
MAIN CASE

Reference No: 15/01138/FUL (Plot 2) and 15/01139/FUL (Plot 1)

Proposal: Proposed Dwellings, Parking, Access & Associated Site Works

Site Address: Land Adjacent To 14 (plot 2) The Cotes Soham
Cambridgeshire CB7 5EP

Applicant: Mr B Edwards

Case Officer: Andrew Phillips, Senior Planning Officer

Parish: Soham

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

Date Received: 24 September 2015 **Expiry Date:** 11 January 2016
[Q151]

1.0 RECOMMENDATION

1.1 Members are requested to REFUSE the applications for the following reasons:

Plot 1

1. The dwelling is located in the countryside and by virtue of its distance from the main settlement of Soham is considered to be in an unsustainable location. The future residents of this dwelling will be reliant on motor vehicles in order to access any service or purchase goods. 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 National Planning Policy Framework, in particular paragraphs 14 and 55, as it fails to promote sustainable development.
2. The proposed track leading to the proposed dwelling is considered to be too narrow to allow for cars to enter and leave the track safely in a forward gear. This creates a significant risk to the users of public highway. The proposal fails to comply with Policy COM 7 of the East Cambridgeshire Local Plan Adopted April 2015, due to the significant risk of highway safety.
3. The site is located 180 metres away from the public highway. This distance will prevent waste/recycling being collected in accordance with RECAP Guidance that seeks a maximum distance of 55 metres. The proposal does

not comply with Policy ENV2 of the East Cambridgeshire Local Plan Adopted April 2015, due to the significant burden being placed on either the future residents or the Council.

Plot 2

1. The dwelling is located in the countryside and by virtue of its distance from the main settlement of Soham is considered to be in an unsustainable location. The future residents of this dwelling will be reliant on motor vehicles in order to access any service or purchase goods. 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 National Planning Policy Framework, in particular paragraphs 14 and 55, as it fails to promote sustainable development.
2. The proposed track leading to the proposed dwelling is considered to be too narrow to allow for cars to enter and leave the track safely in a forward gear. In addition to this the access onto Blackberry Lane does not have proven acceptable inter-vehicular visibility splays. This creates a significant risk to the users of public highway. The proposal fails to comply with Policy COM 7 of the East Cambridgeshire Local Plan Adopted April 2015, due to the significant risk of highway safety.
3. The site is located 240 metres away from the public highway. This distance will prevent waste/recycling being collected in accordance with RECAP Guidance that seeks a maximum distance of 55 metres. The proposal does not comply with Policy ENV2 of the East Cambridgeshire Local Plan Adopted April 2015, due to the significant burden being placed on either the future residents or the Council.

2.0 SUMMARY OF APPLICATION

- 2.1 The application in respect of Plot 1 is for a single storey two bedroom dwelling with access only along the southern track. Plot 1 is located to the south of the host dwelling.
- 2.2 The application in respect of Plot 2 is for a single storey 4 bedroom dwelling with access onto both the southern track and Blackberry Lane (Public Footpath). This plot is located to the north of the host dwelling.
- 2.3 The full planning applications, 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.**
- 2.4 The applications are being brought before Members, as it is the view of officers that these applications would benefit from public discussion.

3.0 PLANNING HISTORY

- 3.1 13/00670/FUL – Additions and alterations to existing annex to form separate dwelling and erection of garage was refused and then dismissed on appeal. The appeal was dismissed on the 12 August 2014 on the grounds of inappropriate location for this development. This is the same site as the current Plot 2.

14/01074/OUT – (3 The Cotes, to the south of the proposed dwellings) Provide one residential unit on rear garden land was refused on the 25 November 2014 and the dismissed on appeal on the 27 July 2015. The Inspector dismissed the appeal on the grounds of the sites inappropriate location, harmful to the character of the area and poorly located in terms of access to services and facilities.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The sites are located outside of the established village framework and are within the centre of a small cluster of dwellings and is located near to industrial buildings. The sites are located on mowed grass areas connected to the host dwelling. The host dwelling sits within the centre of the two proposed dwellings.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses from several consultees and these are summarised below. The full responses are available on the Council's web site.

Local Highways Authority – (Plot 1) It recommends refusal on the grounds of; insufficient information to demonstrate that the proposal lacks sufficient information to demonstrate that the proposed development would be prejudicial to the satisfactory functioning of the highway; it cannot be determined from the submitted information if there is adequate visibility available west of the western vehicle access point with (west access/footpath 16) the public highway; and that the access is unsatisfactory to serve the proposal by reason of its inadequate width and the proposal would therefore likely lead result in the stopping and maneuvering of vehicles on the highway to the detriment of highway safety.

The plans show that the dwelling has two vehicle access points, both accesses must have inter vehicular visibility splays. No information regarding the visibility splays at the western vehicle access on to The Cotes has been submitted. Therefore it is not possible to determine if the required splays are possible in this location and that it would not be detrimental to highway safety.

The speed survey data is accepted by the Highways Authority as corrected and the splays at the eastern vehicle access point with The Cotes only are acceptable.

Both access roads leading to the proposed development are narrow and suitable for the passage of only one vehicle at a time. Therefore these access roads would likely result in the stopping and maneuvering of vehicles on the highway to the detriment of highway safety.

Recommends that Cambridgeshire County Council Rights of Way team is contacted.

(Plot 2) Same comments for Plot 1.

Waste Strategy (ECDC) – (Plot 1) States that East Cambridgeshire District Council will not enter private property to collect waste/recycling and provides details of costs for providing bins.

(Plot 2) – Same comments as Plot 1

Soham Town Council – (Plot 1) The Town Council raised concerns over the proposal and considers the application should be refused on the grounds that the development is outside of the village framework, that the current track is insufficient to support additional traffic flow and will add to road safety concerns.

