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**MAIN CASE**

**Reference No:** 16/00263/OUT

**Proposal:** Proposed 4 bedroom dwelling

**Site Address:** Land Opposite The Common House 1A Second Drove Little Downham Cambridgeshire

**Applicant:** Miss Amy Barker

**Case Officer:** Richard Fitzjohn Planning Officer

**Parish:** Little Downham

**Ward:** Downham Villages  
Ward Councillor/s: Councillor Anna Bailey  
Councillor Mike Bradley

**Date Received:** 14 March 2016      **Expiry Date:** 13 July 2016

[R51]

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1.0 **RECOMMENDATION**

- 1.1 Members are requested to REFUSE this application for the following reasons:
- 1.2 The erection of a dwelling within this location, on the largely undeveloped south-east side of Second Drove, would create an isolated dwelling within the open countryside which would be visually intrusive to the detriment of the character and appearance of the surrounding rural landscape, contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan, and Paragraphs 14, 17 and 56-68 of the National Planning Policy Framework.
- 1.3 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 proposal fails to pass the Sequential Test as there are reasonably available sites elsewhere with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, the provisions of the PPG on Flooding and Coastal Change and the National Planning Policy Framework.

2.0 **SUMMARY OF APPLICATION**

- 2.1 This application seeks Outline Planning Permission for the erection of a four-bedroom dwelling, with all matters reserved apart from access. A block plan has

been submitted with the application which shows details of the proposed access and an indicative layout of the dwelling.

2.2 The application is also accompanied by supporting documentation in the form of two Flood Risk Assessments and a Flood Risk Sequential Test.

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.**

2.4 This application has been called in to Planning Committee by Councillor Mike Bradley for the reasons that Flood Zone 3 should not be the determining factor and the issue of sustainability is more complex, the land has been in the family for over ten generations and due to its remote location next to another property.

### 3.0 PLANNING HISTORY

3.1 There is no relevant planning history on this site.

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located to the south-east side of Second Drove, outside of the village development framework for Little Downham. The site and the surrounding area are predominantly rural in nature, largely comprising agricultural fields. A detached residential dwelling (The House on the Common) is located on the north-west side of Second Drove, opposite to the application site. A railway line and level crossing are located nearby to the north-east with some other examples of built form on the north-west side of Second Drove on the opposite side of the railway line.

### 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.

5.2 Little Downham Parish Council – No concerns.

5.3 Ward Councillors - No comments received.

5.4 Local Highways Authority – The Highways Authorities Ordnance Survey Data based mapping system does not show an existing access in this location. There is also no hard standing verge crossover, gates or any entry treatment visible on site. The aforementioned access is informal only.

However, there are no objections to a proposed access in this location. There is good visibility in both directions and traffic speeds are observed to be low as the train crossing reduces drivers' speeds on both approaches. The inter-vehicle visibility splays would also be entirely within the adopted highway. Therefore, the proposal should have no significant adverse effect upon the public highway.

If planning permission is granted, a condition is recommended to remove permitted development rights which allow gates to be erected across the approved access.

5.5 CCC Growth & Development - No Comments Received

5.6 Waste Strategy (ECDC) - East Cambs will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles.

5.7 Environment Agency - The Submitted Flood Risk Assessment by Fen Consultancy, dated February 2016, does not refer to the risk of breaching or the Tidal Hazard Mapping. Due to the severity of the flooding that is predicted to occur at this site the FRA should be updated to include this information.

*(A new FRA was submitted by the applicant during the course of the application which is currently being assessed by the Environment Agency. The Environment Agency's response will be provided as an update to Members prior to the Planning Committee meeting).*

5.8 The Ely Group Of Internal Drainage Board – The Board wish to see details of surface water design at the full planning stage.

5.9 Neighbours – A site notice was displayed and neighbouring properties were notified. A response was received from the occupier of The House on the Common, which is summarised below. A full copy of the responses are available on the Council's website.

- Landscape impact.
- Overlooking.
- Overshadowing.
- Visual amenity.
- Would set a precedent for further development in and around Fodder Fen.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
COM 7	Transport impact
COM 8	Parking provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk

## 6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations  
Design Guide

## 6.3 National Planning Policy Framework 2012

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

## 6.4 Planning Practice Guidance

## 7.0 PLANNING COMMENTS

### 7.1 Principle of Development

The Local Planning Authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

The site is located outside of the established development framework of Little Downham, approximately 0.7 miles from the edge of the nearest settlement boundary. The site is located some distance outside of the settlement boundary along a single track road with no public footpath.

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.

