
MAIN CASE

Reference No: 19/00939/FUL

Proposal: Proposed residential development comprising one replacement dwelling and one new dwelling

Site Address: Amani 43 Prickwillow Road Queen Adelaide Ely
Cambridgeshire CB7 4SH

Applicant: Mr Ralph Mortlock

Case Officer: Dan Smith, Planning Consultant

Parish: Ely

Ward: Ely North
Ward Councillor/s: Simon Harries
Alison Whelan

Date Received: 13 August 2019 **Expiry Date:** 10 December 2019
[U135]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to refuse the application for the following reasons:
- 1.1.1 The proposed new 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 locality 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 2019.
- 1.1.2 The proposed dwellings are located within the countryside and, by virtue of their distance from the nearest settlements of Queen Adelaide and Prickwillow and other local services and facilities; the lack of any public transport serving the site; and the lack of footpath or cycleway links, are situated in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of the dwellings would be heavily reliant on private motor vehicles in order to access any local services or facilities. The proposed development would therefore cause harm in terms of the social and environmental elements of sustainable development. This identified harm would significantly and demonstrably outweigh the benefits derived from the provision of the dwellings, contrary to policies ENV 2,

COM 7, GROWTH 2 and GROWTH 5 of the East Cambridgeshire Local Plan 2015 and paragraphs 11 and 79 of the National Planning Policy Framework 2019.

- 1.1.3 The proposed development, by virtue of its scale, massing and design, would be out of scale and character with neighbouring residential dwellings and with the established pattern of development in the immediate area and would cause significant harm to the visual amenity of the area and the wider countryside contrary to policies HOU 8, ENV 1 and ENV 2 of the adopted East Cambridgeshire Local Plan. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraph 11 and 170 of the National Planning Policy Framework 2018.
- 1.1.4 The proposed development, by virtue of its inability to adequately mitigate noise to external areas and internal habitable rooms, would fail to provide a suitable level of amenity to the future occupants of the dwellings, contrary to policies ENV 2 and ENV 9 of the adopted East Cambridgeshire Local Plan. The identified harm is considered to significantly and demonstrably outweigh the benefits associated with the development contrary to paragraphs 11 and 180 of the National Planning Policy Framework 2018.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks full planning permission for the erection of a replacement dwelling and one additional dwelling on site. A planning permission for a smaller replacement dwelling at the south western end of the site was granted on the site under reference 16/00953/FUL but has expired during the course of the determination of the current application.
- 2.2 The application has been referred to Planning Committee at the request of Councillor Lis Every.
- 2.3 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.**

3.0 PLANNING HISTORY

- 3.1 Planning permission was granted for a replacement dwelling on the site under reference 16/00953/FUL. That permission expired in September 2019.
- 3.2 A planning application (reference 19/00940/FUL) for the replacement of the existing dwelling is also currently under consideration.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is a shallow parcel of land running alongside Prickwillow Road bounded to the rear by the Ely to Norwich railway line, the embankment of which stands approximately 2.5 metres above the level of the site. The site also sits below the level of Prickwillow Road and the existing vehicle access slopes down to the site

relatively steeply. The site is largely covered in grass and ruderal, while a small, dilapidated corrugated metal shed at the south western end of the site close to a pile of rubble presumed to be the remains of the bungalow that previously occupied the site.

- 4.2 The site is enclosed by a post and rail fence to the front as well as hedging and other planting. There are trees and a close boarded fence to the south west side boundary and a hedge bounds the north eastern side boundary. The railway embankment encloses the entirety of the rear boundary of the site, and is partly overgrown with brambles.
- 4.3 The land to the north and south of the site is open and flat. The neighbouring properties on either side of the site are low level bungalows, with the dwelling to the south west having a large outbuilding to the side and rear. The site is not located within any development envelope and is in the countryside, the nearest development envelopes being those of Queen Adelaide 700m to the West and Prickwillow 1.8 km to the East. There is neither a footpath nor street lighting alongside the road in either direction. The site is located entirely within Flood Zone 3.

5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees as summarised below. The full responses are available on the Council's web site.

Environmental Health - 5 September 2019

Recommends that a condition requiring site investigation is not required but recommends that a condition in respect of unexpected contamination is required due to the proposed sensitive end use (residential).

