

**MAIN CASE**

**Reference No:** 17/01477/FUL

**Proposal:** Construction of a steel framed building

**Site Address:** 22A New River Bank Littleport Ely Cambridgeshire CB7 4TA

**Applicant:** R & J & G Norman

**Case Officer:** Oli Haydon, Planning Officer

**Parish:** Littleport

**Ward:** Littleport East  
Ward Councillor/s: Councillor David Ambrose-Smith  
Councillor Jo Webber

**Date Received:** 11 August 2017      **Expiry Date:** 11<sup>th</sup> December 2017  
[S188]

1.0 **RECOMMENDATION**

1.1 Members are recommended to **approve** the application subject to the recommended summary conditions below. These conditions can be read in full in at Appendix 1.

- 1) Approved Plans
- 2) Time Limit
- 3) Materials
- 4) Flood Risk Mitigation Measures
- 5) Surface Water Drainage

2.0 **SUMMARY OF APPLICATION**

2.1 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.**

2.2 This application is for a proposed steel framed building to be used for agricultural purposes. The proposed building is 8.5 metres to the ridge, has eaves of 5 metres, a width across the front elevation of 30.5 metres and depth of 18.2 metres. The proposed building would be finished in a grey colour.

- 2.3 The application has been called into Planning Committee by Cllr David Ambrose Smith for the following reason: *“Having viewed the well established farm site, with farm machinery and equipment already lining its boundary I am concerned from the neighbours point of view with the overbearing nature of such a large building.”*

### 3.0 PLANNING HISTORY

#### 3.1

83/00169/OUT	ONE DWELLING	Approved	19.04.1983
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84/00420/FUL	BUNGALOW	Approved	29.06.1984
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### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the established development framework for Littleport. It is on the site of an existing agricultural unit with existing hardstanding where scrub flora has grown. There is a neighbouring dwelling directly west of the proposed building and a dwelling associated with the site to the north-west. The site is located within the defended Flood Zone 3.

### 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.

**Parish** – No Comment.

**Ward Councillors** - Cllr David Ambrose Smith: *“Having viewed the well established farm site, with farm machinery and equipment already lining its boundary am concerned from the neighbours point of view with the overbearing nature of such a large building.”*

**Anglian Water Services Ltd** - No Comments Received.

**Environment Agency** – No objections to the Flood Risk Assessment and have noted the need to demonstrate details on surface water drainage.

**Consultee For Other Wards In Parish** - No Comments Received

**The Ely Group Of Internal Drainage Board** - Originally objected as the plans showed the proposed building to discharge into an IDB ditch with insufficient capacity. Subsequently this was changed to the soakaways which the IDB have confirmed as being acceptable subject to soakaways proving to be an effective means of dealing with surface water.

5.2 **Neighbours** – One neighbouring property was notified, site notice posted and advert placed in the Cambridge Evening News and one response was received summarised below. A full copy of the response is available on the Council's website.

- Local Plan policy GROWTH 2 seeks to strictly control development outside of defined development envelopes, which this site is outside of.
- While acknowledged agriculture is one of the exceptions, it seeks to minimise unnecessary development of open countryside.
- This view is also carried forward in emerging Local Plan policy LP3.
- Intrinsic character of the countryside should be protected for its own sake.
- Concerned with the excessive and grossly inappropriate size, scale, height, bulk and massing of the proposed building.
- This would lead to a highly dominant and visually intrusive form of development, particularly when viewed from open land to the south and east.
- No features to break up the mass and bulk which exacerbates the impact on the character of the countryside.
- Therefore conflicts with policies GROWTH2, ENV1 and ENV2 of the 2015 Local Plan and emerging policies LP22, LP28 and LP31.
- Grave concerns with the impact on the adjacent neighbours at 23 New River Bank. The size of the building and proximity to the common boundary would result in a significant overbearing impact from private garden and dwelling.
- Proposed eaves height exceed that of a typical two storey house, with the ridge line also significantly higher at over 8 metres.
- Result in a loss of light in the garden particularly during mornings.
- Therefore fails to comply with policy ENV2 and emerging policy LP22 in this regard.
- Applicant has provided no detail to justify the provision of such a large building. Also no detail as to whether there is already spare capacity within the existing agricultural buildings. Therefore no way to assess if the building is reasonably necessary for the purposes of agriculture.
- This is clearly unacceptable due to local and national planning policy seeking to protect the intrinsic character of the countryside.
- Emerging policy LP3 requires his application to demonstrate essential need to the effective operation of agriculture.
- Concerned about intensification of the site, however, this is hard to judge due to the lack of detail submitted. Increased vehicular movements would impact on quality of life for adjacent neighbours.
- Flood Risk Assessment is not considered to be acceptable and does not demonstrate it will not lead to increased risk of flooding elsewhere.
- No detailed information as to how the scheme will deal with surface water drainage.

