

**MAIN CASE**

**Reference No:** 17/00355/FUL

**Proposal:** Detached Dwelling

**Site Address:** 59A Great Fen Road Soham CB7 5UH

**Applicant:** Mr & Mrs S Mutton

**Case Officer:** Gareth Pritchard, Planning Officer

**Parish:** Soham

**Ward:** Soham North  
 Ward Councillor/s: Councillor Carol Sennitt

**Date Received:** 3 March 2017      **Expiry Date:** 9<sup>th</sup> June 2017

[S18]

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 PPG on Flooding and Coastal Change and the National Planning Policy Framework.

## 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 application has been called into Planning Committee by Councillor Carol Sennitt as the application would add to the housing stock and should be considered. It is in an unsustainable location so may be considered for refusal hence it being called in.
- 2.3 Full planning permission is being sought for a single storey, detached dwelling on land to the west of 59A Great Fen Road with accommodation in the roof space. When viewed from the front elevation fronting Great Fen Road the proposed dwelling has a maximum width including the porch of 7 metres, a depth of 17.5 metres, ridge height of 5.1 metres and eaves of 2.4 metres. Due to the constraints of the site the proposed dwelling would be at gable end to the highway. A driveway, parking and access will be provided to the south-east of the dwelling and private amenity space to the north-west. Amended plans were submitted which overcame concerns of the Local Highways Authority for manoeuvring within the site, and the Environment Agency in terms of contamination and an inadequate Flood Risk Assessment.

## 3.0 PLANNING HISTORY

### 3.1

01/00732/FUL	Removal of agricultural occupancy condition	Approved	08.11.2001
10/00650/FUL	Application for the change of use of part of the land to the side and rear of 59a Great Fen Road to Timber Yard (Retrospective).	Withdrawn	16.09.2010
11/00603/FUL	Change of use of part of the land to the side and rear of 59a Great Fen Road to Timber Yard (Retrospective).	Approved	08.09.2011
13/00070/VAR	Variation of condition 1 :hours of opening	Approved	18.03.2013
13/00575/FUL	Erection of Agricultural Building ( 296 floor Area )	Approved	13.09.2013

15/00299/FUL	Erection of replacement office building	Approved	12.05.2015
16/00907/FUL	Single Storey Detached Dwelling	Withdrawn	06.12.2016

#### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is located outside of the established development framework for Soham, and as such is considered to be in a countryside location where development is tightly controlled. The site is currently occupied with an office associated with the timber yard to the north-west, and is also used for storage of timber products. To the east of the site is the access for the timber yard and the dwelling associated with the land 59a Great Fen Road. 59 Great Fen Road is a single storey dwelling to the west of the proposed dwelling. The site is located within Flood Zone 3. The surrounding area is considered to be primarily agricultural with sporadic housing along Great Fen Road.

#### 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.

**Ward Councillor** – *“I would like the application 17/00355/FUL to be determined by the planning committee, I am therefore calling it in.*

*I believe this application would add to the housing stock and should be considered. It is in an unsustainable area so may be considered for refusal hence calling it in to council”*

**Parish** – No comments, No objections.

**Local Highways Authority** – No objections subject to necessary conditions

**CCC Growth & Development** - No Comments Received

**Waste Strategy (ECDC)** – General comments received relating to waste collection

**Environment Agency** - The Environment Agency do not deal with whether the site passes the Sequential Test or part one of the Exceptions Test. They have reviewed the submitted Flood Risk Assessment and have not objected to the application subject to necessary conditions. They also provided additional advice for the LPA and applicant.

**The Ely Group Of Internal Drainage Board** – No objections subject to soakaways providing an effective means of surface water disposal in this area.

**Tree Officer** – As per previously withdrawn application 16/00907/FUL no objections and condition relating to tree protection measure should be used.

