
MAIN CASE

Reference No: 17/00970/OUT

Proposal: Outline application to demolish single 2 storey dwelling and erect 2 detached 2 storey dwellings fronting straight furlong.

Site Address: Heathergay House Straight Furlong Pymoor CB6 2EG

Applicant: Mr & Mrs NJ & JK Taylor

Case Officer: Richard Fitzjohn Planning Officer

Parish: Little Downham

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

Date Received: 1 June 2017 **Expiry Date:** 8 September 2017

[S92]

1.0 **RECOMMENDATION**

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

1. The proposal would result in a net increase in the number of dwellings within this isolated location in the countryside and, by reason of their distance from the closest settlement located at Pymoor and the other major settlements of Ely, little Downham and Littleport is considered to be in an unsustainable location. The future residents of these dwellings would 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 paragraph 55 of the National Planning Policy Framework and is deemed contrary to Local Plan Policy GROWTH5 and COM7. The proposal fails to comply with the National Planning Policy Framework, in particular paragraphs 14 and 55, in that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development and, as such, does not promote sustainable development.
2. The proposal to replace an existing single dwelling with two dwellings would, by reason of its scale and location, amount to a visually intrusive form of development in this countryside location, and thereby 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.

3. The proposed development would be sited within Flood Zone 3 as identified by the Environment Agency, where in the Sequential Test must be applied for more vulnerable uses. The proposal fails to meet the Sequential Test as there are reasonably available sites elsewhere with a lower probability of flooding, contrary to Policy ENV 8 of the East Cambridgeshire Local Plan, the provisions of the PPG on Flood Risk and Coastal Change and the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

- 2.1 This application seeks an outline planning permission with all matters reserved, to demolish an existing dwelling (Heathergay House) and farm buildings, and erect 2No. detached dwellings. The farmstead to the rear of the site would retain an existing vehicular access for farm vehicles to the north-east of the site.

- 2.2 Though all matters are reserved, it is self evident from the constraints imposed by the location within Flood Zone 3 and the proximity to Hundred Foot Bank (approximately 1.25km) and the Denver Sluices (13km), that the proposed dwellings would likely need to be two-storey (or a high single-storey configuration, e.g. raised on stilts) in order to provide for sleeping accommodation on an upper floor and with base floor levels 500mm above the road level of Straight Furlong. The indicative drawing titled 'Proposal View' would support this approach, giving a profile of a 2 storey dwelling. The applicant states that the existing dwelling on the site is not in agricultural occupancy and there is no record of such a condition being imposed in the Local Planning Authority's records.

- 2.3 The application is supported by a Flood Risk Assessment.

- 2.4 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 Anna Bailey and Councillor Mike Bradley because the reasons for refusal are very similar to a number of other recent applications in Pymoor where the Planning Committee has decided to grant permission. The sustainability, flood and open countryside policies are regularly being tested, particularly in Pymoor, and therefore feel that the Planning Committee has an ongoing interest in these issues and should make the decision.

3.0 PLANNING HISTORY

3.1

16/01424/OUT	Demolish two storey dwelling and construct 2no. two storey detached dwellings	Refused	01.02.2017
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77/00687/FUL	ERECTION OF A CONSERVATORY & GARAGE	Approved	04.11.1977
76/00764/FUL	EXTENSIONS TO HOUSE	Approved	23.11.1976

3.0 THE SITE AND ITS ENVIRONMENT

4.1 The site consists of an existing two storey dwelling to be demolished with curtilage set forward of a working farmstead located between the two entrances to the farm site from Straight Furlong and with part of the southern access route from the road into the farmstead utilized to locate a second dwelling and curtilage. Access into the farmstead would be maintained by the retention of the other access into this site located to the north of Heathergay (Plot 1).

4.2 Land surrounding the farmstead is wholly utilized for the purposes of agriculture; actively farmed within an open landscape characteristic of the area with agricultural buildings located close-by across Straight Furlong. Within this farmstead there are a small number of dwellings. Pymoor is the closest settlement with a settlement envelope and this is located some 1.5km to the south west of the site along Straight Furlong.

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 Parish - No concerns.

5.3 Ward Councillor Anna Bailey - Understands that Environmental Health are now happy with the proposals from the point of view of proximity to the farm, appreciates that there is a difference of opinion about the flood issue and sustainability, and understands that a revised plan regarding access has been submitted which the Local Highway Authority are happy with. Having spoken with Ward colleague Mike Bradley, it has been jointly decided that the application goes in front of the Planning Committee and therefore Councillor Anna Bailey and Councillor Mike Bradley are jointly calling it in. Would like the Planning Committee to make the decision because the reasons for refusal are very similar to a number of other recent applications in Pymoor where the Planning Committee has decided to grant permission. The sustainability, flood and open countryside policies are regularly being tested, particularly in Pymoor, and therefore feel that the Planning Committee has an ongoing interest in these issues and should make the decision.

5.4 Local Highways Authority (Comments received 16th August 2017, following submission of amended plans by the applicant's agent) - After a review of amended drawing 3224/16/1b, removes the objection. Recommends conditions are appended to any grant of planning permission in respect of vehicle access points, parking and turning, and a vehicle access gates restriction.

