
MAIN CASE

Reference No: 17/00969/OUT

Proposal: Outline proposal for 3 detached dwellings with garages for work place homes

Site Address: Land North Of 26 Straight Furlong Pymoor Cambridgeshire

Applicant: Mr & Mrs NJ & JK Taylor

Case Officer: Oli Haydon Planning Officer

Parish: Little Downham

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

Date Received: 1 June 2017 **Expiry Date:** 15th September 2017

[S86]

1.0 RECOMMENDATION

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

1. The proposal by virtue of its scale and location would amount to a visually intrusive form of development in this countryside location, such that it would cause significant demonstrable harm to the character and appearance of the countryside and the setting of the approach to Pymoor village. As such it is contrary to Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan and paragraphs 14, 17 and 56-68 of the National Planning Policy Framework

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 3 detached dwellings with garages for workplace homes. A similar application was recently refused in January 2017 (16/01423/OUT).
- 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 Cllrs Bailey and Bradley as the committee have an ongoing interest in the issues of sustainability, flood and open countryside policies.

3.0 **PLANNING HISTORY**

3.1

16/01423/OUT	Outline proposal for 3 detached dwellings with garages.	Refused	24.01.2017
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4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located outside, albeit adjacent to the edge of, the development envelope for Pymoor within Flood Zone 3. The site is part of a larger field currently in use for agriculture with a raised boundary screen in the form of a mound, a drainage ditch and some trees screening this otherwise open site from Straight Furlong. A screen of mature trees and a continuation of the drainage ditch defines the southern boundary of the site with the curtilage of the dwelling at No. 26 Straight Furlong and also defines the northern boundary of the settlement envelope of the village. Land to the west, north and east of the site is actively farmed within an open landscape characteristic of the area with agricultural buildings located close-by across Straight Furlong. Some distance to the north is a small cluster of dwellings located within otherwise working farmsteads. Where Straight Furlong meets the entrance to the village of Pymoor is an attractive tree-lined avenue with agricultural fields on either side.

5.0 **RESPONSES FROM CONSULTEES**

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

Local Highways Authority – No objections raised subject to conditions.

CCC Growth & Development – No objections subject to a condition requiring a written scheme of archaeological investigation.

Environmental 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.

We have reviewed the Flood Risk Assessment (FRA) submitted and find the details acceptable. However, to reduce the risk of flooding to the development and future occupants in extreme events, your authority may wish to consider applying a condition to any subsequent permission to ensure the implementation of proposed mitigation measures.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, Ref: GCB/DENLEY, prepared by Geoff Beel Consultancy, dated October 2016 are implemented in full unless otherwise agreed by the 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. We do not need to be consulted on any matters related to this condition. It should be noted that the submitted FRA states that:

- The finished floor level will be set at a minimum of 500 mm above the existing ground levels;
- flood resilient construction up to 300 mm above the finished floor level.”

Waste Strategy (ECDC) – No objection, subject to informatives.

Natural England – No objections raised.

The Ely Group Of Internal Drainage Board – No objections if soakaways form an effective means of surface water drainage. The Board is pleased that the applicant has recognized the need not to build within nine metres of the Board’s Main Drain.

Little Downham Parish Council – No concerns raised.

Ward Councillors - No Comments Received

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

- Pymoor is a small village with no shops or bus services
- Many properties for sale, no need for more.
- Drain on resources
- No local school
- Wildlife in the field at risk from housing
- No infrastructure to support more residents

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
HOU 5	Dwellings for rural workers
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
Flood and Water
Developer Contributions and Planning Obligations

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 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.

7.2.2 The benefits of this application are considered to be: the provision of three additional residential dwellings built to modern, sustainable building standards and

the positive contribution to the local and wider economy in the short term through construction work.

- 7.2.3 The site is located outside of the established development framework of Pymoor, albeit adjacent to the edge of the settlement boundary. The site is connected to the village of Pymoor by an informal, albeit wide, grass verge along the B1411. The site entrance (according to indicative plans) would be approximately 140m from the footpath into the village. Straight Furlong is one of the main roads through Pymoor and leads to small hamlets in the area. Facilities within the village are very limited, however the site is part of an established village community centred on the main service centre at nearby Ely, easily accessible by road and where schools and transport links as well other services such as shops and surgeries to meet everyday needs are all available and already supported by the villagers. Based on the distance from the settlement boundary, the width of the highway verge and nearby footpath provision and the character of the area it is considered that the site is sufficiently well connected to the facilities and services on offer in the settlement and the wider area and that future occupiers would not be overly reliant on a private motor vehicle. Furthermore, the previous refusal on the site (16/01423/OUT) did not consider the site to be in an unsustainable location. Additionally, the proposal has included the provision of garages for 'workplace homes' which constitute an ancillary area within each property curtilage to allow for working from home or running a small business.
- 7.2.4 The principle of the proposed dwellings on this site is therefore considered acceptable in line with paragraph 55 of the NPPF, provided its impact on the visual amenity of the area does not cause demonstrable harm. An assessment of the design and its impact on its immediate setting is outlined below.

