

**MAIN CASE**

**Reference No:** 17/01857/FUL

**Proposal:** Construction of new 4 bedroom house with garaging and associated site works.

**Site Address:** Land North Of 14 New River Bank Littleport Cambridgeshire

**Applicant:** Mr Ray Miller

**Case Officer:** Oli Haydon, Planning Officer

**Parish:** Littleport

**Ward:** Littleport East  
Ward Councillor/s: Councillor David Ambrose-Smith  
Councillor Jo Webber

**Date Received:** 16 October 2017      **Expiry Date:** 3<sup>rd</sup> August 2018

[T68]

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**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 Littleport, 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 Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015, LP1 and LP17 of the Submitted Local Plan 2017 and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.
  
2.      Located within open countryside and remote from the development envelope of any settlement, the proposal would be a visually intrusive form of development that would cause demonstrable harm to the character of the rural landscape and its setting within the surrounding countryside contrary to the requirements of Policies ENV1 & ENV2 of the East Cambridgeshire Local Plan and LP28 and LP22 of the Submitted Local Plan 2017 and, paragraphs 14 and 17 of the National Planning Policy Framework.

- 3 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 Littleport with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan and LP25 of the Submitted Local Plan 2017, 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 Full planning consent is being sought for the construction of a four bedroom house on land North of 14 New River Bank, Littleport. The proposed development features a wildlife pond, vegetable beds, fruit orchard and a raised platform on which to site the contemporary dwelling.
- 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 was called-in to Planning Committee by Cllr David Ambrose Smith as *"this parcel of land, which sits on the roadside between a domestic dwelling and an agricultural dwelling, is not suitable for farming as it is not accessible to large machinery, and has become vulnerable to fly tipping and unauthorised occupation. Whilst I appreciate that this parcel of land is outside the development envelope, the application submitted is for a contemporary Eco Home for the family to live in, and I believe the application meets the requirements of Para 55 of the NPPF to provide a property of high quality and innovative design which is classified as 'special circumstances'. Littleport Parish Council have no objections to this contemporary home"*.

## **3.0 PLANNING HISTORY**

- 3.1 No relevant planning history.

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

- 4.1 The site comprises an open field located outside the development envelope for Littleport and within Flood Zone 3. The site is located between Riverside Farm and the dwelling at Number 14, to the north-east of the main settlement of Littleport.

## **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** – *“Following the submission of a revised Flood Risk Assessment: The site is within Flood Zone 3 of our Flood Map for Planning (Rivers and Sea). In accordance with the National Planning Policy Framework (NPPF) 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 NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test. Review of Flood Risk Assessment (FRA)*

We no longer have an objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Ambiental, reference 3571, dated May 2018 are adhered to. It states:

- The ground floor shall be used for non-habitable rooms only;
- The proposed dwelling shall be constructed atop a raised bund, 1000 mm above existing ground levels.

The submitted FRA has provided a site-specific breach analysis for the proposed development. The FRA indicates that the development could flood to a depth of 2.35 metres should a localised breach occur during a 1% AEP event including 35% climate change. Any responsibilities for this submitted hydrological and hydraulic assessment is with the applicant.”

**Consultee For Other Wards In Parish - No Comments Received**

**Littleport Parish Council** – No objections raised.

**Ward Councillors** – Cllr David Ambrose Smith: “I would like to call this application for consideration by the planning committee. Reason for Call-in: This parcel of land, which sits on the roadside between a domestic dwelling and an agricultural dwelling, is not suitable for farming as it is not accessible to large machinery, and has become vulnerable to fly tipping and unauthorised occupation. Whilst I appreciate that this parcel of land is outside the development envelope, the application submitted is for a contemporary Eco Home for the family to live in, and I believe the application meets the requirements of Para 55 of the NPPF to provide a property of high quality and innovative design which is classified as 'special circumstances. Littleport Parish Council have no objections to this contemporary home.

**The Ely Group Of Internal Drainage Board** - The IDB lift their objection on the basis that surface water will be retained on site and the agent is applying for IDB consent for foul drainage.

5.2 **Neighbours** – Site notice posted, advert placed in the Cambridge Evening News and one neighbour notified – One response received:

- The driveway should be relocated to avoid vehicles blocking neighbouring driveway
- Space should be left to allow for a cherry picker to maintain the neighbouring trees and ensure the drainage dyke is unaffected.
- Risk of refuse being tipped onto the site if left unattended.

## **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 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
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
COM 7	Transport impact
COM 8	Parking provision

### 6.2 Supplementary Planning Documents

Design Guide  
 Developer Contributions and Planning Obligations  
 Flood and Water

### 6.3 National Planning Policy Framework 2012

7 Requiring good design  
 11 Conserving and enhancing the natural environment  
 10 Meeting the challenge of climate change, flooding and coastal change

### 6.4 Submitted Local Plan 2017

LP3	The Settlement Hierarchy and the Countryside
LP16	Infrastructure to Support Growth
LP1	A presumption in Favour of Sustainable Development
LP28	Landscape, Treescape and Built Environment Character, including Cathedral Views
LP22	Achieving Design Excellence
LP30	Conserving and Enhancing Biodiversity and Geodiversity
LP25	Managing Water Resources and Flood Risk
LP26	Pollution and Land Contamination

## **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 and LP3 of the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017 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, policies GROWTH 2 and LP3 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 0.5 miles from the nearest settlement of Littleport and a further 1 mile from the main services and facilities on offer in the town. 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.

