
MAIN CASE

Reference No: 17/01362/FUL

Proposal: Proposed 4 bed dwelling.

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

Applicant: Mr And Mrs A Hopkins

Case Officer: Catherine Looper, Planning Officer

Parish: Ely

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

Date Received: 28 July 2017 **Expiry Date:** 6th October 2017

[S131]

1.0 RECOMMENDATION

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

1. The dwelling is located in the countryside and by virtue of its distance from the main settlement of Prickwillow is considered to be in an unsustainable location. The future residents of this dwelling will be reliant on motor vehicles in order to access any service or purchase goods, contrary to Policy COM7. The proposal does not meet any of the special circumstances as identified in Local Plan Policy GROWTH5 and paragraph 55 of the National Planning Policy Framework. The proposal fails to comply with the National Planning Policy Framework, in particular paragraphs 14 and 55, as it fails to promote sustainable development.
2. Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires 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 requires proposals to make efficient use of land while respecting the landscape and surrounding area. 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.

3. 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.
4. 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 area 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 application seeks permission for the erection of a two storey detached dwelling adjacent to the existing dwelling at Sidings Farm. The proposed dwelling would measure approximately 7m to the ridgeline and feature dormer windows to the roof which make up the first floor. The dwelling would be approximately 13.2m in width across the frontage and 7.5m in depth. The dwelling would be constructed from brickwork to match the adjacent dwelling at Sidings Farm.
- 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 on the basis that the house is an additional property which will allow agriculture usage to support the running of the farm. Precedent for this type of dwelling has already been set in other locations where similar applications have been passed by Committee.

3.0 PLANNING HISTORY

- 3.1

11/00261/FUL	Construction of agricultural storage building	Approved	09.05.2011
--------------	---	----------	------------

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.

Environmental Health - Any residential property is classed as vulnerable to the presence of contamination. I therefore advise contaminated land conditions 1 and 4, requiring an appropriate contamination assessment, to be attached to any planning permission granted.

It appears from a satellite view that there is a substantial structure between the proposed dwelling and the railway line to the north. If it still remains I have no issues to raise. However, Street View suggests that it may no longer be standing. If this is the case then I do have concerns regarding Bedroom 4 as it only has one window which opens toward the railway line. If possible, we would request that an additional window be added to the western facade to allow for natural ventilation with reduced noise impact from the railway line.

In order to ensure future residents of the proposed development are sufficiently protected against noise, further mitigation may be required, such as:

An adequate distance between source and noise sensitive building or area;

Screening by barriers, other buildings or non-critical rooms in a building,

Good sound insulation/alternative means of ventilation. Other than that, no issues, but please send out the environmental notes.

Parish - The City of Ely Council had no concerns regarding this application, subject to the occupier being connected to the existing farm business at this location.

Ward Councillors (Councillor Every) - This house is an additional property which will allow agriculture usage to support the running of the farm. It will be occupied by the current owner's son. His daughter already has a dwelling on the site. Precedent for this type of dwelling has already been set in other locations where similar applications have been passed by Committee. It is deemed appropriate therefore that this application should follow a similar process and be decided by Planning Committee.

Local Highways Authority – No objections raised. Conditions recommended regarding the erection of gates within 6m of the carriageway, and parking and turning arrangements.

CCC Growth & Development - No Comments Received

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

Environment Agency - The FRA submitted with this application does not comply with the requirements set out in paragraph 102 of the National Planning Policy Framework, which states that for areas at risk of flooding a site-specific FRA must be undertaken which demonstrates that the development will be safe for its lifetime. The submitted FRA does not therefore, provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular:

- No level is provided for Ely Road carriageway. As such it cannot be determined whether the development proposes adequate:
 - Raised finished floor levels
 - Resistance and resilience measures
 - Safe refuge

The FRA proposes a Finished Floor Level of 300mm above the adjoining carriageway level of Ely Road, however no level is provided for the road. We cannot determine whether proposed finished floor levels are appropriate without accurate ground levels to relate to, ideally supported by topographic survey.

The Environment Agency's Fenland Hazard Mapping shows the site to flood to a depth of between 1 and 2 metres in the event of a breach of the Ely Ouse defences. We would request that finished floor levels are set as high as possible and that flood resistance and resilience measures are considered to address the residual risk from a breach scenario.

Consultee For Other Wards In Parish - No Comments Received

Padnal & Waterden Internal Drainage Board – The site is within the Padnal and Waterden Internal Drainage District. The application states that surface water will be disposed of via soakaways. Provided that soakaways are 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.

