
MAIN CASE

Reference No: 18/01241/OUT

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

Site Address: Land Adjacent Castle Farm, Hasse Road, Soham, Ely, Cambridgeshire, CB7 5UW.

Applicant: Mr & Mrs J S Stevens

Case Officer: Catherine Looper, Planning Officer

Parish: Soham

Ward: Soham North

Ward Councillor/s:

Councillor Carol Sennitt

Councillor Mark Goldsack

Date Received: 7 September 2018 **Expiry Date:** 9 November 2018

[T128]

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

3. Policy ENV1 of The East Cambridgeshire Local Plan 2015, and policy LP28 of the Submitted Local Plan 2018 state that development proposals should have a location, scale and form which creates a positive and complementary relationship with the surrounding unspoilt rural area. The proposal is contrary to policy ENV2 of the Local Plan 2015 and policy LP22 which seek to ensure that proposals respect the density and landscape of the surrounding area and are of a scale and massing that relate sympathetically to the nearby development. The introduction of a dwelling in this location, including the provision of residential driveway and detached two storey garage would be harmful to the rural character and appearance of the area and create an urbanising impact which erodes the predominantly undeveloped and agricultural nature of the area. The proposal would result in an incursion of development into open countryside, which would significantly change its rural character and appearance. This would cause significant and demonstrable harm to the character of the countryside. As a result the application is considered to be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.

4. Insufficient information has been submitted regarding the impact of the proposal on the trees on the site. Without a tree survey the proposal cannot be fully assessed, and therefore the development cannot be determined to be acceptable. This is contrary to policy ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2018.

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 planning application has been called into Planning Committee by Cllr Carol Sennitt for the following reason: "The reasons being is that since the plot has increased in size since its original application and it is now of reasonable size compared to some plots on new estates. This would also add to our much needed housing stock."
- 2.3 The proposed application seeks outline planning permission for a single dwelling. Scale and access form part of the application with appearance, landscaping and layout to remain reserved matters. The proposed dwelling would have a maximum height of 8 metres, width of 19 metres and depth of 15 metres.
- 2.4 The proposed garage has a maximum height of 7 metres a width of 7.5 metres and depth of 10 metres.
- 2.5 The current proposal differs from the previous refusal in terms of size and scale. The site area has been increased from the previous 945m² to 1995m². The scale of

the proposals have also increased and the differences can be seen in the table below:

	17/01279/OUT	18/01241/OUT
Site Area:	945m ²	1995m ²
Dwelling		
Width	17.4m	19.0m
Depth	12.2m	15.0m
Height	7.1m	8.0m
Garage		
Depth	8.6m	7.5m
Width	6.7m	10.5m
Height	5.9m	7.0m

3.0 PLANNING HISTORY

- 3.1 17/012769/OUT – Proposed residential dwelling, garaging, parking and associated site works – Refused 5 October 2017 by Planning Committee.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located approximately 1.65 miles from the edge of Soham's development framework and a further mile from the main facilities and services found in the town centre. As a result the site is considered to be in a countryside location. The site is also within Flood Zone 3. The site has mature vegetated boundary treatments to the south and a tree within the site. The site itself appears to be of a paddocks nature and the highway runs along the south of the site with agricultural fields further to the south.

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.

Parish – Object as outside the development envelope in breach of Policy LP32.

Ward Councillors – Cllr Carol Sennitt *"I would like to CALL IN the application ref no 17/01279/OUT 51 Hasse Road, Soham I would like this to be considered by the planning committee due to the remote area it could be considered unsustainable."*

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

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Trees Officer – The new layout works slightly better for the oak tree no 3 than the previous application. The root protection area and the location of tree protection fencing should be shown on the layout. A Method Statement will be required for the two trees on Hasse Road regarding the access construction.

Waste Strategy (ECDC) – No objections raised. Standard informatives recommended.

Consultee For Other Wards In Parish - No Comments Received

The Ely Group Of Internal Drainage Board – Does not object to the use of soakaways, however, the culverting of the ditch would require permission from the Board.

Environment Agency – Do not object to the proposal providing the mitigation measures within the Flood Risk Assessment are conditioned and the proposal complies with a sequential test applied to the site.

Environmental Health (Scientific) – Thank you for consulting me on the above application. I have read the Envirosearch report dated 10th July 2017 and accept the findings. A condition requiring further investigation for contamination is not required. As this application is for a sensitive end use (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission.