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 0.5 miles from the edge of Littleport and approximately 1 mile from the centre of Littleport 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/VO510/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 1 mile from the centre of Littleport with no suitable and safe pedestrian connections to town and, as such, the Local Planning Authority view it as isolated and unsustainable as there are a number of sites within Littleport 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/VO510/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 and assessed 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. This proposal, while in the parish of Littleport 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.
- 7.1.9 The applicant has put a case forward to demonstrate that such 'special circumstances' have been met. The proposed design is contemporary and the site contains several unique features including a wildlife pond and fruit orchard. The materials proposed are a mix of render, metal sheeting and timber cladding. The stringency of NPPF Paragraph 55 requires that proposals heighten the distinctive characteristics of the locality and represent a significant enhancement to the landscape. What constitutes a truly outstanding design is, to some degree, a subjective matter, however, it is considered that whilst some of the characteristics of the design, the limited energy-saving benefits and the landscape features proposed would have a beneficial effect on the landscape, this does not represent a significant enhancement, exceptional circumstance or degree of innovation to counterbalance the harm caused by the siting of a dwelling in an unsustainable location.

## **7.2 Residential Amenity**

- 7.2.1 The proposed dwelling would be distanced sufficiently from any neighbouring residential properties such that no loss of amenity would occur from overlooking. The site also creates sufficient space to accommodate the dwelling with an acceptable level of amenity as set out in the SPD Design Guide.
- 7.2.2 Whilst the proposal would be 7.1m high and raised on a 1m high platform, the isolation of the site from neighbouring development would result in an acceptable level of overbearing and minimal loss of light.

## **7.3 Flood Risk**

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 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.
- 7.3.4 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.
- 7.3.5 Policy ENV8 of the East Cambridgeshire Local Plan 2015 and LP25 of the Submitted Local Plan 2017 both 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 Littleport suitable for the erection of a single dwelling which is outside of Flood Zone 3.
- 7.3.6 A Flood Risk Sequential Test has not been submitted by the applicant; the FRA states that the Local Planning Authority are to conduct this test. 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 Littleport, as specified within the East Cambridgeshire Local Plan 2015 and Submitted Local Plan 2017. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Littleport 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 Littleport 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.

- 7.3.7 It should also be noted that the 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.
- 7.3.8 Had the Sequential Test been passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.3.9 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 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.
- 7.3.10 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.
- 7.3.11 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, LP25 of the Submitted Local Plan 2017, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.

#### **7.4 Visual Amenity**

- 7.4.1 The area surrounding the application site is rural in nature, with the application site bordered by a farm to the north, agricultural fields to the east, the river to the west and sporadic dwellings to the south.
- 7.4.2 Policy ENV1 of the East Cambridgeshire Local Plan 2015 and LP28 of the Submitted Local Plan 2017 requires new development proposals to demonstrate that their location creates positive, complementary relationships with existing development and protects, conserves, and where possible enhances space between settlements and their wider landscape setting. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017 requires all new development proposals to respect the landscape of the surrounding area and ensure the location of buildings relates sympathetically to the surrounding area. The NPPF also seeks to protect the intrinsic character and beauty of the countryside.
- 7.4.3 The proposed dwelling will not occupy more than a third of the plot size, in line with the guidelines of the SPD Design Guide. The dwelling would have a unique appearance, utilising a range of materials from render, metal roofing and timber



boarding. The dwelling would be 7.1m in height and 19m in width and raised on a 1m platform for the purposes of flood resilience. The dwelling is situated in a very large site containing vegetable beds, a fruit orchard and a wildlife pond. Although these elements help assimilate the development into its landscape, it must be considered that the site is currently a vacant agricultural field with a contribution to the agricultural and rural aesthetic of the landscape. It is considered that the erection of an additional dwelling would create an urbanising impact which erodes the predominantly rural open character of the area. Furthermore, it is visually intrusive upon the surrounding rural landscape and harmfully impacts on the extensive countryside views present along New River Bank and the surrounding footpaths and byways.

- 7.4.4 On balance, it is therefore considered that the proposed dwelling in this location would cause significant and demonstrable harm to the rural character and appearance of the area, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015, LP22 and LP28 of the Submitted Local Plan and Paragraphs 14, 17 and 56-68 of the NPPF. The development would reinforce the presence of built form within the countryside, appearing overly dominant and stark contrast to its surroundings. Whilst the house would continue the line of existing built development, it would introduce built form into an area that is largely rural and open in character and interrupt key open views into the fen countryside visible from New River Bank.

## **7.5 Other Material Considerations**

- 7.5.1 The Local Highways Authority have raised no concerns with the proposed access arrangement and sufficient parking and turning has been created within the plot.
- 7.5.2 The site would incorporate several biodiversity enhancements to help reduce any net biodiversity impact that the dwelling would have.
- 7.5.3 There are no trees on site that would be impacted upon by the proposal.

## **7.6 Planning Balance**

- 7.6.1 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. The proposal would also provide limited biodiversity improvements through the creation of the wildlife pond and fruit orchard; this adds limited weight in favour of the proposal.
- 7.6.2 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. Finally, the large dwelling would be sited within the open rural countryside and would constitute a visual intrusion that would harm the character of this unspoilt and undeveloped area.

7.6.3 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 LP3, LP31, LP28, LP22 and LP25 of the Submitted Local Plan 2017 and the Cambridgeshire Flood and Water SPD.

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
17/01857/FUL	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](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>