5.2 Neighbours – one neighbouring property was notified and no comments were received. Site notice was also posted and advert placed in the Cambridge Evening News with no comments received.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character  
ENV 2 Design  
ENV 8 Flood risk  
ENV 9 Pollution  
GROWTH 2 Locational strategy  
GROWTH 3 Infrastructure requirements  
GROWTH 5 Presumption in favour of sustainable development  
COM 7 Transport impact  
COM 8 Parking provision  
ENV 4 Energy efficiency and renewable energy in construction  
ENV 7 Biodiversity and geology

### 6.2 Supplementary Planning Documents

Design Guide  
Flood and Water  
Developer Contributions and Planning Obligations

### 6.3 National Planning Policy Framework 2012

4 Promoting sustainable transport  
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, trees 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 3 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 3 miles north of Soham and 4 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 3 miles from the edge of Soham and 4 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/V0510/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 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 reliable 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 The Environment Agency raised some concerns regarding egress in cases of emergency from the dwelling. This is because vertical windows are not normally considered acceptable in these circumstances. These comments were not previously provided under the withdrawn application 16/00907/FUL, and the applicant has advised they do not wish to make amendments to this aspect.
- 7.2.13 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 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. The proposed dwelling is approximately 107sqm which is slightly larger than one

third of the plot size. This is not considered to cause a significantly detrimental impact, and is therefore considered to be acceptable.

- 7.3.3 The site area is currently occupied by an office associated with the adjoining timber yard, and for the storage of timber materials. The office is constructed of a timber material and previously approved as being acceptable as an office under application 15/00299/FUL.
- 7.3.4 The site is a long, narrow piece of land and the proposed dwelling is dictated by the constraints of the site. The dwelling has its gable end facing the highway, and occupies most of the width of the site when viewed from the highway. As a result the proposed dwelling presents a cramped and contrived appearance.
- 7.3.5 The height of the proposed dwelling is considered to be consistent with the existing office building, and other residential dwellings in the locale, and is therefore considered to be acceptable.
- 7.3.6 The applicant proposes materials on drawing 03A/MUTT/16 which are considered to be acceptable, and would complement the dwellings in the locale.
- 7.3.7 On balance of the above the visual impact of a dwelling within the relatively rural area is considered to be minimal, and in the absence of significant or demonstrable harm visually the application is considered to comply with Local Plan policy ENV2.

#### 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. The bedroom windows on either gable will look onto Great Fen Road or the timber yard, and therefore any direct overlooking would be minimal. The roof light facing No.59 would serve a stairwell which is not considered to be a habitable room and therefore impact is minimal.
- 7.4.4 Consideration has been given as to whether the proposed would be significantly overbearing or would cause a significant loss of light to the dwelling No. 59 Great Fen Road, as the property has windows along its side elevation facing the site. Due to the location of the proposed, and the existing office building it is not considered to result in a significant loss of light. The eaves height at the shared boundary would be 0.1 metres higher than the existing office block, with the ridge height being 0.7 metres taller. As a result the application is not considered to be overbearing to any greater extent than the existing office.



7.4.5 Consideration has also been given to vehicle movements to and from the timber yard and its impact on future occupiers of the proposed dwelling. Again while there is considered to be an impact of vehicle movements it is not considered significant enough as to warrant refusal.

7.4.6 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 of the proposed dwelling. 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 proposal provides adequate parking to the front of the dwelling for two motor vehicles. As a result the application is considered to comply with policy COM8.

#### 7.6 **Trees**

7.6.1 There is a large tree to the south-west of the site on the adjacent neighbours land. The applicant has provided plans to show how the tree can be sufficiently protected during construction. The Tree Officer has advised they are happy with this provided it is conditioned.

#### 7.7 **Other matters**

7.7.1 The applicant within their planning statement has highlighted that the emerging Local Plan has a new policy LP32 which concerned infill developments in locations outside of the established development frameworks. The draft Local Plan has not yet reached the stage in the process whereby it can be given significant weight. It has yet to complete its full requirement for public consultation or been examined by the Planning Inspectorate. For these reasons no weight is given to infill policy LP32 as it has only had one round of consultation.

#### 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 which would be caused 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.

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

## **8.0 Appendices**

- 8.1 Appendix 1: APP/V0510/W/16/3143840 and APP/V0510/W/16/3143272 – Land adjacent to 14a (plots 1 & 2) The Cotes, Soham, Cambridgeshire, CB7 5EP – New Dwellings
- 8.2 Appendix 2: APP/V0510/W/16/3160576 – Field Farmhouse, 1 Temple Road, Isleham, CB7 5RE – New Dwelling
- 8.3 Appendix 3: APP/V01510/W/16/3158114 – Land Adjacent Field View, Cowbridge Hall Drove, Little Downham, Ely, CB6 2UQ

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/00355/FUL	Gareth Pritchard Room No. 011 The Grange Ely	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@eastcambs.gov.uk
01/00732/FUL		
10/00650/FUL		
11/00603/FUL		
13/00070/VAR		
13/00575/FUL		
15/00299/FUL		
16/00907/FUL		

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>