- 5.2 **Neighbours –** A site notice was posted on 10th August 2017. Three neighbouring properties were notified and no responses have been received. An advert was also placed in the Cambridge Evening News. A full copy of the consultation responses are available on the Council's website.

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 9 *Pollution*
 ENV 8 *Flood risk*
 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
Developer Contributions and Planning Obligations
Design Guide
Flood and Water

- 6.3 National Planning Policy Framework 2012
 6 *Delivering a wide choice of high quality homes*
 7 *Requiring good design*

7.0 **PLANNING COMMENTS**

- 7.1 The main issues to consider 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 The application site is located 600m outside of the designated development envelope of Prickwillow, and as such, is considered to be a countryside location. Development outside of the development envelope is considered contrary to policy GROWTH2 of the East Cambridgeshire Local Plan 2015 which seeks to focus new development within the defined settlement boundaries.
- 7.4 Policy GROWTH2 cannot be considered up to date as the Council is unable to demonstrate a 5 year land supply. Therefore the National Planning Policy Framework Paragraph 14 states that if policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the NPPF indicate development should be restricted.
- 7.5 With regard to Paragraph 14 of the NPPF, the proposal considered by this application would make a small but positive contribution to the local housing supply, in the form of one dwelling. It would be seen as beneficial to the local economy in the short-term due to the construction stage, however this can be given limited weight.
- 7.6 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.

7.7 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. 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. Due to these factors it is considered that the proposal is not sustainable.

7.8 Residential Amenity

7.9 Policy ENV2 of the East Cambridgeshire District Council's Local Plan 2015 states that proposals should ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers.

7.10 The proposed dwelling is positioned 8m from the neighbouring dwelling at Sidings Farm and no windows are proposed in the west elevation. It is considered that the proposed dwelling is sufficient distance to prevent any impacts such as overlooking, overshadowing or overbearing to the existing occupiers. 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, contrary to Policies ENV2 and ENV9 of the Local Plan 2015, in so far as it could also curtail the future operations of the farm business.

7.11 Visual Impact

7.12 Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires 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.

7.13 The site has the appearance of an agricultural unit, with a dwelling and large barn. The addition of a further dwelling in this location would create an urbanising effect which is contrary to the character of the area particularly due to the need to significantly raise the Finished Floor Level in line with the Environment Agencies comments. As they state the site is likely to flood to a depth of 2m in the event of a breach to the Ely Ouse Defences, the dwelling would need to be raised significantly which would appear incongruous and at odds within the existing setting, even with the presence of the substantial agricultural building to the rear. It is considered that the siting of this dwelling with a height of 7.5m in an elevated position would cause significant and demonstrable harm to the character of the countryside. The addition of boundary fencing treatments would increase the visual

impact of the proposed dwelling and contribute to the urbanising effect. The proposed development would result in a significant level of built form which is highly visible from the public highway. This would be exacerbated by the necessary alterations to the frontage in order to accommodate residential access and parking arrangements for the dwelling.

- 7.14 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.

7.15 Flood Risk

- 7.16 In addition to the harm set out above significant weight should be given to the fact that 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, the Planning practice Guidance on Flooding and Coastal Change and paragraphs 100-104 of the NPPF.
- 7.17 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. It is considered that the test is not met because other land exists in the area which is not within Flood Zone 3 and development is not necessary on this particular site.
- 7.18 The agent has submitted a Flood Risk Assessment (FRA) alongside the application as the site is located within Flood Zones 2 and 3. 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. The FRA advises that residential floor levels will be raised to 300mm above the adjoining carriageway level of Ely Road. In addition, flood resilient construction will be used for a further 300mm above finished floor levels. Surface water drainage will be dealt with by rainwater harvesting and soakaways.
- 7.19 The Environment Agency has been consulted regarding the FRA and has objected to the proposals on the basis that the FRA does not comply with the requirements set out in Paragraph 102 of the NPPF. No level has been provided for the Ely Road carriageway and the Environment Agency are therefore unable to determine whether the finished floor levels, resistance and resilience measures, and safe refuge are appropriate.

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.

7.22 Planning Balance

- 7.23 The proposal would provide 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, although this has limited weight in favour of the proposal.
- 7.24 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.
- 7.25 The application is therefore considered to be contrary to Local Plan policies GROWTH5, ENV1, ENV2, ENV8, ENV9 and COM7 of the East Cambridgeshire Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

8.0 APPENDICES

None

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01362/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Planning Officer 01353 665555
11/00261/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>