5.2 Neighbours – three neighbouring properties were 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

Design Guide
Flood and Water
Developer Contributions and Planning Obligations

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

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
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP5 Community-led development
- LP6 Meeting Local Housing Needs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- 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

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 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 2015 and policy LP3 of the Submitted Local Plan 2018 which seek 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 and policy LP3 cannot be considered up to date in so far as they 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 79 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 1.65 miles from the nearest settlement of Soham. The site is located in an isolated, rural location, with only a few sporadic dwellings in the locality. 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 for The Cotes in Soham, 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 1.65 miles north of Soham and 2.65 miles from the centre of Soham where local shops and services are located.
- 7.1.5 The 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 1.65 miles from the edge of Soham and approximately 2.65 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 policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018 which require 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 The Local Planning Authority have recently received a further appeal (APP/V0510/W/17/3173190 – The Chequers, Malting End, Kirtling) 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. The NPPF supports this by stating in paragraph 79 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 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.
- 7.2.2 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 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.
- 7.2.5 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.
- 7.2.6 A Flood Risk Sequential Test has not been submitted and states that "The Sequential Test and Exception Test will require to be applied by the Local Planning Authority", 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 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 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 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 paragraphs 159-161 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 and that the proposal has passed the Sequential Test.
- 7.2.12 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.

7.3 **Visual amenity**

- 7.3.1 Under policy ENV1 of the Local Plan 2015 and policy LP28 of the Submitted Local Plan 2018 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 policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 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 which should be a minimum of 300sqm. The site and scale of the proposed dwelling would comply with these guidelines.
- 7.3.3 The proposed dwelling is relatively detached from neighbouring dwellings due to the significant distances in between, and would not be viewed as infill development. The area is characterised by sporadic historic dwellings set within large plots, and are of significantly smaller dimensions in terms of bulk and massing, than the proposed scheme.

- 7.3.4 The surrounding area is generally devoid of development, however, what development there is, is generally found on the same side of the road as this application.
- 7.3.5 There is a hedgerow and trees to the south of the site where the main views from the highway would be taken which would offer partial screening to the proposed development. However, it is considered that the development would result in a hardening and urbanisation of the landscape, as there would be views of the proposed dwelling and garage from the highway due to their height and scale, which has increased since the previous application. The Council note the increase in plot size which has been made in order to overcome the previous reason for refusal on the grounds of dense and urbanising development. However the Council also note the increase in height and built footprint and as such the urbanising effect on the rural character and appearance of the area would still be very evident if the proposal were to gain approval.
- 7.3.6 The introduction of a dwelling in this location, including the provision of residential driveway and detached two storey garage would be harmful to the rural character and appearance of the area and create an urbanising impact which erodes the predominantly undeveloped and agricultural nature of the area. The proposal would result in an incursion of development into open countryside, which would significantly change its rural character and appearance. This would cause significant and demonstrable harm to the character of the countryside. As a result the application is considered to be contrary to Policies ENV1 and ENV2 of the Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2018.
- 7.4 **Residential amenity**
- 7.4.1 Under policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018 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 that could not be dealt with at reserved matters stage.
- 7.4.4 While layout is a reserved matter the indicative plan has demonstrated how the dwelling could be situated a suitable distance from neighbouring properties as to ensure that it does not have an overbearing or loss of light impact.
- 7.4.5 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 that could not be dealt with at reserved matters. As a result it is considered to broadly comply with the residential amenity aspect of policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2018.

7.5 Highways safety and parking provision

- 7.5.1 Under policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2018 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 and policy LP17 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 indicative layout shows adequate parking at the dwelling for two motor vehicles. As a result the application is considered to comply with policy COM8.

7.6 Trees

- 7.6.1 Under policy ENV7 of the Local Plan 2015 and policies LP28 and LP30 of the Submitted Local Plan 2018 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.
- 7.6.2 The previous application was deemed acceptable in terms of its impact upon trees upon receipt of additional information and no objections from the Councils Trees Officer were offered at the time. There is mature planting along the southern boundary of the site and a tree within the rear of the site. The Tree Officer has requested additional information in the form of an arboricultural impact assessment so that the potential impacts can be properly assessed. At the time of writing, this information has not been received from the applicant, and therefore the Local Planning Authority is unable to adequately assess the impact to the trees as part of the proposed application.

7.7 Other matters

- 7.7.1 A scheme to deal with surface water can be secured by way of condition as can unexpected contamination due to the sensitive end use.
- 7.7.2 Consideration has been given to the ecological value of the site. The site upon visit had a paddock type appearance to it and appeared to be used and well kept. There are a number of ponds in close proximity but generally separated from the site by the highway, and as a result of this and their distance from the site are not considered to result in a significant impact. Policy ENV7 of the Local Plan 2015 and policy LP30 of the Submitted Local Plan 2018 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals. It is recommended that a condition requiring a scheme of biodiversity improvements is placed on any grant of permission. 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.

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 visually and 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. The applicant has also failed to demonstrate it would not significantly impact trees on and surrounding the site.
- 7.8.3 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>
18/01241/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>