
MAIN CASE

Reference No: 17/00639/FUL

Proposal: Construction of 2no. two bedroom single storey detached dwellings

Site Address: Lotsend Great Fen Road Soham CB7 5UH

Applicant: Mr Gary Randall

Case Officer: Gareth Pritchard, Planning Officer

Parish: Soham

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

Date Received: 13 April 2017 **Expiry Date:** 21 September 2017
[S101]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE this application for the following reasons.

1.1.1 The proposed dwellings are located within the countryside and, by virtue of its distance from the main settlement of Soham, are 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 dwellings are 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 planning application has been called into Planning Committee by Cllr Carol Sennitt for the following reason: *"I am calling in this application as feel we are in need of "Eco "type dwellings. Because of the remote location I fear it may be refused because of being unsustainable. This application would add to the housing stock and should be considered at the planning meeting"*

2.3 The application seeks full permission for No.2 single storey detached dwellings and associated garages. The proposed dwellings would have a maximum height of 6.5 metres, eaves of 2.6 metres, width across front elevations of 14.5 metres and depth of 8.5 metres. The proposed garages would have a maximum height of 5.5 metres, width across the front elevation of 5.6 metres and depth of 7.5 metres.

3.0 PLANNING HISTORY

3.1

03/00009/CLE	Certificate of lawfulness of existing use or development: residential use	Refused	19.02.2003
07/00286/VAR	Removal of agricultural occupancy condition attached to the bungalow (N65/122)	Refused	23.04.2007
07/00892/CLE	Certificate of Lawfulness of existing use - Detached residential bungalow and garden	Approved	03.08.2007
77/00348/FUL	EXTENSION TO EXISTING BUNGALOW	Approved	30.06.1977

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 in use as paddocks with single storey dwellings to the south-west and north-east. The site is located within Flood Zone 3.

The surrounding area is considered to be primarily agricultural with sporadic housing along the northern side of 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.

Environment Agency – Originally objected to the application. However an updated Flood Risk Assessment was submitted. The EA have reviewed the submitted Flood Risk Assessment in respect of Part II of the Exceptions Test and do not object to the application subject to necessary conditions.

Parish – Have advised the application is outside of the development framework

Ward Councillors - Cllr Carol Sennitt *"I am calling in this application as feel we are in need of "Eco "type dwellings. Because of the remote location I fear it may be refused because of being unsustainable. This application would add to the housing stock and should be considered at the planning meeting"*

Local Highways Authority – No objections subject to necessary planning conditions.

The Ely Group Of Internal Drainage Board – No objection subject to soakaways being an effective means of surface water disposal.

Environmental Health – No objections subject to necessary conditions

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) – General waste related comments

5.2 Neighbours – one neighbouring property notified, site notice posted and advert placed in the Cambridge Evening News. The response received from one neighbour is summarised below. A full copy of the responses are available on the Council's website.

- Objects to the application as the site is understood to be green belt and should not be open to development.
- Residential units closer to stables with disturbances to horses.
- Residential units close to equestrian riding school would prospective purchasers be aware of this and impact of flood lights.
- Concerns with the treatment of sewage as propose treatment plant.
- Concerned about trees between properties which provide a barrier both for sound and vision.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development

6.2 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

6.3 National Planning Policy Framework 2012

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 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 c.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 c.3 miles from the edge of Soham and c.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 The Local Planning Authority have recently received a further appeal (APP/V0510/W/17/3173190) 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 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 and the Flood and Water SPD 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 two dwellings 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 two dwellings within the Parish of Soham which are at a lower probability of flooding. Therefore, the proposed additional dwellings are 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 been 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 dwellings provide 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 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place two dwellings 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 ENV1 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 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. The site is located in the countryside, on land that could be described as Greenfield, but is not located in designated greenbelt land.
- 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 site area is currently in use as paddocks land with two single storey dwellings to either side of the field along with equine buildings and facilities.
- 7.3.4 The introduction of No.2 single storey dwellings and associated garages would to a certain extent result in an urbanising of the landscape. However due to the plot size and scale of the dwellings there would still be views of the landscape beyond them.

They are also broadly located between existing buildings and ancillary outbuildings, and as such it is not considered there would be a significant impact through the infilling of this area. However, it should be noted that should permission be granted the ground floor level would need to be increased by 1.5 metres to meet the EA's requirements. The applicant has sought to reduce the impact of this by setting the dwellings 1.5 metres above the existing ground level but keeping the remaining plot at a broadly similar level to existing.

7.3.5 The proposed dwelling would be built on the side of the north side of the road which follows the pattern of development along Great Fen Road.

7.3.6 Therefore on balance while there is a considered harm through the urbanisation of this paddock, it is not considered to have a significant and demonstrable harm on its locale. Therefore the application is considered to comply with policies ENV1 and ENV2 in this regard.

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 with fenestration concentrated on the front and rear of the properties. Given the separation distances from the dwellings to the south-west and north-east, and the single storey nature of the proposed, they dwellings are not considered to have a significantly detrimental harm to the residential amenity of neighbouring occupiers.

7.4.4 Concerns have been raised by the neighbouring occupier at No.63 regarding the relationship between the site and stables close to the boundary. The edge of the site is approximately 10 metres from the nearest stable therefore impact to the horses through residential use, or impact to future residents from noise and odour is considered to be minimal. It would be accepted that the future occupiers are likely to be aware of the rural location and understand that there may be the occasional odour from activities relating to the stables.

7.4.5 The neighbour at No.63 has also raised concerns regarding the impact of the light at their riding school to the north-west. This site is located approximately 25 metres from the nearest part of this application site. There are three flood lights around the site on approximately 5 metre high poles with the flood lights angled down towards the riding area. It is considered that while there may be an impact it is not considered that it would be significant enough as to warrant refusal.

7.4.6 As a result the application is considered to comply with the residential amenity aspect of Local Plan 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 do 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 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 **Other matters**

- 7.6.1 A scheme to deal with surface water can be secured by way of condition
- 7.6.2 Contamination can be secured by way of condition
- 7.6.3 A scheme for biodiversity enhancements can be secured by way of condition. Given the current use of the site and its maintenance the site is not considered to have a high biodiversity value.
- 7.6.4 The planning application was called into planning committee in part as it was considered to be an eco-style dwelling. It is noted within the Design and Access statement that that applicant has provided details as to how this could be achieved including:
- Efficient insulation.
 - No requirement for oil or electric central heating as it will be provided by air or ground source heat pumps and solar panels to be provided.
 - Rainwater will be harvested and recycled for toilets, clothes washing, etc.
- 7.6.5 These sustainability details do carry weight in the planning process and a more detailed sustainability strategy could be secured by way of planning condition to ensure the sustainability proposed. However, it should be noted that the details provided would not result in NPPF paragraph 55 dwellings as it does not reflect truly outstanding or innovative design.

7.7 **Planning balance**

- 7.7.1 The proposal would provide the following benefits:- the provision of two additional residential dwellings 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.
- 7.7.2 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.

7.7.3 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.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00639/FUL	Gareth Pritchard Room No. 011 The Grange Ely	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@eastcambs.gov.uk
03/00009/CLE		
07/00286/VAR		
07/00892/CLE		
77/00348/FUL		

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>