

MAIN CASE

Reference No: 17/00643/OUT

Proposal: Construction of 3 bed detached dwelling

Site Address: Paddock Northeast Of 36 Ten Mile Bank Littleport CB6 1EE

Applicant: Mr Daniel & Mrs Heidi Constable

Case Officer: Oli Haydon Planning Officer

Parish: Littleport

Ward: Littleport East

Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 13 April 2017

Expiry Date: 8th September 2017

[S84]

1.0 **RECOMMENDATION**

1.1 Members are recommended to REFUSE planning permission for the following reasons:

1. The dwelling is located in the countryside and by virtue of its distance from the main settlement of Littleport 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. The proposal does not meet any of the special circumstances as identified in Local Plan Policy GROWTH5 and COM7 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. The proposed dwelling, which is classified as a 'more vulnerable' development in Table 2 of the NPPF Planning Practice Guidance, would be sited within Flood Zone 3 as identified by the Environment Agency flood zone maps, where the Sequential Test must be passed for the development to be approved. The application fails to pass the Sequential Test as there are reasonably available sites elsewhere within the Parish of Littleport with a lower probability of flooding and is therefore contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, 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 outline planning consent with all matters reserved for the erection of one detached dwelling.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application was called-in to Planning Committee by Cllr Webber as it considered that the location is sustainable.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located to the northeast of Littleport, outside the development envelope. Ten Mile Bank is a narrow road leading from the A142 to the south up to Black Horse Drove to the north. There are small clusters of residential and industrial development along this road. The site is located within Defended Flood Zone 3.
- 4.2 The northern edge of Littleport's development envelope is approximately 0.7 miles from the site, with the facilities and services of the town being located 1.5 miles away.
- 4.3 The site comprises a corner of a paddock accessed off Willow Row Road. The paddock belongs to the farm complex to the southwest. The site is located in between two existing dwellings, with another to the northeast and the applicant's farmhouse (Mill Hill House) located 125m to the south-east.

4.4

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.

Littleport Parish Council – No concerns raised.

Ward Councillors - No Comments Received

Environment Agency – “In accordance with the National Planning Policy Framework 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 National Planning Policy Framework.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the Sequential Test.

This site is located within Defended Flood Zone 3 of the Environment Agency's Flood Map.

We have reviewed the Flood Risk Assessment (FRA) and the breach analysis submitted and find the details acceptable. However, the proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, Ref GCB/SELSOL, prepared by Geoff Beel Consultancy, dated June 2017 are implemented in full unless otherwise agreed by the local planning authority.

The mitigation measures shall be fully implemented prior to occupation or in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.”

The Ely Group Of Internal Drainage Board – No objections if soakaways form an effective means of surface water drainage.

Local Highways Authority - No objections raised.

CCC Growth & Development - No Comments Received

Minerals And Waste Development Control Team - No Comments Received

Waste Strategy (ECDC) – No objections subject to informatives.

UK Power Networks - No Comments Received

5.2 Neighbours – Nine neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and the two responses received are summarised below. A full copy of the responses are available on the Council's website.

- Impact upon residential amenity
- Protection of valuable open spaces
- Ground stability
- Blocking of natural light
- Construction would cause damage to property
- Construction traffic could damage the road

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

- ENV 1 Landscape and settlement character
- ENV 2 Design
- ENV 8 Flood risk
- ENV 9 Pollution
- ENV 7 Biodiversity and geology
- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development
- COM 7 Transport impact
- COM 8 Parking provision

6.2 Supplementary Planning Documents

- Design Guide
- Developer Contributions and Planning Obligations
- Flood and Water

6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main considerations in relation to this application are the principle of development, the visual impact on the rural character of the area, residential amenity, transport impact, ecological impact, and drainage.

7.2 Principle of Development

7.2.1 The Council is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Plan 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. It should be noted that all other local plan policies and relevant material considerations remain relevant and form part of the planning balance for this application.

7.2.2 The benefits of this application are considered to be: the positive contribution of the provision of one additional dwelling to the district's housing stock, and the positive contribution to the local and wider economy in the short term through the construction of the new dwelling.

7.2.3 The application site is located outside Littleport town and approx. 0.7 miles from the nearest part of Littleport's development envelope, and approx. 1.5 miles from the closest part of the town centre. Ten Mile Bank is a narrow 60mph road with no

pedestrian footpaths. This would mean that occupants of the proposed dwelling are very likely to depend on a vehicle to access the services of the town and beyond.