Initially stated that in respect of external (garden) sound levels, the submitted Noise Impact Assessment (NIA) advises that mitigation will be required in order to meet acceptable sound levels and that the 2m high close boarded acoustic boundary fence would achieve acceptable external noise levels. However, has since stated that a closed boarded fence would reduce the sound levels to an acceptable level only if it breaks the line of site between the noise source and the receptor. The main train noise will be from the wheels on the track and as the NIA states that the train tracks sit on a bank roughly 2.5-3m higher than the site it would seem that a 2m high fence may not be sufficient to achieve this.

In respect of internal sound levels, the NIA finds that acceptable internal sound levels can only be met with closed windows and trickle ventilation which does not meet the expectations of the ECDC Planning Team. Advises repositioning sensitive rooms so as they are not facing on to the railway line or explore other options to reduce internal noise impact.

Local Highways Authority - 12 September 2019

States it has no objections to the proposed development on the basis that adequate visibility and parking provision can be achieved, subject to conditions requiring the closure of the existing access, the provision of parking and turning areas and a scheme detailing the crossing of the ditch with the new access.

CCC Growth & Development

No Comments Received

ECDC Trees Team

No Comments Received

Waste Strategy (ECDC) - 28 August 2019

States it will not enter private property to collect waste receptacles and notes recommended maximum bin drag distances and its prerogative to charge for the provision of waste receptacles.

The Ely Group Of Internal Drainage Boards - 9 September 2019

States that the site is within the Padnal and Waterden Internal Drainage Board and that it has no objection to the use of soakaways to deal with surface water provided they form an effective means of disposal. Requests to be consulted if soakaways are found not to be effective and notes its consent is required to discharge into any watercourse in the district.

Environment Agency - 4 September 2019

States it does not object to the proposed development. Recommends that the mitigation measures proposed in the submitted FRA are adhered to, particularly that the finished floor levels of the dwelling would be 1 metre above the existing ground level and that flood resilient construction would be up to 300mm above the finished floor level. Provides advice on emergency flood warning and evacuation and foul drainage.

Network Rail

No Comments Received

Parish - 28 August 2019

The City of Ely Council states it has no concerns regarding the application.

Ward Councillors – 25 October 2019

District Councillor Every called in the application to Planning Committee on the grounds that the proposed development is acceptable in visual terms and provides two family homes, that flood risk can be mitigated and that the location is sustainable.

Public Consultation

5.2 A site notice was displayed near the site on 29 August 2019 and a press advertisement was published on 22 August 2019. In addition, two neighbouring properties were notified by letter. No responses were received in response to the public consultation.

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 5	Presumption in favour of sustainable development
HOU 2	Housing density
HOU 8	Extension and replacement of dwellings in the countryside
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

- 6.2 Supplementary Planning Documents
Design Guide – Adopted March 2012
Flood and Water – Adopted November 2016
Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010
Developer Contributions and Planning Obligations – Adopted May 2013

- 6.3 National Planning Policy Framework 2019
 Section 2 Achieving sustainable development
 Section 4 Decision-making
 Section 5 Delivering a sufficient supply of homes
 Section 6 Building a strong, competitive economy
 Section 9 Promoting sustainable transport
 Section 11 Making effective use of land
 Section 12 Achieving well-designed places
 Section 14 Meeting the challenge of climate change, flooding and coastal change
 Section 15 Conserving and enhancing the natural environment

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of development; impact on visual amenity; residential amenity; highway safety and parking provision; contamination; flood risk and drainage; contamination and biodiversity.

7.2 Principle of Development

7.2.1 Policy GROWTH 2 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. It states that development will be restricted to certain categories, including the replacement of existing dwellings, and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied. The support for replacement dwellings is on a one-for-one basis and there is therefore no policy support for the second of the dwellings proposed for the site as it would be a new market dwelling located outside any development envelope which is not a category exempt from the general policy of restraint in the countryside required by policy GROWTH 2.

- 7.2.2 Policy HOU 8 relates to replacement dwellings identifies that proposals which seek to replace an existing dwelling in the countryside will only be supported where:
- The replacement dwelling is of a scale and design which 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);
 - The proposal is within the existing curtilage;
 - The residential use of the dwelling has not been abandoned;
 - Proposals accord with Policy ENV 2 on design and other relevant Local Plan policies; and,
 - Proposals have regard to maximising carbon neutrality.

7.2.3 As a whole, the proposed development would not comply with policy GROWTH 2 which seeks to direct new dwellings to the most sustainable locations within the district.

7.2.4 Furthermore, as detailed within the Flooding section below, the proposed development, by virtue of its location within Flood Zone 3, would be contrary to policy ENV 8 and the Planning and Flood Risk section of the NPPF. This makes the proposed development unacceptable in principle.