5.5 CCC Growth & Development - No Comments Received.

- 5.6 Environmental Health – The previous agricultural use of the site has the potential to cause land contamination due to possible storage of fuel and agricultural chemicals, plant and vehicle storage and servicing, and the possible presence of asbestos in buildings. Recommend that further investigation is required. Due to the proposed sensitive end use, recommends contaminated land conditions are appended to any grant of planning permission.
- 5.7 Waste Strategy (ECDC) –
- East Cambs District Council 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 and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
 - Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Act's of 1972, 2000, and 2003, as well as the Localism Act of 2011.
 - Each new property requires two bins; this contribution is currently set at £43 per property.
 - Payment must be made in advance of bins being delivered; East Cambs District Council Account Number **43135897**, Sort Code **52-41-19**, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.
- 5.8 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.
- 5.8.1 By consulting the Environment Agency on this planning application, the Environment Agency assume that your Authority has applied and deemed the site to have passed the Sequential Test.
- 5.8.2 The Environment Agency has reviewed the Flood Risk Assessment (FRA) 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/DENLEY, prepared by Geoff Beel

Consultancy, dated November 2016 are implemented in full unless otherwise agreed by the local planning authority.

- 5.8.3 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.
- 5.8.4 To reduce the risk of flooding to the development and future occupants in extreme events, the Local Planning Authority may wish to consider applying a condition to any subsequent permission to ensure the implementation of proposed mitigation measures. It should be noted that the submitted FRA states that:
- *The finished floor level will be set at a minimum of 0.5 metres above Straight Furlong Road level.*
 - *Flood resilient construction up to 300mm above the finished floor level.*
- 5.9 Natural England – The advice provided in the previous response to planning application 16/01424/OUT (dated 18th November 2016) applies equally to this resubmission. Nonetheless, the Local Planning Authority should ensure that the proposed foul and surface water drainage arrangements from the development will not have any adverse effect on the water environment.
- 5.9.1 The Natural England response dated 18th November 2016 advises that the applicant provides sufficient additional detail regarding the proposed Foul water disposal to demonstrate to the Authority’s satisfaction that the development would not have any adverse effect upon the Ouse Washes site of Special Interest (SSSI); Special Areas of conservation (SAC); and Ramsar site and that Natural England be re-consulted on any further submission of details.
- 5.10 Littleport and Downham Internal Drainage Board – Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted on this matter.
- 5.11 Neighbours – A site notice was displayed on 18th July 2017 and an advert was published in the Cambridge Evening News on 29th June 2017 advertising the application as a departure. 2 neighbouring properties were notified. No representations have been received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design

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

Developer Contributions and Planning Obligations
Design Guide
Flood and Water

6.3 National Planning Policy Framework 2012

6	Delivering a wide choice of high quality homes
7	Requiring good design
10	Meeting the challenge of climate change, flooding and coastal change

7.0 PLANNING COMMENTS

7.1 The main issues to consider when determining this application relate to the principle of development, in addition to the impacts on the character and appearance of the area, flood risk, highway safety and residential amenity.

7.2 Principle of Development

7.2.1 The application site lies outside of the defined development envelope and, as such, the development of this site for a dwelling would conflict with the locational principle indicated in Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries.

7.2.2 At present, the Council is unable to demonstrate a 5 year supply of housing land. Policy GROWTH 2 cannot therefore be considered up to date in so far as it relates to the supply of housing land. In this situation, the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) and Policy GROWTH5 means that permission for sustainable development should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate that development should be restricted.

7.2.3 In this respect, it is recognised that the proposal would have the potential to make a positive, albeit modest, contribution towards the provision of the housing land supply in the area. In addition, its construction would provide some short term economic benefits and, within this limited this context, can be viewed as supporting the economic dimension to sustainable development contained within the NPPF which would weigh in some small way in its favour.

7.2.4 However the NPPF takes a broader approach stating in paragraph 55, that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements which may support services in a village nearby.

Isolated new homes in the countryside should be avoided unless there are special circumstances.

- 7.2.5 The adopted Local Plan accepts that Pymoor can accommodate limited development on infill sites and via the existing housing allocation to ensure the settlement is not harmed by urban sprawl. The application site is characterised by its separateness from the settlement of Pymoor, 0.9km to the south west, in addition to being an intrinsic part of the rural landscape beyond, broken only by a small number of individual isolated dwellings or small clusters with farmsteads being the predominant feature within the landscape.
- 7.2.6 Given poor public transport links with Little Downham being some 5km distant or Ely some 9km distant by road, the proposed dwelling would be likely to be reliant on cars to access all of the local services. For this reason, the new development is not considered to be particularly sustainable. Due to its reliance on the private car, the proposal would be contrary to Local Plan Policy COM7 in having an adverse impact on the transport network and generating an increased reliance on the car. The Local Planning Authority considers this site as being unsustainable and that there are a number of sites, both locally within Pymoor and the wider Parish of Little Downham, as well as other nearby settlements within the district, that are considered to be much more sustainable in terms of their suitability for residential development.