However, the site is located within Flood Zone 3 and, on balance, is not considered to be sustainable for this type of development unless it can be demonstrated that there are no other reasonably available sites for this type of development in areas at lower risk of flooding and that the development would not enhance risk elsewhere. The application site is considered to be significantly separated in distance from the established development framework for Little Downham and the lack of a public footpath contributes to the location being considered unsustainable.

### 7.2 Character and appearance of the area

The application site and the surrounding area are predominantly rural in nature, comprising agricultural fields with few examples of other built form. The south-east side of Second Drove is largely undeveloped and has a very open and rural character. It is considered that the erection of a dwelling on the south-east side of Second Drove would create an isolated dwelling within the countryside which would be visually intrusive to the detriment of the character and appearance of the surrounding open fen rural landscape.

It is therefore considered that the proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and relevant guidance within the National Planning Policy Framework.

### 7.3 Flood Risk and Drainage

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.

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.

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 (a new dwellinghouse) 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.

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.

Policy ENV8 of the Local Plan 2015 states that the Sequential Test and Exception Test will be strictly applied across the district, and new development should normally be located in Flood Risk Zone 1. In respect of this application, the Sequential Test would need to demonstrate that there are no other reasonably available sites within the villages of Little Downham and Pymoor for the erection of a single dwelling which are outside of Flood Zone 3.

During the application process, the applicant was invited to submit a Sequential Test. A Sequential Test was subsequently submitted which provides the following information:

- Email correspondence with 3 separate Estate Agency companies in May 2016, all of which confirm that they did not currently have any building plots / land available on the market for sale.

- Evidence of a Rightmove search in May 2016 which demonstrates that there was currently no suitable land for sale in Little Downham and Pymoor for the erection of a single dwelling.

It is considered by the Local Planning Authority that there are other reasonably available sites for the erection of a single dwelling, within the villages of Little Downham and Pymoor which are at a lower probability of flooding and therefore the proposed development is not necessary in this location and fails the Sequential Test. There are allocated sites within Little Downham and Pymoor (LTD1 and PYM1), as specified within the East Cambridgeshire Local Plan 2015. In addition, there are currently applications for new dwellings which are pending consideration on sites outside of Flood Zone 3 within Pymoor (Planning application references: 16/00209/FUL and 16/00709/OUT), whilst an application for 4 dwellings in Pymoor has recently been approved at Planning Committee (Planning application reference: 16/00133/OUT).

If the Sequential Test is passed, the Exception Test should then be applied, guided by the submitted Flood Risk Assessment. Two separate Flood Risk Assessment's have been submitted with the application. The original FRA submitted, prepared by Fen Consultancy and dated February 2016, does not refer to the risk of breaching or the Tidal Hazard Mapping. Due to the severity of the flooding that is predicted to occur at this site the Environment Agency objected to the application until an FRA was submitted which includes this information. A new FRA, prepared by Geoff Beel Consultancy and dated May 2016, has subsequently been submitted by the applicant during the course of the application and it is currently being assessed by the Environment Agency. The Environment Agency's response will be provided as an update to Members prior to the Planning Committee meeting. However, a positive consultation response from the Environment Agency would not overrule the Sequential Test which is determined by the Local Planning Authority.

As the proposal fails to pass the Sequential Test, the proposal 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 and relevant guidance within the NPPF.

#### 7.4 Highways

Although the application states that the site is served by an existing access, the Local Highway Authority is of the opinion that this access is informal only. The access shown on the submitted plans is therefore proposed rather than existing.

The application site benefits from good visibility on to the public highway in both directions, providing inter-vehicle visibility splays entirely within the adopted highway. The Local Highway Authority has visited the site and observed that traffic speeds are low as the train crossing reduces drivers' speeds on both approaches.

The Local Highway Authority have stated that the proposal should have no significant adverse effect upon the public highway and has recommended that a condition be appended to any grant of planning is recommended to remove permitted development rights which allow gates to be erected across the approved access.

It is therefore considered that the proposal accords with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 in respect of highway safety and parking.

#### 7.5 Residential Amenity

Due to the distance of the application site from the closest residential property, The House on the Common, it is considered that the proposal would not create any significant adverse impacts upon the residential amenity of nearby properties.

It is therefore considered that the proposal accords with Policy ENV2 of the Local Plan in respect of residential amenity.

#### 7.6 Planning Balance

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.

However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be created by the proposal on the character and appearance of the surrounding rural landscape and the unnecessary siting of a dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere within Little Downham and Pymoor with a lower probability of flooding.

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
16/00263/OUT	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.cov.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>