

MAIN CASE

Reference No: 18/00749/FUL

Proposal: Demolish existing bungalow and replace with four bed dwelling and car port.

Site Address: Sidings Farm Ely Road Prickwillow Ely Cambridgeshire CB7 4UJ

Applicant: Mr & Mrs A Hopkin

Case Officer: Catherine Looper, Planning Officer

Parish: Ely

Ward: Ely East
 Ward Councillor/s: Councillor Richard Hobbs
 Councillor Lis Every

Date Received: 4 June 2018 **Expiry Date:** 01/08/2018

[T76]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reasons:

1. Policy ENV1 of the East Cambridgeshire Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017 require proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development. In addition, proposals are required to protect, conserve and enhance the pattern of distinctive traditional landscape features and the unspoilt nature and tranquillity of the area. Policy ENV2 of the Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require proposals to make efficient use of land while respecting the landscape and surrounding area. In addition, policy HOU8 and policy LP31 of the Submitted Local Plan 2017 require proposals to ensure that replacement dwellings are of a similar scale, height and footprint as the original dwelling, and would not adversely impact the character and appearance of the countryside setting. The proposal, by virtue of its scale and location would be harmful to the rural character and appearance of the area. The proposed development would create a visually prominent and urbanizing impact which erodes the predominantly open agricultural character of the area, contrary to policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP28 of the Submitted Local Plan 2017.

2. It has not been satisfactorily demonstrated the future occupiers of the dwelling will not be adversely affected by noise from the adjacent farm, to the detriment of residential amenity and the future operation of the farm. As such it is contrary to policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and policies LP22 and LP26 of the Submitted Local Plan 2017.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks permission for the erection of a two storey detached dwelling to replace the existing dwelling at Sidings Farm. The proposed dwelling would measure approximately 8m to the ridgeline. The dwelling would be approximately 17m in width across the frontage and 10.5m in depth. The dwelling would be of a modern design with different elements protruding from the sides, front and rear. The applicant also proposes a triple-bay car port to the west of the proposed 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 has been called into Planning Committee by Councillor Every.

3.0 PLANNING HISTORY

3.1

11/00261/FUL	Construction of agricultural storage building	Approved	09.05.2011
17/01362/FUL	Proposed 4 bed dwelling.	Refused	05.10.2017

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the west of Prickwillow and is approximately 600m outside of the defined settlement boundary. The site currently comprises a detached single storey dwelling on an agricultural site. To the rear of the proposed plot is a large agricultural building of modern construction. The site is clearly part of an established agricultural unit.

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.

Local Highways Authority – No objections raised.

CCC Growth & Development - No Comments Received

Senior Trees Officer – No objections raised.

Environmental Health (Domestic) – No objections raised.

Environmental Health (Scientific) – I have read the Envirosearch report dated 1st June 2018 and accept the findings. I recommend that a condition requiring site investigation, etc is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

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

Consultee For Other Wards In Parish - No Comments Received

Environment Agency – 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 although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test. Please note that the submitted Flood Risk Assessment (FRA) and accompanying site plans are not consistent. The FRA states that land level at the site is generally 1.00m AOD with a proposed finished floor level of 1.3m AOD. The site plan (ref 17:149-3) shows the land levels at the site to be approximately -0.2 AOD, but shows the finished floor level to be 1.1m AOD. Submitted data should be consistent in order for us to suitably assess the application and appropriateness of proposed mitigation measures. We have chosen not to object to the application on this occasion as the measures proposed ensure the development will be safe for its lifetime. Our Fenland Hazard Mapping shows the site to flood to a depth of up to 0.5m in the event of a breach of the Ely Ouse defenses and our Lidar data supports the land levels provided in the site plan. We have no objection to this application but strongly recommend that the mitigation measures proposed in the Flood Risk Assessment (FRA), Ref GCB/FLEET prepared by Geoff Beel Consultancy, dated June 2018 are adhered to in full.

It should be noted that the submitted FRA states that:

- Finished Floor Levels will be set at a minimum of 1.3m AOD
- 300mm of flood resilient construction to be incorporated into the development above the finished floor level.

The Ely Group Of Internal Drainage Board – The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface

water disposal, the Board must be re-consulted in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District.

Parish – The City of Ely Council has no concerns with this application and supports rural development.

