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**MAIN CASE**

**Reference No:** 19/00042/FUL

**Proposal:** Proposed conversion of a storage building to a dwelling

**Site Address:** 14A The Cotes Soham Ely Cambridgeshire CB7 5EP

**Applicant:** Mr Edwards

**Case Officer:** Dan Smith, Planning Consultant

**Parish:** Soham

**Ward:** Soham North  
Ward Councillor/s: Councillor Alec Jones  
Councillor Victoria Charlesworth

**Date Received:** 11 February 2019      **Expiry Date:** 17 June 2019

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**1.0 RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reason:
- 1.2 The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Soham and other local services and facilities and the lack of any public transport serving the site is situated in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the dwelling would be heavily reliant on private motor vehicles in order to access any local services or facilities. The proposed development would therefore cause harm in terms of the social and environmental elements of sustainable development. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of a single dwelling, contrary to policies ENV 2 and GROWTH 2 of the East Cambridgeshire Local Plan 2015 and paragraph 11 of the National Planning Policy Framework 2019.

**2.0 SUMMARY OF APPLICATION**

- 2.1 The planning application seeks full planning permission for the conversion of a recently constructed building to a dwelling.
- 2.2 The application has been referred to Planning Committee at the request of Councillor Mark Goldsack as he considers the Committee the appropriate place to

make a decision and as previous applications on the site have been determined at Committee.

- 2.3 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.**

### **3.0 PLANNING HISTORY**

#### 3.1

16/01536/FUL	Proposed Self-Contained Annexe with Hydrotherapy Suite & Site Works to Accommodate Special Medical Requirements of Applicant	Refused Appeal Dismissed	13.01.2017  15.12.2017
15/01138/FUL	Proposed Dwelling, Parking, Access & Associated Site Works	Refused Appeal Dismissed	06.01.2016  11.07.2016
16/01352/FUL	Proposed Bungalow, Hydrotherapy Suite, Access & Site Works	Withdrawn	21.10.2016
15/01139/FUL	Proposed Dwelling, Parking, Access & Associated Site Works on adjacent site	Refused Appeal Dismissed	06.01.2016  11.07.2016

### **4.0 THE SITE AND ITS ENVIRONMENT**

- 4.1 The application site is a recently constructed single storey building with a pitched roof, located on a parcel of land between The Cotes and Blackberry Lane, immediately to the north east of 14a The Cotes. The building does not benefit from an express planning permission although the application documents indicate that the applicant believes it has been constructed under permitted development rights as an ancillary building to No. 14a for the purposes of storage. This part of The Cotes comprises an informal, loose ribbon development projecting into the countryside perpendicular to the main road to the front. There is agricultural land on both sides. The site is located outside of the established development envelope of Soham approximately 600m from the nearest point of the envelope and over 1.5 km from the centre of Soham. The site is located in Flood Zone 1 and is not within a Conservation Area.

## 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.

National Grid – states it does not object to the proposed development.

Parish – states it has no comments and no objections.

Ward Councillors – The application was referred to Planning Committee by former Councillor Mark Goldsack for the reason that the Planning Committee is the best and final place for the decision to be made, especially as the Committee considered other related applications on this plot.

Minerals and Waste Development Control Team - No Comments Received

Waste Strategy (ECDC) - States it will not enter private property to collect waste receptacles and notes its prerogative to charge for the provision of waste receptacles. It notes the RECAP Waste Management Design Guide advice regarding maximum bin drag distances of 30 metres.

Consultee for Other Wards in Parish - No Comments Received

Enforcement Section - No Comments Received

CCC Growth & Development - No Comments Received

Local Highways Authority – states it has no objection to the proposed development and that while the junction with the highway is not wide enough for two vehicles to use it simultaneously, the access and access road is already used for vehicle access to multiple dwellings.

Asset Information Definitive Map Team – does not object to the proposed development in terms of its impact on the public right of way. Notes the requirement for the public footpath to remain open and unobstructed at all times and suggests informative be added to any decision confirming those requirements.

Cambridge Ramblers Association - No Comments Received

5.2 Public Consultation – A site notice was displayed near the site on 6 March 2019. In addition 13 neighbouring properties were directly notified by letter. No formal responses have been received in respect of the application.

