

MAIN CASE

Reference No: 18/01268/OUT

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

Site Address: Land Adjacent 18 Great Fen Road Soham Ely
Cambridgeshire CB7 5UQ

Applicant: Mr & Mrs Gudgeon

Case Officer: Catherine Looper, Planning Officer

Parish: Soham

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

Date Received: 13 September 2018 **Expiry Date:** 07/12/2018

[T152]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE this application for the following reasons.
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 79 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, policies LP1 and LP17 of the Submitted Local Plan 2018, and Paragraphs 11 and 79 of the National Planning Policy Framework, as it fails to promote sustainable development.
 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, policy LP25 of the Submitted Local Plan 2018 the Cambridgeshire Flood and Water SPD, the provisions of the

Planning Practice Guidance on Flooding and Coastal Change and the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

2.1 The application seeks outline consent for the erection of a dwelling along Great Fen Road in Soham. The matters to be considered under the outline consent are access and scale. All other matters would be considered as part of a reserved matters application.

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 Councillor Goldsack.

3.0 PLANNING HISTORY

3.1 There is no relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

The site is located to the north of Soham and is outside of the defined development envelope. The site is within Flood Zone 3 and comprises an open agricultural field. This area of Great Fen Road is characterised by sporadic dwellings within an agricultural landscape.

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.

CCC Growth & Development - No Comments Received

Environment Agency – The site is situated within Flood Zone 3 (high risk) of the Environment Agency's Flood Map. In the absence of an acceptable Flood Risk Assessment (FRA) we object to the granting of planning permission and recommend refusal on this basis for the following reasons:

- The Flood Risk information submitted does not comply with the requirements set out in paragraph 160 to 163 of the National Planning Policy Framework. Therefore, the Flood Risk information does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular:
- The information submitted does not take into account the fact that the site is within the area of the Fenland Hazard Mapping.

Environmental Health – From reviewing the Envirosearch report dated 11th September 2018, Environmental Health accept the findings. The site appears to be at very low risk of land contamination and no further work is required. Due to the

proposed sensitive end use of the site (residential) Environmental Health recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

Local Highways Authority – The Local Authority has no objections in principle to this application.

Parish – Outside development envelope and therefore in breach of Policy LP32.

The Ely Group Of Internal Drainage Board - The Ely Group of Internal Drainage Board – The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

Ward Councillors (Councillor Goldsack 17/10/2018) - After our conversation this morning I would like to call the above application before committee. The applicants contacted me early this summer to show me the plot, the plans and their ideas. I could see already how it would sit with the dining property, how it would fit in the landscape, and actually how it would fit for road access. In light of recent applications acceptable along Hasse & Great Fen Road, I advised them to make an application as based on what I visited and saw, it looked like a suitable one. Subject to the revised plans, which I agree with, for this being a chalet design, I understand that you have to refuse this on the grounds on unsustainable living. Whilst I appreciate that you have to follow the rules I am aghast that I now have to call this before planners, and we the council have to carry the costs involved of this now being decided at committee.

I reserve my final judgement for committee, but feel that should no further evidence or reason come to light other than unsustainable living position, then this is once again a waste of costs and effort on behalf of all involved. I have copied Cllr Schumann and Rebecca on this in the hope that we can review similar future applications and find an acceptable, lower cost method of passing totally acceptable applications.

Consultee For Other Wards In Parish - No Comments Received

Waste Strategy (ECDC) – No objections raised and standard in formatives recommended.

- 5.2 **Neighbours** – one neighbouring property was notified and a site notice posted. An advert was also placed in the Cambridge Evening News. No responses have been received.

6.0 The Planning Policy Context

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

Supplementary Planning Documents

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

National Planning Policy Framework 2018

2	Achieving sustainable development
5	Delivering a sufficient supply of homes
12	Achieving well-designed places
14	Meeting the challenge of climate change, flooding and coastal change
15	Conserving and enhancing the natural environment

Submitted Local Plan 2018

LP1	A presumption in Favour of Sustainable Development
LP3	The Settlement Hierarchy and the Countryside
LP6	Meeting Local Housing Needs
LP17	Creating a Sustainable, Efficient and Resilient Transport Network
LP20	Delivering Green Infrastructure, Trees and Woodland
LP22	Achieving Design Excellence
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP31	Development in the Countryside

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 ecology.

7.1 Principle of Development

- 7.1.1 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) and the 2018 Submitted Local Plan (LP3) cannot be considered up-to-date in so far as it relates to the supply of housing land.
- 7.1.2 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. However, it is considered that the tilted balance is not engaged in this application as the NPPF at footnote 6 of Paragraph 11 d(i) indicates that where development plan policies are out of date, permission should be granted unless the application of policies in the NPPF that protect areas (including areas at risk of flooding or coastal change) or assets of particular importance provide a clear reason for refusing development.
- 7.1.3 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.
- 7.1.4 With regard to the existing dwellings in the vicinity, these are historic properties and remain isolated within the agricultural landscape. The application site is located approximately 2 miles to the north of Soham. Public transport links are poor and this would mean that future occupiers of the proposed dwelling would rely on the use of a car to access basic services which is contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018. The public highway between the site and Soham does not benefit from pedestrian footpaths or street lighting, and therefore any person choosing to walk between the site and the nearby town would have little choice but to walk on the public highway.
- 7.1.5 This site is considered to be unsustainable, as there are a number of sites locally within Soham as well as other nearby settlements within the district that are considered to be much more sustainable in terms of their suitability for residential development.