Ward Councillors - No Comments Received

5.2 Neighbours – Three neighbouring properties were notified, however no responses have been received.

5.3 A site notice was posted on 28th June 2016 and an advert was placed in the Cambridge Evening News.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

ENV 1 Landscape and settlement character
ENV 2 Design
ENV 7 Biodiversity and geology
ENV 8 Flood risk
ENV 9 Pollution
HOU8 Extension and replacement of dwellings in the countryside
COM 7 Transport impact
COM 8 Parking provision
GROWTH 2 Locational strategy
GROWTH 5 Presumption in favour of sustainable development

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Flood and Water

6.3 National Planning Policy Framework 2012

6 Delivering a wide choice of high quality homes
7 Requiring good design

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development
LP3 The Settlement Hierarchy and the Countryside
LP22 Achieving Design Excellence
LP30 Conserving and Enhancing Biodiversity and Geodiversity
LP26 Pollution and Land Contamination
LP25 Managing Water Resources and Flood Risk
LP17 Creating a Sustainable, Efficient and Resilient Transport Network

7.0 PLANNING COMMENTS

- 7.1 The main considerations in the determination of this application are the principle of development, the residential amenity of nearby occupiers, the visual amenity and character of the wider area, flood risk and highway safety.
- 7.2 Principle of Development
- 7.3 An appeal decision (APP/V0510/17/3186785: Land off Mildenhall Road, Fordham') has concluded that the Council does not currently have an adequate five year supply of land for housing, and as such, the housing policies within the 2015 Local Plan (GROWTH 2) cannot be considered up-to-date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of development set out in the National Planning Policy Framework (NPPF) means that permission for development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.
- 7.4 Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This section also states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances.
- 7.5 With regard to the existing dwellings along Ely Road, these are historic properties and remain isolated within the agricultural landscape. Where development has occurred to the west of the settlement boundary, these are replacement dwellings within the countryside. The application site is located approximately 600m to the west of Prickwillow. Public transport links are poor and this would mean that future occupiers of the proposed dwelling would rely on the use of a car to access basic services which is contrary to policy COM7 of the Local Plan 2015 and policy LP17 of the Submitted Local Plan 2017. The public highway between the site and Prickwillow does not benefit from pedestrian footpaths or street lighting, and therefore any person choosing to walk between the site and the nearby village would have little choice but to walk on the public highway.
- 7.6 Due to these factors it is considered that the proposal for a new dwelling is not sustainable development. However the applicant is proposing the replacement of an existing dwelling, and therefore the proposal needs to be assessed against policy HOU8 of the Local Plan 2015 and policy LP31 of the Submitted Local Plan 2017.
- 7.7 Policy HOU8 of the Local Plan 2015 requires proposals for the replacement of dwellings in the countryside to ensure that the scale and design is sensitive to its countryside setting, with its height being similar to that of the original dwelling. If an alternative height is proposed, the applicant will be expected to demonstrate that the scheme exhibits exceptionally high quality of design and enhances the

character and appearance of the locality. Policy LP31 of the Submitted Local Plan 2017 goes on to require proposals for the replacement of dwellings within the countryside to ensure that the replacement dwelling would be located on the existing footprint unless it can be demonstrated that an alternative position would provide notable benefits and have no adverse impacts on the wider setting. The emerging Plan policy is a material consideration.

- 7.8 The proposed replacement dwelling would not be located on the existing footprint and would be located approximately 8m to the east, for which no justification has been put forward. In addition, the existing dwelling is single storey with rooms in the roof, with a height of 5.8m. The height of the replacement dwelling would be 8m. The proposal also includes the construction of a car port which measures 5.2m in height, 10m in width and 6.6m in depth. This is located adjacent to the dwelling fronting the public highway and would appear almost as tall as the height of the existing dwelling. The proposed replacement and car port would result in a large increase of built-form at the site, and would not be respectful of the existing level of built-form and character of the area. The proposed dwelling is a full two-storey dwelling and does not reflect the current single storey arrangement. The introduction of a dwelling of such a scale would create an urbanising impact in a rural countryside setting and is considered to be harmful to the character and appearance of the area, where dwellings are generally more traditional and smaller in scale. This is contrary to policy HOU8 of the Local Plan 2015 and policy LP31 of the Submitted Local Plan 2017 as the scale and design is not sensitive to its countryside setting and the scheme does not exhibit an exceptionally high quality of design.
- 7.9 Residential Amenity
- 7.10 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 and policy LP22 of the Submitted Local Plan 2017 require that proposals ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.
- 7.11 The proposed replacement dwelling is positioned a significant distance from neighbouring dwellings and it is therefore considered that the proposed dwelling is sufficient distance to prevent impacts such as overlooking, overshadowing or overbearing. However unless the agricultural building is retained the proposed occupiers are likely to suffer noise disturbance from the railway and future occupiers are also likely to experience noise disturbance from the farm activities immediately adjacent to the dwelling. If the building is retained the former could be overcome and this could be secured by condition. However loss of residential amenity is likely to occur to future occupiers from the farm activities which exist to the rear and from the farm access to the east, as it is not linked to the business and no agricultural justification has been put forward. This is contrary to Policies ENV2 and ENV9 of the Local Plan 2015 and LP22 and LP26 of the Submitted Local Plan 2017, in so far as it could also curtail the future operations of the farm business.
- 7.12 Visual Amenity

