

MAIN CASE

Reference No: 17/01176/OUT

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

Site Address: Land Between 37 And 38 Great Fen Road Soham
Cambridgeshire

Applicant: Mr Daniel Murfitt

Case Officer: Oli Haydon, Planning Officer

Parish: Soham

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

Date Received: 3 July 2017 **Expiry Date:** 5th October 2017

[S106]

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 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.

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 Outline planning permission is being sought for principle, access and scale for a two-storey dwelling on land between 37 and 38 Great Fen Road. Appearance, landscaping and layout would remain reserved matters.
- 2.2 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.**
- 2.3 The application has come before Planning Committee for consistency as previous applications have been called into Planning Committee along Great Fen Road for similar developments.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

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 an open agricultural field with a single storey dwelling to the north and a larger two-storey dwelling to the south. The site is located within Flood Zone 3. The surrounding area is considered to be primarily agricultural with sporadic housing along Great Fen Road along the northern side of the 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.

Soham Parish Council - Objects to the scheme as the proposal is outside the development envelope

Ward Councillors - No Comments Received

CCC Growth & Development - No Comments Received

Waste Strategy (ECDC) – No objections raised, subject to informatives.

Local Highways Authority – No objections raised, subject to conditions.

Environment Agency - "In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are

reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

We have reviewed the submitted Flood Risk Assessment (FRA) and find the details acceptable. However, to reduce the risk of flooding to the development and future occupants in extreme events, your authority may wish to consider applying a condition to any subsequent permission to ensure the implementation of proposed mitigation measures.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, Ref GCB/FLEET, prepared by Geoff Beel Consultancy, dated June 2017 are implemented in full unless otherwise agreed by the planning authority. The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The EA does not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:

- Finished floor level will be set at a minimum of 300mm above Great Fen Road Level;
- Flood resilient construction up to 300mm above the finished floor level;
- Sleeping accommodation at first floor level.”

Environmental Health - No concerns raised subject to unexpected contamination conditions.

The Ely Group Of Internal Drainage Board - No objections if soakaways form an effective means of surface water discharge.

5.2 **Neighbours** – A site notice was posted, an advert was placed in the Cambridge Evening News and three neighbouring properties were notified and the one response received is summarised below. A full copy of the responses are available on the Council’s website.

- Concerns were raised regarding overlooking and the potential for moving the dwelling to alleviate these concerns.

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 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

6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

Flood and Water

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

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 approximately 3.5 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 approximately 3.5 miles north of Soham and 3.9 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 approximately 3 miles from the edge of Soham and approximately 3.9 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/VO510/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 3.9 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. This proposal, while in the parish of Soham is located a considerable distance from the main settlement. 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 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 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 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 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.
- 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 an open agricultural field with two dwellings at either end which clearly demarcate the boundary when viewing from the highway. Great Fen Road is characterised in this area with primarily single storey dwellings, along the northern side of the road. A small width of the existing field would be retained to the north of the site.
- 7.3.4 The introduction of a two storey dwelling alongside the existing dwelling No. 37 would, to a certain extent, result in an urbanising of the landscape. However due to

the plot size and scale of the dwelling there would still be views of the landscape beyond the proposed dwelling.

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

7.3.6 Appearance, layout and landscape remain reserved matters but it is considered that an acceptable design and materials could be achieved on this site, despite the overall height of the proposed dwelling being contrary to the single storey dwellings at either end of the field.

7.3.7 Therefore on balance while there is a considered harm through the urbanisation of this agricultural field, 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 that could not be dealt with at reserved matters stage. The resident of 38 Great Fen Road raised concerns regarding overlooking, however, this will be assessed as part of the reserved matters of layout and appearance.

7.4.4 The two-storey dwelling at No. 37 to the south does have a side elevation with windows facing this site. While layout is a reserved matter, the indicative plan has demonstrated how the dwelling could be situated upwards of 25 metres from the side elevation of No. 37 ensuring it would not have a significantly detrimental harm in terms of overbearing or loss of light.

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.

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 a 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 **Trees**

7.6.1 Under Local Plan policy ENV7 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. The application is unlikely to impact upon any trees or biodiversity in the area. In order to safeguard future biodiversity, a condition could be applied to a permission to ensure biodiversity enhancements are implemented within the site. The application is considered to comply with Local Plan policy ENV7 in this regard.

7.7 **Planning Balance**

7.7.1 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.

7.7.2 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>
17/01176/OUT	Oli Haydon Room No. 011 The Grange Ely	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.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>