7.3 Residential Amenity

- 7.4 Although in outline, the indicative drawings submitted would indicate that sufficient amenity space can be provided on this site for the future occupiers, in accordance with the Design Guide SPD. It also indicates that a sufficient distance exists between the site and the closest dwellings located some distance to the north to avoid any material impacts upon their residential amenity. No comments can be made at this stage regarding separation distances, overlooking or overbearing.

7.5 Visual Amenity

- 7.5.1 In terms of the visual impact, the environmental role of sustainable development seeks to, in part; contribute to protecting and enhancing the natural, built and historic environment. Consideration of development impacts on the character and appearance of the area within which it is situated is therefore integral to the environmental dimension of sustainable development.
- 7.5.2 Policy ENV 1 seeks to protect landscape and settlement character and in particular, respect views into and out of settlements. These aims are reiterated in paragraph 17 of the NPPF which seeks to protect the intrinsic character and beauty of the countryside. The site forms part of a sizeable field of open agricultural land to the north east of and just beyond the development envelope of Pymoor and presently forms a coherent part of the rural landscape on the approach to the village from the

north. The site therefore has a valuable contribution to make within the context of the maintaining the integrity of the surrounding countryside. Its openness and character would therefore be compromised by the introduction of a development for three dwellings together with their inherent elements of domestication into this primarily rural working landscape.

7.5.3 Indicative drawings show a plot that would be set back 10m from the highway edge with a shared vehicular access onto Straight Furlong approximately 50m beyond the main part of the site in order to avoid an avenue of trees that characterises the northern approach to the village. The 10 metre set back is also utilized to separate the site from the southern boundary of the field. In doing this, the application would introduce a small cluster of dwellings physically separated from both the village edge and the highway verge that would result in an incongruous development that would fail to relate in terms of its sense of place or setting with either the nearby village or the open rural landscape within which it is located. This visual impact will be further exacerbated by the fact that the dwellings will be raised by existing ground level to alleviate flood risk.

7.5.4 As such, the proposal would result in an incursion of development into open countryside, which would significantly change its rural character and appearance on the northern approach to the village. This 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, ENV 1 of the Local Plan and the NPPF.

7.6 Highways

7.6.1 The Local Highways Authority have raised no objections in principle with the scheme, subject to conditions regarding visibility splays. There appears to be sufficient space within the indicative site plan to incorporate additional parking and turning.

7.7 Ecology

7.7.1 The site is currently used as farmed agricultural land, following a preliminary site assessment during a site visit, it was apparent that the site had minimal levels of planting, hedgerows, watercourses or ditches which may hold some biodiversity value. The drain that runs along Straight Furlong is unlikely to be impacted upon by this development. In order to protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, a condition should be placed on any approval to ensure that measures to enhance the biodiversity in the vicinity are installed prior to occupation of the development.

7.8 Flood Risk and Drainage

7.8.1 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.

- 7.8.2 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. As development is considered to be a more vulnerable use within Flood Zone 3, the Sequential Test must be applied to steer new development to areas with the lowest probability of flooding. In respect of this application, it is considered that the Test is not met because other land with the potential for residential development exists in and around Pymoor and Little Downham, within the same parish, which is not within Flood Zone 3 and, as such, development is not necessary on this particular site.
- 7.8.3 Though the flood risks inherent within the site located wholly within Flood Zone 3 site were examined and mitigation proposed within the applicants Flood Risk Assessment, the development potential for other sites with less flood risk within the locality was not addressed.
- 7.8.4 The proposal is therefore contrary to local and national policy in this regard as set out above and should be refused. Although the Environment Agency have not raised an objection to the flood risk assessment submitted, they make it clear in their comments that this is subject to the requirements of the Sequential and Exception Test being met and that these tests are applied by the Planning Authority.

7.9 Other Material Matters

- 7.9.1 The County Archaeologist has requested that a Written Scheme of Investigation be undertaken prior to the commencement of any development should planning permission be granted.

7.10 Planning Balance

- 7.10.1 The proposal would provide the following benefits:- the provision of three additional residential dwelling to the district's housing supply 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.
- 7.10.2 However, the erection of three dwellings within this location, which comprises a predominantly open and rural setting, would have an urbanising impact upon the surrounding rural landscape which would be visually intrusive and detrimental to the character and appearance of the area.
- 7.10.3 Further harm is caused by the increased risks as a result of three additional dwellings within Flood Zone 3 despite there being reasonably available sites elsewhere with a lower probability of flooding.
- 7.10.4 Furthermore, the previous refusal for the same reasons on this site forms a material consideration in determination of this planning application.

7.10.5 The application is therefore considered to be contrary to Local Plan policies ENV1, ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015, the Cambridgeshire Flood and Water SPD, the provisions of the PPG on Flooding and Coastal Change and Paragraphs 14, 17 and 56-68 of the National Planning Policy Framework.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00969/OUT	Oli Haydon Room No. 011	Oli Haydon Planning Officer
16/01423/OUT	The Grange Ely	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>