7.3 Visual Amenity

7.3.1 The dwelling which previously occupied the south western portion of the site has been removed and there is little evidence of its previous existence, save for the access to the site, a dilapidated tin shed and a rubble pile. That dwelling was a small, low level single storey bungalow in render with a hipped roof. While the dwelling has been removed, it is accepted that the site has previously had a dwelling on it and that a replacement dwelling on the site would not be out of character with the pattern of development in the area.

7.3.2 Planning permission 16/00953/FUL granted permission for a replacement dwelling on that part of the site. That replacement dwelling was a single storey dwelling with rooms in the roof lit by dormer windows. The previous replacement dwelling increased the footprint of the dwelling by approximately 40% and increased the ridge height to allow the provision of rooms in the roof. It was considered that given the very limited scale of the original dwelling, these increases were justified in order to allow a good level of modern living, while maintaining the modest scale of the dwelling within its rural setting, among other dwellings of a similarly limited scale and it was considered appropriately designed, in keeping with the context of the site.

7.3.3 The dwelling now proposed for that half of the site under this current application has a higher ridge by approximately half a metre and is approximately 2 metres wider. The front projecting gable is now full height as opposed to single storey on the previous approval and the design now incorporates cat-slide dormers to the front and side elevations. The dwelling is now considerably larger than the original dwelling on the site and this is contrary to policy HOU 8 which requires that the height of the dwelling be similar to that of the original. One of the strengths of the

previously approved replacement dwelling was its simplicity and traditional roof and window forms. However, the design of the new dwelling now appears overly complicated and contrived with the asymmetric projecting gable, large glazed entrance way and cat-slide dormers failing to create a cohesive design in character with the simple dwellings in the vicinity and would appear completely out of context in the surrounding fenland landscape.

- 7.3.4 A mirror image dwelling is also proposed for the north eastern half of the site. Clearly, in addition to all of the above concerns regarding design applying equally to the second dwelling, it would also result in a significantly greater level of development on the site than previously permitted. This level of development would not be typical of the area which is characterised by small dwellings set within and separated by wider parcels of land.
- 7.3.5 The proposed development is therefore considered to be unacceptable in terms of its scale and design and would be out of scale and character with the modest and simple dwellings which characterise the development alongside this part of Prickwillow Road. The development of the north eastern part of the site would also result in the loss of a visual break between the proposed and existing dwellings which is considered to overly urbanise the immediate streetscene, contrary to the current pattern of development along Prickwillow Road. It would cause significant harm to the visual amenity and character of the area and is therefore contrary to policies ENV1 and ENV 2 of the East Cambridgeshire Local Plan 2015 which require that development creates positive, complementary relationships with existing development and has regard to local preserving, enhancing and enriching the character, appearance and quality of an area. This harm would be exacerbated by the need to raise the land levels and finished floor levels significantly above the current established land levels on site as this would further increase the visual impact of the development.

7.4 Residential Amenity

- 7.4.1 The proposed dwellings would be sited a sufficient distance from neighbouring dwellings on either side that they would not cause any significant harm to the amenity of the occupants of those dwellings through loss of light, visual intrusion or overshadowing. Equally, they would not overshadow each other and would provide adequate levels of light and outlook for future occupants.
- 7.4.2 There are no first floor windows proposed in the elevations facing the neighbouring dwellings and there would not be any significant overlooking of neighbouring dwellings from the first floor front and rear facing windows. As the dwellings are mirror images, the side facing first floor windows in the dwellings would face each other, however, given they both serve bathrooms, any loss of privacy from window-to-window overlooking would be able to be mitigated by obscure glazing the windows. It is therefore considered that the proposed dwelling would not result in any significant loss of privacy to the occupants of neighbouring dwellings nor create any issues of privacy for future occupants.
- 7.4.3 The dwellings would have private gardens of a scale commensurate with their size and in excess of the minimum requirement of 50sqm per dwelling contained within the Council's Design Guide.