- 7.2.4 Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside; this proposal also does not meet any of the exceptions detailed in that paragraph. Paragraph 35 also encourages development to protect and exploit opportunities for sustainable transport. For the purposes of assessing the proposal in relation to the presumption in favour of sustainable development, the site is therefore not considered to be in an environmentally or socially sustainable location and is contrary to policy GROWTH 5 of the Local Plan and paragraphs 35 and 55 of the NPPF
- 7.2.5 The recently received appeal decision for The Cotes in Soham (APP/V0510/W/16/3143840) cited the location as unsustainable due to the reliance on the car. The appeal stated that *“both (sites) would be reliant on the car to gain access to services and facilities. This would not accord with the Framework or the environmental dimension of sustainable development”* and *“the isolation of the sites from community facilities would weigh against the social dimension and would not accord with paragraph 55 of the Framework regarding the location of rural housing”*. Furthermore, the appeal also stated *“given the distance of the sites from local facilities and the unsuitability of the road for pedestrian access, I conclude on this issue that the occupiers of the proposed dwellings would be highly reliant on the car to gain access to services and facilities”*. As previously stated, the Cotes is approximately 1.8 miles to the centre of Soham, and this application site is 0.7 miles from the edge of Littleport and 1.5 miles from the centre of Littleport where local shops and services are located. Members are also aware of subsequent appeal decisions in Little Downham and Isleham relating to unsustainable locations and reliance on the private motor vehicle (APP/V0510/W/3158114 and APP/V0510/W/3160576 respectively).
- 7.2.6 The Local Planning Authority have recently received a further appeal (APP/V0510/W/17/3173190) relating to sustainability. While the appeal was allowed it is considered that as the site was previously developed it carries little weight in determining this application, as this site is undeveloped agricultural land; in any event each site needs to be treated on its own individual merits.
- 7.2.7 The application was originally submitted with an agricultural justification for a dwelling in this location; however, this evidence was not considered sufficient by the LPA and the applicant now wishes for this application to be determined on the basis of it being a dwelling in the countryside.

7.3 Residential Amenity

- 7.3.1 The development site is located in the corner of an existing paddock between a cottage to the east and a two-storey dwelling to the west. As layout and scale are not being considered at this stage, it cannot be judged whether the proposals will have a harmful overlooking or overbearing impact on this neighbouring dwelling. The neighbouring dwelling is located 8m away from the development site, which itself is 30m wide. It is considered that due to the size of the development site and the number of dwellings proposed, that a reserved matters application could

potentially avoid a significantly detrimental effect on the residential amenity of any nearby occupiers and ensure that future occupiers of the dwelling would enjoy a satisfactory level of amenity.

7.3.2 The proposal is likely to be compliant with the requirements of the SPD Design Guide with regards to plot size and private amenity space.

7.4 Visual Amenity

7.4.1 As previously mentioned, all matters are reserved on this proposal and as such a limited assessment of visual impact can be made at this stage. The application site is bordered by the existing paddock to the south, the neighbouring curtilage to the east and the access to the skip hire business to the west. To the north of the site is the complex of Denver Farm with a large area of hardstanding located opposite the development site. In addition to the requirements of the NPPF for proposals such as this to enhance their immediate setting and be sensitive to the area, Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires proposals in the countryside to protect, conserve and enhance the pattern of distinctive historic and traditional landscape features and the settlement edge.

7.4.2 The boundaries of the site are marked partially by low fencing and the site would be partially screened from Ten Mile Bank by the existing neighbouring dwelling. The site will be visible in the corner of the existing paddock although it is considered that this visual intrusion into the countryside is not significantly and demonstrably harmful. As the dwelling is likely to be accessed from Willow Row Road, it will read as part of this linear form of development, positioned between existing dwellings. Any reserved matters application should seek to enhance the visual appearance of the site through an effective layout, sensitive scale, respectful appearance and sufficient landscaping.

7.4.3 On balance it is considered that subject to further detail being submitted and approved at reserved matters stage, that one dwelling can be accommodated on the site. The proposal in principle is sensitive to the defining characteristics of the area with the plot deemed sufficient for one modest dwelling, akin to the sparse residential plot sizes of the surrounding area. The proposal is therefore considered to meet the requirements of Paragraph 55 of the NPPF as well as Policies ENV1 and ENV2 of the Local Plan.

7.5 Highway Safety

7.5.1 Access remains a reserved matter at this stage with the arrangement likely to connect the dwelling with Willow Row Drove, which leads to Ten Mile Bank 60m to the south-east. The Local Highway Authority raises no objection to the proposal in principle. The proposal is considered to comply broadly with Policy COM7 in relation to highway safety.

7.5.2 The proposal itself does not impact on any local walking routes and whilst there will be an increase in traffic from the single dwelling; it is considered that this will be minimal and can be accommodated within the wider transport network.

