority welcomes the proposed provision of a turning head to The Butts and would if suitably designed and constructed adopt the same under the Highways Act 1980. No objections to the proposal subject to the recommended conditions.
- 6.6 **Waste Officer** – East Cambs will not enter private property to collect waste or recycling. Each new property requires two bins; East Cambridgeshire District Council is permitted to make a charge for the provision of waste collection receptacles.

7.0 THE PLANNING POLICY CONTEXT

7.1 East Cambridgeshire Core Strategy 2009

- CS1 Spatial Strategy
- CS2 Housing
- CS7 Infrastructure
- CS8 Access
- CS10 Soham
- H2 Density
- S4 Developer contribution
- S6 Transport impact
- S7 Parking provision
- EN1 Landscape and settlement character
- EN2 Design
- EN8 Pollution

7.2 East Cambridgeshire Draft Local Plan Pre-submission version (as amended June 2014)

- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development
- HOU 2 Housing density
- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 9 Pollution
- COM 7 Transport impact
- COM 8 Parking provision

7.3 Supplementary Planning Documents

8.0 CENTRAL GOVERNMENT POLICY

8.1 National Planning Policy Framework 2012

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design

8.2 Technical Guide to the National Planning Policy Framework

9.0 PLANNING COMMENTS

- 9.1 Section 38 (6) of the Planning and Compulsory Purchase Act requires that decisions on planning applications are made in accordance with the Development Plan, unless material considerations indicate otherwise. The statutory Development Plan for the District currently comprises the East Cambridgeshire Core Strategy, 2009 and the Cambridgeshire and Peterborough Minerals and Waste Plan 2012.
- 9.2 The proposed development is located outside the development envelope on unallocated land, and would therefore normally constitute a departure from both Core Strategy and draft Local Plan policies.
- 9.3 The emerging Local Plan is currently under Examination, and the Local Plan Inspector issued an Interim Conclusions Report in July, stating that in his view there is a shortfall of 320 dwellings in the Council's five year housing land supply. The Hearings for the Examination were deferred for two months to allow the Council to address this issue and the second examination will take place on the 11th November 2014.
- 9.4 In the absence of a five year supply of land for housing paragraph 49 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up-to-date, and housing applications, should be considered in the context of the presumption in favour of sustainable development. For this reason, in the Planning Committees immediately following the Inspector's interim conclusions, applications for housing have been assessed using the presumption in favour of sustainable development.
- 9.5 Following the Inspector's comments the Council has been out to consultation on a series of proposed modifications to the Local Plan to address the issue. These modifications consist of five additional housing allocations on the edge of Soham. These modifications will be considered by the Inspector on the 11th November 2014.
- 9.6 The Council has sought legal advice with regards to the housing supply issue in relation to planning applications currently coming through for determination. The advice confirmed that for development control purposes, the Council should regard itself as having a 5-year supply of land for housing. For this reason, current housing applications will not be considering the proposal in terms of the presumption in favour of sustainable development set out in the NPPF and the policies within the

development plan will be the starting point for any assessment, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act.

9.7 The key considerations therefore in the determination of this application are:

- The principle of development in the countryside;
- The impact on residential amenity;
- The impact on the character or appearance of the area/countryside;
- Surface water drainage; and
- Highways.

Principle of Development in the countryside

9.8 The site is located in the countryside, outside the development envelope of Soham, where development is strictly controlled. Policy CS1 of the Core Strategy states that development in the countryside is 'restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, and outdoor recreation' – or to other uses specifically identified within the Core Strategy which would support the rural economy, meet affordable or special housing needs or provide essential rural services and infrastructure. Policy GROWTH 2 of the Draft Local Plan reiterates that development will be strictly controlled within the countryside and both policy CS2 of the Core Strategy and GROWTH 2 of the Draft Local Plan outline the residential exceptions supported outside of the development envelope, which include affordable housing, rural workers dwellings, re-use and replacement of dwellings and Gypsy and Travelling Showpeople sites.

9.9 The National Planning Policy Framework Chapter 6 promotes the delivery of a wide choice of high quality homes and in rural areas sustainable development is a key requirement. Housing should be located where it will enhance or maintain the vitality of rural communities and should not be isolated in the countryside unless there are special circumstances such as for a rural worker. No evidence has been submitted in this respect as part of this application.

9.10 The applicant seeks permission for a residential market dwelling, which would not fall within any of the categories outlined above and therefore would not be in accordance with policies CS1 and CS2 of the Core Strategy and GROWTH 2 of the Draft Local Plan. A market dwelling would also not be in accordance with Chapter 6 of the NPPF as there are no special circumstances to justify a dwelling in the countryside.

Impact on Residential Amenity

9.11 The proposed dwelling is located in the countryside and while there are other dwellings within the vicinity there are none within close proximity or adjacent to the site. Due to the proposed location of the site the proposed dwelling would therefore not be overbearing on any residential properties. Due to the siting of the proposed dwelling and its relation to other properties within the vicinity, the proposal would not introduce an unacceptable level of overlooking.

9.12 On balance due to the location of the site it is considered that the proposed development would not result in any significant adverse impacts in terms of residential amenity and would comply with policies EN2 of the Core Strategy and

ENV2 of the Draft Local Plan Pre-submission version (as amended June 2014) in respect of residential amenity.