- 7.4.4 Given the proximity of the railway line to the proposed dwellings, there is significant potential for noise disturbance to the occupiers of the properties. While it is accepted that a single dwelling has been present on the site and the occupiers of that dwelling subject to such noise impacts, the proposal is for an additional dwelling which means any harm to amenity from noise sources would have an adverse impact on the additional occupiers. A Noise Impact Assessment (NIA) has been submitted with the application which concludes that the impact of the railway line on noise levels in external areas would be acceptable subject to the installation of a 2 metre high acoustic fence. However, given that the 2 metre high fence would be located at the base of the 2.5 metre high embankment, it is considered unlikely that the fence would break the line of sight from a significant amount of the garden area to the railway line. As a result it is considered likely that noise levels in the external amenity areas would exceed acceptable levels and that a suitable level of amenity would not be afforded to occupiers.
- 7.4.5 Furthermore, the submitted NIA confirms that acceptable night time internal noise levels can only be achieved if habitable room windows remain closed and trickle ventilation is used. This means that occupants would not be able to open windows at night without suffering noise levels in excess of those considered acceptable. This is considered to be unacceptable in terms of the level of residential amenity it would provide future occupants.
- 7.4.6 It is therefore considered that the proposed development is unacceptable in terms of its impact on residential amenity in accordance with policies ENV 2 and ENV 9 of the East Cambridgeshire Local Plan 2015.

7.5 Highway safety and parking provision

- 7.5.1 There is an existing vehicle access onto the site which served the dwelling that previously occupied the site. The two dwellings would have individual accesses located fairly centrally on the frontage. The Local Highways Authority has confirmed that adequate visibility splays from the proposed accesses exist within the adopted highway to allow safe egress from the site. The proposed block plan shows a layout which would allow vehicles for both dwellings to turn on site ensuring they could leave both accesses in a forward gear. On that basis, the accesses to and from the sites are considered to be acceptable.
- 7.5.2 The application proposes parking spaces for two domestic vehicles on site as well as a single garage serving each dwelling. This is in accordance with the minimum provision of two spaces per dwelling required by policy COM 8 as detailed in the Council's adopted parking standards. The level of parking provision is therefore considered acceptable and necessary given the location of the dwellings is only realistically accessible by car.
- 7.5.3 Subject to conditions requiring the permanent closure of the existing access, details of the new vehicle crossing and the provision of the proposed parking and turning areas, the proposed development is considered to be acceptable in terms of highway safety and parking in accordance with policies ENV2, COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

7.6 Flood Risk and Drainage

- 7.6.1 The application site is located within Flood Zone 3 meaning it is at a high probability of surface water flooding. Paragraph 155 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.
- 7.6.2 Paragraph 158 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 and requires that a sequential approach is taken to the location of development based on flood risk, meaning 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.
- 7.6.3 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 at lower risk of flooding in order for the sequential test to be passed.
- 7.6.4 The applicant has included FRAs relating to the proposed dwellings. A Sequential Test has been provided as part of the FRAs which states that large parts of the district area within Flood Zone 3 and therefore limited opportunities exist for the provision of the dwellings in an area at lower risk of flooding. However, given the location of the site within the Ely area the conclusion that there are limited opportunities for the provision of two dwellings locally is not accepted. To the contrary, there are a number of allocated sites for housing within the Ely, as specified within the East Cambridgeshire Local Plan 2015. In addition, a number of planning permissions for new dwellings have recently been approved in more sustainable locations within Ely which are within Flood Zone 1. It is therefore considered that there are a number of other reasonably available sites for housing development within the locality which are at a lower probability of flooding. Therefore, the application has failed to demonstrate that the proposed additional dwellings are necessary in this location and the application fails the Sequential Test for this reason.
- 7.6.5 In dismissing an appeal in respect of an application for new dwellings elsewhere in Flood Zone 3 within the district, a planning inspector recently supported the Council's case that the Sequential Test had not been passed as other sites that could accommodate the dwellings and were at a lower risk of flooding were available in the parish. That appeal decision is appended to this report (Appendix 1).
- 7.6.6 Had the Sequential Test been passed, then the Exception Test should then be applied, guided by the submitted Flood Risk Assessment. The Exception Test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk and 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 flood risk. Both elements need to be passed for development to be allocated or permitted under paragraph 161 of the NPPF.

7.6.7 The submitted FRA states that the provision of two dwellings would provide towards to the Council's housing targets. The implication is that this is a wider sustainability benefit to the community to pass the first part of the Exception Test. However, as noted above there are other permissions granted for housing in areas at lower risk of flooding as well as housing allocations for such. Given that both the dwellings proposed would be at risk of flooding, it is not considered that their provision and the very modest contribution towards the Council's housing targets that would be made is of sufficient benefit to the community to outweigh the flood risk. The development is therefore considered to fail part one of the exception test.

7.6.8 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place 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 2019.

7.7 Contamination

7.7.1 The Council's Scientific Officer has considered the submitted environmental search and has confirmed that intrusive site investigations in respect of potential land contamination are not required. A condition regarding the methodology for assessment and remediation of any unanticipated contamination found during construction is requested.