7.5.3 As layout is not being considered at this stage, it cannot be ascertained whether sufficient parking can be achieved within the site in accordance with Policy COM8.

7.6 Flood Risk & Drainage

7.6.1 The site is located within Defended Flood Zone 3 and a flood risk assessment (FRA) was submitted with the proposal. Following amendments to include 'Breach Modelling', the Environment Agency raised no objections FRA, subject to the implementation of the mitigation measures within.

7.6.2 Paragraph 14 of the NPPF makes it clear that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

7.6.3 The NPPF requires that a sequential approach is taken to the location of development, based on Flood Zones, and development should as far as possible be directed towards areas with the lowest probability of flooding. The NPPF requires Local Planning Authorities to steer new development to areas at the lowest probability of flooding by applying a Flood Risk Sequential Test. The Local Planning Authority must determine whether the application site passes the NPPF Sequential Test.

7.6.4 The application site is located within Flood Zone 3, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'more vulnerable', in accordance with Table 2 of the NPPF Planning Practice Guidance. Table 3 of the NPPF Planning Practice Guidance makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted unless the development is necessary.

7.6.5 Paragraph 101 of the NPPF states that development should not be permitted if there are other reasonably available sites appropriate for the proposed development, located in areas with a lower probability of flooding.

7.6.6 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 within the Parish of Littleport suitable for the erection of a single dwelling which are outside of Flood Zone 3.

7.6.7 A Flood Risk Sequential Test has not been submitted by the applicant, who advises this should be carried out by the LPA. However, the Flood and Water SPD states this should be completed by the applicant. In the absence of one the LPA have considered the requirements of the Sequential Test. There are a number of allocated sites for housing within the Parish of Littleport, as specified within the East

Cambridgeshire Local Plan 2015. In addition, a number of planning applications for new dwellings have recently been approved in more sustainable locations within the Parish of Littleport and windfall sites not within Flood Zone 3 are also available. It is therefore considered by the Local Planning Authority that there are a number of other reasonably available sites for the erection of a single dwelling within the Parish of Littleport which are at a lower probability of flooding. Therefore, the proposed additional dwelling is not necessary in this location and the application fails the Sequential Test for this reason.

- 7.6.8 It should also be noted that the recently adopted Cambridgeshire Flood and Water SPD advises that applications for sites in Flood Zone 2 and 3 where there is no Sequential Test information provided will be deemed to have failed the Sequential test.
- 7.6.9 Had the Sequential Test be passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.6.10 The exception test requires the development to demonstrate that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared.
- 7.6.11 A site-specific flood risk assessment must also demonstrate that the development will be safe for its lifetime taking into account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce overall food risk, both elements need to be passed for development to be allocated or permitted under paragraph 102 of the NPPF.
- 7.6.12 The application fails to demonstrate that the dwelling provides wider sustainability benefits to the community that outweigh flood risk and therefore fails part one of the exception test. However, the Environment Agency have advised they have no objections to part two of this test providing conditions are applied.
- 7.6.13 As the proposal fails to pass the Sequential Test it is considered to unnecessarily place a dwelling in an area at significant risk of flooding, contrary to Policy ENV8 of the East Cambridgeshire Local Plan 2015, the provisions of the PPG on Flooding and Coastal Change, the Cambridgeshire Flood and Water SPD, and the National Planning Policy Framework.
- 7.6.14 Any planning permission granted will be subject to a condition requiring a detailed drainage strategy to be submitted and approved by the Local Planning Authority.

7.7 Other Material Considerations

- 7.7.1 The site was assessed during the site visit as having a minimal biodiversity potential and thus an ecology survey was not requested. The site is currently open paddock grassland with no evidence of substantial planting, hedgerows, watercourses or ditches. Biodiversity improvements will be secured by condition to ensure a minimal impact on any established biodiversity on the site as a result of the proposal.

7.8 Planning Balance

- 7.8.1 The proposal would provide the following benefits:- the provision of an additional residential dwelling to the district's housing stock which would be built to modern, sustainable building standards and the positive contribution to the local and wider economy in the short term through construction work.
- 7.8.2 However, it is considered that these benefits would be outweighed by the significant and demonstrable harm which would be caused by the siting of an additional dwelling in an unsustainable location and increasing reliance on the car to gain access to services and facilities. Further harm is caused by the increased risks as a result of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding.
- 7.8.3 The application is therefore considered to be contrary to this proposal is in conflict with Local Plan policies GROWTH5, ENV1, ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015 and the Cambridgeshire Flood and Water SPD.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00643/OUT	Oli Haydon Room No. 011 The Grange Ely	Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.gov.uk

National Planning Policy Framework -

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

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>