## 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 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 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 Supplementary Planning Documents  
 Design Guide – Adopted March 2012  
 Flood and Water – Adopted November 2016  
 Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010  
 Developer Contributions and Planning Obligations – Adopted May 2013

- 6.3 National Planning Policy Framework 2019  
 Section 2 Achieving sustainable development  
 Section 4 Decision-making  
 Section 5 Delivering a sufficient supply of homes  
 Section 6 Building a strong, competitive economy  
 Section 9 Promoting sustainable transport  
 Section 11 Making effective use of land  
 Section 12 Achieving well-designed places  
 Section 14 Meeting the challenge of climate change, flooding and coastal change  
 Section 15 Conserving and enhancing the natural environment

- 6.4 Planning Practice Guidance

## 7.0 **PLANNING COMMENTS**

- 7.1 The main planning considerations in the determination of the current application are the principle of development and the impact of the development on residential amenity; visual amenity; highway safety and parking; ecology; and flood risk and drainage.

### 7.2 **Principle of Development**

- 7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Soham. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the adopted Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition.

- 7.2.2 However, the Council cannot currently demonstrate a five year supply of deliverable housing sites as required by paras 67 and 73 of the NPPF. The Council's Five Year Housing Land Supply Report (November 2018) demonstrates that the Council has a 3.94 year supply of deliverable housing land. As a result, the policies within the Local Plan which relate to the supply of housing, namely GROWTH 2 of the Local Plan, should not be considered up-to-date as per paragraph 11.d and footnote 7 of the NPPF. The Supreme Court decision of 10 May 2017 ([2017] UKSC 37 Suffolk Coastal District Council v Hopkins Homes Ltd) re-emphasised that where relevant policies are out of date, the "tilted balance" within the NPPF (para 11.d and footnote 7) applies, meaning that permission should be granted 'unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.
- 7.2.3 A balancing exercise therefore needs to be carried out between the adverse impacts and the benefits of the scheme. As part of that balance, in the absence of a five year supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes.
- 7.3 Benefits of the scheme**
- 7.3.1 The benefits of the scheme have been considered in respect of the three overarching objectives in achieving sustainable development, which are Social, Economic and Environmental (NPPF para 8), the benefits of the scheme would have social and economic dimensions.
- 7.3.2 The social benefits of the scheme are the provision of a single dwelling which would add to the District's housing stock and provide an additional dwelling towards the Council's supply of deliverable housing land. Given that no affordable housing would be provided there is no additional benefit in terms of meeting affordable housing needs. The very limited size of the scheme means that the overall benefit in terms of housing supply is relatively limited, however this benefit should be given due weight in the consideration of the tilted balance. The scheme would also result in an additional household in the locality which could provide some benefit in terms of the viability of local services and facilities, however the dwelling is not located close to any such facilities or realistically accessible to them except by private car. Furthermore, the very limited scale of the development consequently limits the benefit derived from it in terms of the viability of local services and facilities.
- 7.3.3 As the building is already constructed the scheme would not bring about any further economic benefits from employment during construction. There would be a potential beneficial impact on the local economy in terms of the use of local services and facilities, however due to the small scheme size and its distance from such services and facilities, the benefit is likely to be relatively limited. The small increase in population may also contribute a limited benefit to the local labour market.
- 7.3.4 There is potential for very limited environmental benefit in the form of some ecological enhancement on site resulting from the development.

## **7.4 Adverse Impacts**

- 7.4.1 It is considered that the adverse impacts of the scheme are its unsustainable location, distant from any local services and facilities, devoid of public transport links to the nearest services and facilities. This impact is discussed in more detail below.

## **7.5 Sustainability**

- 7.5.1 As per paragraph 8 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. While there are existing dwellings on The Cotes, the site is otherwise located a considerable distance from any other social amenities and occupants would not have easy access to community groups or facilities. The site is located over 600m from the nearest point of the Soham Development Envelope and over 1.5 km from its centre. It is not accessible by public transport. There is a public right of way which provides access to Soham however this would require occupants to walk a distance in excess of 1.5 km to reach the services and facilities in Soham. Occupants of the site would therefore be heavily reliant on the car to gain access to services and facilities. This would not accord with the requirements of the NPPF nor the environmental dimension of sustainable development and the location remote from such services and facilities would weigh against the social dimension of sustainable development.
- 7.5.2 Due to the lack of accessible services and facilities and public transport, the dwellings would also result in occupants relying almost exclusively on private motor vehicles for access to the services in the wider area and for access to jobs and social opportunities more widely. On that basis, the proposed development is considered to perform badly against the social element of sustainability, which focusses on the need for development to support strong, healthy communities by providing housing to meet the needs of current and future generations and by providing accessible services.
- 7.5.3 The scheme is also considered to perform badly against the environmental role of sustainability which focusses on the need to protect and enhance the environment through using natural resources prudently, minimising pollution, and mitigating and adapting to climate change. The over-reliance on private motor vehicles and the requirement to travel considerable distance to access even the most basic services and facilities would not be sustainable from an environmental point of view.
- 7.5.4 Planning Inspectors have previously considered the issue of the sustainability of the site in respect of an independent dwelling (15/01138/FUL – Appendix 1) and an annexe associated with the existing dwelling (16/01536/FUL – Appendix 2). Inspectors have come to the same conclusions regarding the isolation from community services and facilities and the over-reliance on private motor vehicle to access services and facilities and have concluded that this is contrary to the social and economic dimensions of sustainable development.