7.3 Character and appearance of the area

- 7.3.1 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.
- 7.3.2 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 farmstead which consists mainly of agricultural buildings with a small number of mainly traditional two storey dwellings and a solitary 1960s bungalow, all inset into the farmstead within a wider landscape that consists of open agricultural land. Though some distance from Pymoor, the farmstead grouping of which the site is part, forms a coherent element within the rural landscape on the approach to the village from the north. The site therefore has a small but nonetheless valuable contribution to make within the context of the maintaining the integrity of the surrounding countryside. The closing up of the farmstead access and the formation of an additional dwelling and curtilage in its place would therefore compromise the character of the farmstead within its open landscape setting by introducing inherent elements of domestication into this primarily rural working landscape.
- 7.3.3 This application seeks planning permission with all matters reserved and therefore the matter of layout is not being considered as part of this application. However, the indicative drawings submitted with the application show both dwellings facing directly onto the highway at Straight Furlong, forward of the loose building lines of

both the established dwellings nearby and, placed well forward of the farmstead buildings. In doing so, the proposal would introduce a small but visually prominent cluster of two dwellings, distinct in terms of its location forward of the farmstead, resulting in an incongruous form of development that would fail to relate in terms of its sense of place or setting with either the farmstead or the open rural landscape within which it is located. The application site also provides minimal scope to site the proposed dwellings deeper into the plot, in line with the existing building line, as this would result in very little or no private rear amenity space for each plot. As such, the proposal would result in an unwelcome 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 and ENV 1 of the Local Plan and the NPPF.

7.4 Flood Risk

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 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 adequately addressed. The applicant's Flood Risk Assessment states that the application passes the Sequential Test as there is no other land available for development within the Pymoor village plan at a lower risk of flooding. However, there are allocated sites within Little Downham and Pymoor (LTD1 and PYM1), as specified within the East Cambridgeshire Local Plan 2015. In addition, there have recently been applications approved for new dwellings outside of Flood Zone 3 within Pymoor (Examples include planning application references: 16/00709/OUT, 16/01181/OUT, 16/01270/OUT and 16/01776/RMA which, alone, total 13 approved dwellings).
- 7.4.4 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 Test being met and that this test is applied by the Planning Authority.

7.5 Highway safety

7.5.1 After a review of amended drawing 3224/16/1b, the Local Highway Authority do not have any objections to the application. However, they have recommended that conditions are appended to any grant of planning permission in respect of vehicle access points, parking and turning, and a vehicle access gates restriction. The proposal demonstrates that adequate parking and turning can be achieved within the site for 2 cars per plot. As such, in respect of highway safety and parking provision, it is considered that the proposed development complies with Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

7.6 Residential amenity

7.6.1 Although this application seeks outline planning permission with all matters reserved, the site is large enough in size to accommodate 2 No. dwellings with a sufficient amount of amenity space for each, which would provide future occupiers of the proposed dwellings with an adequate standard of amenity in accordance with the Design Guide SPD. It also indicates that a sufficient distance exists between the proposed dwellings and closest neighbouring dwellings to avoid any significant material impacts upon their residential amenity.

7.6.2 One of the refusal reasons on the previous planning application on the site (ref: 16/01424/OUT) related to the likely residential amenity impacts of unacceptable levels of noise, dust and smells generated from the nearby agricultural operations due the proximity of the proposed dwellings to a working farmstead and its buildings, in addition to the proposed dwellings impinging on the future operations of the farm holding. However, the currently application has overcome this previous refusal reason by proposing to demolish the existing farm buildings which are situated within closest proximity to the proposed dwellings. Demolition of these farm buildings could be ensured by a Grampian planning condition.

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

7.7 Other Material Matters

7.7.1 There is considered to be no issues relating to ecology on the site as the site comprises mainly concrete hardstanding and the surrounding land has been recently farmed. A condition could be appended to any grant of planning permission requiring biodiversity enhancements to be provided.

7.8 Planning Balance

7.8.1 The proposal would provide for two new build dwellings from the demolition of an existing and use of additional land resulting in a net gain of one dwelling. This would, if approved, have contributed to the Councils housing provision with construction providing some short term economic benefits. This application

overcomes the residential amenity refusal reason from the previous planning application on the site (ref: 16/01424/OUT).

7.8.2 However, it is considered that the benefits of the application would still be outweighed by the significant and demonstrable harm which would be created by:- the unnecessary siting of an additional dwelling within Flood Zone 3 despite there being reasonably available sites elsewhere within Little Downham and Pymoor with a lower probability of flooding, the detrimental impact on the character and appearance of the area and the unsustainable location of the proposed additional dwelling which would create increased reliance on the private car.

8 APPENDICES

8.1 Appendix 1 - Officer Report for planning application 16/01424/OUT.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00970/OUT	Richard Fitzjohn Room No. 011 The Grange Ely	Richard Fitzjohn Planning Officer 01353 665555 richard.fitzjohn@ea stcambs.gov.uk
16/01424/OUT 77/00687/FUL 76/00764/FUL		

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>