7.7.2 On that basis it is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.

7.8 Biodiversity

7.8.1 No buildings capable of providing bat roosting or bird nesting habitat remain on site. The site is largely covered with grass and ruderal, but it is not considered to provide significant habitat or biodiversity benefit at present. The NPPF and East Cambridgeshire Local Plan 2015 policy ENV 7 require that development enhance biodiversity and it is considered that the proposed development could achieve this through measures, including for example, bird and bat boxes which could be incorporated into the final design.

7.8.2 It is therefore considered that the proposal complies with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 in respect of the protection and enhancement of biodiversity.

7.9 Planning Balance

7.9.1 As detailed in the Principle of Development section above the development is contrary to the adopted policy of restraint in respect of market housing in the

countryside. As set out in the Visual Amenity section the dwellings are considered to cause significant harm to the visual amenity of the area, contrary to policies ENV 1, ENV 2, HOU 8 and GROWTH 2 of the East Cambridgeshire Local Plan 2015.

- 7.9.2 Furthermore, the location of the new residential development within Flood Zone 3, which is at the highest risk of flooding, is contrary to the NPPF and Local Plan policy ENV 8 as there are other sites not located within the Flood Zone which are suitable for development.
- 7.9.3 The identified harm results in a lack of sustainability in respect of the environmental objective of the NPPF.
- 7.9.4 The Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date and paragraph 11 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development. The presumption in favour of sustainable development is the golden thread throughout the NPPF and is echoed in Policy GROWTH 5 of the Local Plan. The sustainability or otherwise of a particular development proposal is therefore a key material consideration in determining planning applications, particularly in those cases where relevant housing policies are considered out of date, due to the absence of a five year land supply.
- 7.9.5 Paragraph 8 of the NPPF defines sustainable development as having three dimensions: Social, Economic and Environmental. These give rise to three key roles of the planning system. In practice the presumption in favour of development means that development proposals should be approved 'unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance [including areas at risk of flooding or coastal change] provides a clear reason for refusing the development proposed; or,
 - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.
- 7.9.6 Given the location of the site within Flood Zone 3 and the failure of the application to pass the sequential and exception tests, the appropriate application of policies within the NPPF which relate to flooding provide a clear reason for refusing the development as per clause i of paragraph 8 of the NPPF. In that instance, the application of the tilted balance (detailed within clause ii) is not engaged. It is therefore necessary to refuse the application on the basis of the harm to flood risk.
- 7.9.7 Notwithstanding that, in any event, the site is not considered to be sustainably located. It is over 700m from the nearest development envelope with no footpath links and no street lighting. Occupants of the site would therefore be heavily reliant on the car to gain access to services and facilities. This would not accord with the requirements of the NPPF nor the environmental dimension of sustainable development and the location remote from such services and facilities would weigh against the social dimension of sustainable development.
- 7.9.8 Due to the lack of accessible services and facilities and public transport, the dwellings would also result in occupants relying almost exclusively on private motor

vehicles for access to the services in the wider area and for access to jobs and social opportunities more widely. On that basis, the proposed development is considered to perform badly against the social element of sustainability, which focusses on the need for development to support strong, healthy communities by providing housing to meet the needs of current and future generations and by providing accessible services.

- 7.9.9 The scheme is also considered to perform badly against the environmental role of sustainability which focusses on the need to protect and enhance the environment through using natural resources prudently, minimising pollution, and mitigating and adapting to climate change. The over-reliance on private motor vehicles and the requirement to travel considerable distance to access even the most basic services and facilities would not be sustainable from an environmental point of view.
- 7.9.10 On that basis, the site is not considered to be sustainably located. Even if the site were not located within Flood Zone 3 and the 'tilted balance' in clause ii of the NPPF engaged, the harm to sustainability, residential amenity of future occupiers through noise disturbance and visual impact would be such that the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme, namely the provision of two dwellings towards the district housing stock and the limited benefits that would result in respect of temporary employment from construction, additional viability of local services and facilities, increases to the local labour market and any limited ecological enhancement.
- 7.9.11 As a result, the consideration of the scheme on the tilted balance also indicates that the proposed development should be refused.

8.0 Costs

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural, i.e. relating to the way a matter has been dealt with; or substantive, i.e. relating to the previous planning history of the site and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.0 Appendices

- 9.1 Appendix 1 – Appeal Decision APP/V0510/W/18/3218751

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00939/FUL	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@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>