## **7.6 Residential Amenity**

- 7.6.1 The proposed change of use would potentially result in a limited intensification of the use of the site in terms of noise and traffic movements, however it is not

considered that this would result in any significant additional impacts on the occupiers of neighbouring dwellings.

7.6.2 It is therefore considered that the proposed development is acceptable in terms of its impact on residential amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

## **7.7 Visual Amenity**

7.7.1 The proposed change of use would not result in any significant changes to the appearance of the building nor its impact on the visual amenity of the area. There is potential for increased parking on site and additional domestic paraphernalia associated with the proposed use, however given the character of the existing streetscene, this would not cause any significant harm to the visual amenity of the area.

7.7.2 It is therefore considered that the proposed development is acceptable in terms of its impact on visual amenity in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.

## **7.8 Highway safety and parking**

7.8.1 The dwelling would be accessed via the private gravel track off The Cotes. There is insufficient width for two cars to pass on the track, however there are passing places and given its lightly trafficked nature, it is not considered that the proposed change of use would cause any significant impact on highway safety. The Local Highways Authority has confirmed it is content with the change of use on that basis and this conclusion is consistent with the conclusions of the appeal inspector when considering the previous application for a dwelling on the site.

7.8.2 There is an existing access onto the site off the lane which would provide parking for at least two domestic vehicles. This provision meets the requirements of adopted parking standards.

7.8.3 It is therefore considered that the proposed development is acceptable in terms of highway safety and parking provision in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

## **7.9 Ecology**

7.9.1 The building is existing and the site is considered to be of low biodiversity value at present and the change of use is not considered likely to cause any significant ecological impacts. National and local planning policy requires that developments provide biodiversity enhancements and this could be secured in this case through the use of a planning condition.

7.9.2 It is therefore considered that the proposed development is acceptable in terms of its impact on and enhancement of biodiversity in accordance with policies ENV2 and ENV7 of the adopted East Cambridgeshire Local Plan 2015.

## 7.10 Flood Risk and Drainage

- 7.10.1 The site is entirely within floodzone 1 and is therefore considered at the lowest risk of flooding and a location where residential development is acceptable in terms of flood risk. The building is existing and it is considered that the change of use would not increase the risk of surface water flooding or significantly alter the surface water drainage impact of the building.
- 7.10.2 It is therefore considered that the proposed development is acceptable in terms of its susceptibility to and impact on flood risk and the drainage measures proposed in accordance with policy ENV8 of the East Cambridgeshire Local Plan 2015.

## 7.11 Planning Balance

- 7.11.1 In weighing the benefits and adverse impacts on the tilted balance, as required under paragraph 11 of the NPPF, the benefits of the scheme are considered to be relatively limited, given the very small scheme size, although this limited benefit is given significant weight due to the lack of a five year supply of deliverable housing sites. The adverse impact identified is the harm caused by the unsustainable location of the site which would result in occupants being isolated from community services and facilities and, due to a lack of public transport, overly reliant on private motor vehicle. The identified harm would conflict with the social and environmental objectives of sustainable development and is considered to be so significant that it significantly and demonstrably outweighs the limited benefits which would be derived from the provision of the dwelling. As a result, the consideration of the scheme on the tilted balance indicates that the proposed development should be refused.
- 7.11.2 This conclusion is consistent with two previous appeal decisions for the site, one for a separate dwelling and one for a self-contained annexe, which Planning Inspectors have found to be unsustainable and judged the adverse impacts to outweigh the benefits of those schemes.

## 8.0 Appendices

- 8.1 Appendix 1 – Planning Inspectorate Decision dismissing appeal for refusal of planning application 15/01138/FUL.
- 8.2 Appendix 2 – Planning Inspectorate Decision dismissing appeal for refusal of planning application 16/01536/FUL.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
19/00042/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastcambs.gov.uk



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.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>