- 7.13 Policy ENV1 of the East Cambridgeshire Local Plan 2015 and policy LP28 of the Submitted Local Plan 2017 require proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development. In addition, proposals are required to protect, conserve and enhance the pattern of distinctive traditional landscape features and the unspoilt nature and tranquillity of the area.
- 7.14 The site has the appearance of an agricultural unit, with a modest dwelling and large barn. The addition of a full height two storey dwelling in this location would create an urbanising effect which is contrary to the character of the area. It is considered that the siting of this dwelling with a height of 8m together with the provision of a 3 bay car port would cause significant and demonstrable harm to the character of the countryside. The visual impact would be exacerbated by the necessary alterations to the frontage in order to accommodate residential access and parking arrangements for the dwelling.
- 7.15 The visual harm weighs against the proposal to the extent that it would significantly and demonstrably outweigh the benefits of new housing provision, contrary to policies GROWTH2 and ENV1 of the Local Plan 2015 and the NPPF.
- 7.16 Flood Risk and Drainage
- 7.17 The site lies within Flood Zone 3 as identified within the Environment Agency Flood Zone Maps. Within such areas the NPPF makes it clear in paragraph 14 that even if the development plan is out of date due to the lack of a 5 year housing land supply, the harm from developing sites at risk from flooding should not be outweighed as specific policies in the Framework indicate development in such areas should be restricted. As these areas are vulnerable to flooding, the proposal needs to be assessed against policy ENV 8 of the East Cambridgeshire Local Plan 2015, policy LP25 of the Submitted Local Plan 2017, the Planning practice Guidance on Flooding and Coastal Change and paragraphs 100-104 of the NPPF.
- 7.18 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. As the development is considered to be a more vulnerable use and within Flood Zone 3, The Sequential Test must be applied to steer new development to areas with the lowest probability of flooding.
- 7.19 The agent has submitted a Flood Risk Assessment (FRA) alongside the application. Policy ENV8 of the Local Plan 2015 requires a site specific FRA is submitted for these sites. The FRA identifies that the sequential test has been met as there are no other sites within Prickwillow which are at a lower risk of flooding. In any event, the proposal is for a replacement dwelling. The Environment Agency have raised no objections to the development, following the submission of a Flood Risk Assessment. The Local Planning Authority is satisfied that the Flood Risk Assessment adequately addresses any flood risk on the site and presents suitable mitigation methods against the residual risk of flooding. As the proposal is for a replacement dwelling, the principle of development in this potentially at-risk location is deemed acceptable. The FRA advises that residential floor levels will be

set at a minimum of 1.3m AOD and that flood resilient construction will be used for a further 300mm above finished floor levels. The Environment Agency have chosen not to object because the proposed mitigation measures should ensure that the development will be safe for its lifetime. Surface water drainage will be dealt with by rainwater harvesting and soakaways.

7.20 Highways

7.21 The Local Highways Authority has been consulted regarding the application and has confirmed that they have no objection in principal. There is adequate room on the site for vehicles to park and manoeuvre in order to leave the site in a forward gear. The proposal therefore complies with policies COM7 and COM8 of the Local Plan 2015, and policies LP17 and LP22 of the Submitted Local Plan 2017.

7.22 Planning Balance

7.23 The proposal would provide a replacement dwelling which would be built to modern, sustainable building standards and would make a positive contribution to the local and wider economy in the short term through construction work, although this has limited weight in favour of the proposal.

7.24 It is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by the siting of a large and dominant form of development in an unsustainable location.

7.25 The application is therefore considered to be contrary to policies within the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2017.

8.0 APPENDICES

8.1 None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00749/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
11/00261/FUL 17/01362/FUL	Ely	catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>