(Plot 2) Same comments as provided for Plot 1.

Ward Councillors - No Comments Received

5.2 Neighbours – 5 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

13 The Cotes – (Plots 1 and 2) The occupants object to the proposal on the grounds of traffic movement along the narrow track, already previously refused, would set a precedent, increase maintenance costs of the road, should only use Blackberry Lane and would be detrimental to the original layout of the dwellings.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
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
ENV 9	Pollution
COM 7	Transport impact
COM 8	Parking provision

6.2 National Planning Policy Framework 2012 (NPPF)
Specifically Paragraph 14 and 55

7.0 PLANNING COMMENTS

7.1 Principle of Development and previous Appeal Decision

- 7.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as whole.
- 7.3 Paragraph 55 in the NPPF seeks to locate housing where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated dwellings unless there is an essential need for a rural worker to live permanently, optimal viable use of heritage asset, re-use disused buildings or exceptional quality and/or innovative nature of the design.
- 7.4 The Inspector under the appeal for 13/00670/FUL stated that the Council could not demonstrate a five year land supply when they were considering the appeal August 2014 and has therefore assessed in accordance with the NPPF. The Inspector takes note of the benefits of providing a new dwelling and the applicants personal circumstances but concludes:
- “the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, and I conclude overall on this main issue that the proposal would not be appropriate to its location, given the substantial conflict I have identified with development plan and national policy relating to new housing”
- 7.5 A nearby appeal at 3 The Cotes, which is located slightly closer to the established part of Soham, was also dismissed at appeal because of its inappropriate unsustainable location on the 27 July 2015.
- 7.6 It is noted that the two proposed dwellings sits within the middle of a cluster of existing dwellings that on the whole forms three distinct lines of housing running parallel to the main road.
- 7.7 With the Inspector having already judged that dwellings in this area causing demonstrable and significant harm it is considered that the proposed dwellings are fundamentally unsustainable and should be refused on principle.
- 7.8 Highways
- 7.9 The Inspector under the appeal for 13/00670/FUL where the proposal could use either the southern track or Blackberry Lane stated:
- “Reversing out of the track into the Cotes would clearly be undesirable, and the proposal would thus have an adverse effect on highway safety. However, I do not consider that this would be significant, given the evidence as to traffic spends in The Cotes...I conclude overall that the proposal would not have any significantly adverse effect on highway safety”

- 7.10 The Local Highways Authority has raised significant concerns regarding the proposed development. It is of the view that the use of the Blackberry Lane (that Plot 2 has access onto) does not have adequate visibility splays and the fact that both accesses will lead to vehicles reversing onto the public highway by virtue of its narrowness of the tracks will lead to detrimental impact upon the safety of the users of the public highway.
- 7.11 In regards to Plot 1 the concern in regards to highway safety is only by virtue of the track not allowing two cars to pass, thus creating a situation when someone might need to reverse onto the public highway.
- 7.12 A balance has to be made between the view of the Inspector, the Local Highways Authority and the increase of traffic movements related to two dwellings. It is the view of officers that with public safety being at risk as defined by the Local Highways Authority the application should be refused on highway safety grounds. This is a cautious approach based on the guidance of the Local Highways Authority. However, members are advised that when determining this application that there is a good chance that the Inspectorate will not agree with this recommendation and there is a chance of costs being awarded against the Council if the applicant is required to seek specialist independent highway advice.
- 7.13 Residential Amenity
- 7.14 With the proposed dwellings and the host dwelling all being single storey properties there is no significant concerns regarding overlooking, overbearing or loss of privacy.
- 7.15 The proposals will significantly reduce the amenity space of the host dwelling. However, with each dwelling retaining some garden space the level of harm of having small gardens is considered to be low.
- 7.16 With the proposed dwellings being of single storey and the distance from other residential properties, it is considered that the proposal will have no detrimental impact on any other dwellings' residential amenity.
- 7.17 The proposals are acceptable in regards to residential amenity.
- 7.18 Visual Amenity
- 7.19 The proposed dwellings are single storey dwellings that are of a similar style to the host dwelling. There is no concerns regarding the design of the proposed dwellings and it will have no detrimental impact upon the character of the local area.
- 7.20 Ecology
- 7.21 The sites are not considered to have any specific ecological importance. If the application were to be approved it would be recommended that bird/bat box conditions are added to enhance biodiversity in this rural location.
- 7.22 Flood Risk and Drainage

- 7.23 The sites are not located either in Floodzones 2 or 3. If the proposed dwellings were to be approved a surface water condition would need to be added to ensure that rainwater runoff from the sites remains at Greenfield rates.
- 7.24 Other Material Matters
- 7.25 The RECAP Waste Management Design Guide recommends in total that a 2 wheel container should not have to be moved more than 55 metres (25 metres Council refuse team to enter onto the site and 30 metres for resident to move the container to a collection point). The nearest plot is 180 metres from the public highway. This distance would put a significant burden on the resident or the Council in order to collect waste and recycling. With this being a substantial increase over max collection distances, it is considered that the development does not comply with ENV2, which requires proposals to comply with RECAP.
- 7.26 Planning Balance
- 7.27 It is considered that the proposal is not in a suitable sustainable location, that it would lead to detrimental risk to the users of the public highway and that the refuse/recycling could not be collected in accordance with adopted policy. The provision of two dwellings does not outweigh the significant and demonstrable harm as identified.
- 8.0 APPENDIX
- 8.1 Appeal decisions for 14A The Cotes (13/00670/FUL) and 3 The Cotes (14/01074/OUT)

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
15/01138/FUL	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Senior Planning Officer 01353 665555 andrew.phillips@ea stcambs.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>