Impact on character and appearance of the Area/Countryside

- 9.13 As part of this application the applicant only seeks approval of access, while appearance, landscaping, layout and scale would be dealt with at reserved matters stage. Therefore the plan submitted with the application showing the scale, layout and design of the dwelling is only indicative.
- 9.14 At present the application site is an agricultural field, which is undeveloped flat and open land, with existing hedging and ditches defining the boundaries. Cherry Tree Lane is a narrow road used by farm vehicles and limited traffic from the few residential properties located there. The area is rural in nature, allowing views of the countryside, with a few individual detached residential dwellings within the immediate locality. The site is surrounded by and detached from the built form of the settlement of Soham by countryside.
- 9.15 In terms of sustainability, while Soham is a market town, where the majority of development will be focussed, it is considered that due to the existing use of the site and its locality, the proposal would change the overall character and appearance of this area. Any development would add to the limited built form in the vicinity and would increase pressure for further development in the future, eroding the rural character of the area. It is therefore considered that the proposed dwelling would have an adverse impact on the character and appearance of the area and the existing rural nature of the vicinity and would not comply with policy EN1 of the Core Strategy, 2009 and the policy ENV1 of the Draft Local Plan Pre-submission version (as amended June 2014).

Surface Water Drainage

- 9.16 The IDB have objected to the proposed development until details of surface water disposal have been received by the Board. The plans submitted with the application state that surface water disposal would consist of a gray water collection tank to be used for external watering with outfall to the adjacent ditch. These details have been forwarded to the IDB for their information. To date a response has not been received and Members will be updated at Planning Committee.

Highways

- 9.17 The Highway Authority have not raised any objections to the proposed development and advised that they would welcome the proposed provision of a turning head to The Butts and would if suitably designed and constructed adopt it under the Highways Act 1980.
- 9.18 The proposal would provide at least 2 off street parking spaces, so would be in accordance with East Cambs parking standards for residential dwellings.
- 9.19 It is therefore considered that the proposal complies with Policies S6 and S7 of the Core Strategy and Policy COM7 and COM8 of the Draft Local Plan Pre-submission version (as amended June 2014) in respect of highway safety.

Summary

- 9.20 The proposed development is located in the countryside, on land situated outside the development envelope of Soham, where development is strictly controlled. The proposal does not fit in with any of the exceptions allowed under policy CS1 and CS2 of the Core Strategy 2009 and policy GROWTH 2 of the Draft Local Plan Pre-submission version (as amended June 2014) or advice contained within paragraph 55 of the National Planning Policy Framework, 2012.
- 9.21 Due to the existing use of the site and the characteristics of the area, which is undeveloped flat and open agricultural land, with fields separated by hedges and ditches allowing views of the countryside and its locality, the proposal would change the overall character and appearance of the area. The proposed dwelling would erode the rural character of the area and lead to increasing pressure for further development in the future. The proposal would therefore be contrary to Policy EN1 of the East Cambridgeshire Core Strategy 2009 and ENV1 of the Draft Local Plan Pre-submission Version (as amended June 2014), which states that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance, amongst other things, the settlement edge, space between settlements, and their wider landscape setting.
- 9.22 Therefore this application is recommended for refusal.

10.0 RECOMMENDATION

RECOMMENDATION: Refusal

- 1 The application site lies in the open countryside, outside the Development Envelope of Soham where development is strictly controlled. New housing development in the countryside requires special justification and is only likely to be appropriate where it meets an essential rural need that cannot otherwise be met. A statement of justification for any of the exceptions specified in policy CS2 of the Core Strategy and GROWTH 2 of the Draft Local Plan did not accompany the application. As such, the proposal fails to comply with policy CS1 and CS2 of the East Cambridgeshire Core Strategy 2009 and policy GROWTH 2 of the Draft Local Plan Pre-submission version (as amended June 2014) and advice contained in paragraph 55 of the National Planning Policy Framework 2012.
- 2 Due to the existing use of the site and the characteristics of the area, which is undeveloped flat and open agricultural land, with fields separated by hedges and ditches allowing views of the countryside and its locality, the proposal would change the overall character and appearance of the area. The proposed dwelling would erode the rural character of this part of Soham and lead to increasing pressure for further development in the future. The proposal would therefore not comply with the principles outlined in policy EN1 of the Core Strategy 2009 and policy ENV1 of the Draft Local Plan Pre-submission version (as amended June 2014), which state that development proposals should demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance,

amongst other things, the settlement edge, space between settlements, and their wider landscape setting.

11.0 **APPENDICES**

11.1 None.

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application File 14/00969/OUT	Room No. 011	Rebecca Saunt
East Cambridgeshire Local Plan – post-hearing work and proposed modifications http://www.eastcambs.gov.uk/sites/default/files/d%26t%20cttee%20report%20on%20post%20hearing%20work%2014apr14.pdf	The Grange Ely	Senior Planning Officer 01353 665555 rebecca.saunt@eastcambs.gov.uk
Core Strategy http://www.eastcambs.gov.uk/local-development-framework/adoption-core-strategy		
Draft Local Plan http://www.eastcambs.gov.uk/local-development-framework/east-cambridgeshire-local-plan		