7.2 Visual Amenity

- 7.2.1 In terms of visual amenity, Policy ENV2 of the Local Plan 2015 and Policy LP22 of the Submitted Local Plan 2018 require proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. The full details of the visual appearance have not been

included within the application and would need to be assessed at reserved matters stage. The dwelling is positioned on a plot which can accommodate suitable boundary treatments, and therefore it is considered that a dwelling could be adequately screened to reduce the level of visibility of the proposal. There are other residential dwellings at sporadic points along Great Fen Road and therefore the introduction of one dwelling would not be significantly harmful to the rural character and appearance of the area.

7.2.2 The applicant has included scale as one of the matters to be determined. The plans show an acceptable footprint measuring 12.5m in depth and 16.5m in width across the frontage. The height of the proposed dwelling would be 7m. It is considered that this scale would be suitable for the rural location and modest dwellings in the vicinity of the site.

7.2.3 For these reasons the proposal is contrary to policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP31 of the Submitted Local Plan 2018.

7.3 **Residential Amenity**

7.3.1 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 states that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. There is approximately 22m between the indicative footprint of the proposed dwelling and the neighbouring property at Number 18, and approximately 32m between the proposed dwelling and the neighbouring property of Number 16 to the south. These distances are considered sufficient to prevent overlooking, overbearing and overshadowing impacts to neighbouring occupiers and it has been demonstrated that there is sufficient room within the plot to achieve an acceptable layout. The full impact of the proposed dwelling on the residential amenity of nearby occupiers would be assessed at reserved matters stage once all of the details are submitted.

7.3.2 The proposed plot size, rear amenity space and building size comply with the requirements of the Design Guide SPD.

7.4 **Highways**

7.4.1 The proposed access is 4m in width for the first 8m and is accessed from a 60mph public highway. The Local Highways Authority has been consulted regarding the application and has confirmed that they have no objections in principal to this application. The Local Highways Authority has recommended that conditions are appended to any grant of approval in order to ensure highway safety. The indicative layout suggests that there is sufficient room on site for the manoeuvring and parking of two vehicles, and this is considered to comply with Policy COM8 of the Local Plan 2015.

7.5 **Flood Risk and Drainage**

7.5.1 Paragraph 11 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. Paragraphs 155-159 of the NPPF state 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.

- 7.5.2 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.
- 7.5.3 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.
- 7.5.4 Paragraph 158 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.
- 7.5.5 Policy ENV8 of the East Cambridgeshire Local Plan 2015 and policy LP25 of the Submitted Local Plan 2018 state 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.
- 7.5.6 A Flood Risk Sequential Test has not been submitted and the applicant states that "The Sequential Test and Exception Test will require to be applied by the Local Planning Authority". In respect 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 and the Submitted Local Plan 2018. 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 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.
- 7.5.7 It should also be noted that the 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 the Sequential test.

- 7.5.8 Had the Sequential Test been passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.5.9 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.
- 7.5.10 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall flood risk. Both elements need to be passed for development to be allocated or permitted under paragraphs 159-161 of the NPPF.
- 7.5.12 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, policy LP25 of the Submitted Local Plan 2018, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.
- 7.5.13 **Other Material Matters**
- 7.5.14 The site is farmed agricultural land and therefore the proposal is not considered to impact biodiversity in the area. It is considered appropriate to seek biodiversity improvements as part of the application, and this can be secured by condition. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. As this development is proposed on previously un-developed land, there is potential for disturbance, which could be overcome by the introduction of biodiversity improvements. The hard and soft landscaping details for the site can be secured by condition.
- 7.6 **Planning Balance**
- 7.6.1 The proposal fails to comply with planning policy by siting an additional dwelling in an unsustainable location. 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. There is clear policy advice within the NPPF that development should not be permitted where there are reasonably available sites elsewhere with a lower probability of flooding. The benefits claimed by the applicant in regard to the sustainability of the proposal and lack of five year housing land supply do not outweigh the requirement to steer new development to areas at lower probability of flooding as set out in paragraphs 158 – 161 of the NPPF.
- 7.6.2 The application is therefore considered to be contrary to policies GROWTH5, ENV1, ENV2, ENV7, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015, policies LP1, LP17, LP22, LP25 and LP30 of the Submitted Local Plan 2018, the NPPF and the Cambridgeshire Flood and Water SPD.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/01268/OUT	Catherine Looper Room No. 011 The Grange Ely	Catherine Looper Planning Officer 01353 665555 catherine.looper@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>