## 6.0 The Planning Policy Context

### 6.1 East Cambridgeshire Local Plan 2015

ENV 1	Landscape and settlement character
ENV 2	Design
COM 7	Transport impact

EMP 2 Extensions to existing businesses in the countryside  
ENV 8 Flood Risk

## 6.2 Supplementary Planning Documents

Design Guide  
Flood and Water

## 6.3 National Planning Policy Framework 2012

7 Requiring good design  
3 Supporting a prosperous rural economy

## 6.4 Proposed Submission Local Plan 2017

LP3 The settlement hierarchy and the countryside  
LP22 Achieving design excellence  
LP25 Managing water resources and flood risk  
LP28 Landscape, treescape and built environment character, including cathedral views  
LP31 Development in the countryside  
LP17 Creating a sustainable, efficient and resilient transport network

## 7.0 PLANNING COMMENTS

7.0.1 The main considerations of this application are: principle of development, residential amenity, visual amenity, flood risk and other matters.

### 7.1 **Principle of Development**

7.1.1 Local Plan policy GROWTH 2 seeks to restrict development to established development frameworks. Outside of the frameworks development is restricted to a number of exceptions including agriculture providing it does not have a significant impact on the character of the countryside and that other Local Plan policies are satisfied, both of these aspects are discussed in later sections of this report. The aspirations of Proposed Submission Local Plan (2017) policy LP3 and LP31 are broadly the same.

7.1.2 Concerns have been raised from a neighbouring occupier as to the principle of this building and whether there is an essential need to justify its construction. The applicant has advised they require the larger building as the current agricultural buildings on site do not provide sufficient height for trailers to tip out produce which results in unsafe working practices. The applicant has also advised that there is insufficient space to store pallets of potatoes which have been graded and are ready to be sold.

### 7.2 **Residential Amenity**

7.2.1 Under Local Plan policy ENV2 this application must ensure it does not result in a significantly detrimental harm to the residential amenity of neighbouring occupiers.

The aspirations of emerging policy LP22 are also the same. As previously noted concerns have been raised by the adjacent neighbours in No.23 New River Bank.

- 7.2.2 Consideration has been given to the potential loss of light and overbearing impacts on No.23. The rear elevation of the neighbouring No.23 would face east onto this proposed building. Given its location it is acknowledged that there would be a potential loss of light early in the morning particularly on the private amenity space to the east of the dwelling, however, it is not considered to be significant enough that it would warrant refusal, especially given the open aspect to the south of No.23's amenity space.
- 7.2.3 The proposed agricultural building would be located 25 metres from the rear elevation of No.23 and 8 metres from the common boundary. The East Cambs Design Guide refers to minimum separation distances for inter-visibility windows, however, it also offers a barometer in terms of the extent of overbearing impacts a proposal may have. The Design Guide seeks a minimum separation distance of 20 metres, the rear elevation of No.23 would be 25 metres from the proposed building which is 8.5 metres high with eaves height of 5 metres. While there is an impact to the residents of No.23 it is considered that given the separation distance it is not significantly overbearing such that would warrant refusal of the application.
- 7.2.4 As a result it is considered to comply with policy ENV2 and emerging policy LP22 in this regard as it does not result in a significantly detrimental harm to residential amenity.

### **7.3 Visual Amenity**

- 7.3.1 Under Local Plan policy ENV1 this application should ensure that it provides a complementary relationship with existing development, and conserve, preserve and where possible enhance the distinctive and traditional landscapes, and key views in and out of settlements. Local Plan policy ENV2 requires this application to ensure its location, layout, form, scale, massing and materials are sympathetic to the surrounding area. Emerging policies LP22 and LP28 also require the same considerations.
- 7.3.2 The proposed agricultural building would be sited on an existing agricultural unit with two smaller, similarly designed buildings to the north. The building would be constructed on an existing section of brownfield land which has become overgrown. The proposed building would be larger in terms of footprint than the nearby dwellings and agricultural buildings and would be visible within the street scene of New River Bank. However, this area is characterised as being agricultural in nature and there are a number of agricultural buildings in close proximity to the site (and on it). The applicant has sought to keep the proposed building in close proximity to existing development, to ensure it is not built in open countryside which is devoid of development.
- 7.3.3 It is therefore considered that while there will be an element of urbanising of the landscape as a result of the proposed; in seeking to keep the built form close to existing development and its location within an area characterised by agricultural uses, the building is considered to comply with policies ENV1, ENV2, LP22 and LP28.

## **7.4 Flood Risk and Drainage**

- 7.4.1 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. Local Plan (2015) policy ENV8 requires development to ensure it does not result in creased risk of flooding over its lifetime or cause a risk to safety, as does emerging policy LP25. The Cambridgeshire Flood and Water SPD also has similar requirements. The applicant has submitted a Flood Risk Assessment which has not been objected to the by Environment Agency.
- 7.4.2 The application site is located within Flood Zone 3a, defined within the NPPF Planning Practice Guidance as having a 'high probability' of flooding. The development type proposed is classified as 'less 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 compatible with this Flood Zone due to its agricultural nature. It is noted that the EA have advised it is up to the Local Planning Authority to determine whether the sequential test should be applied. Given that the form of development is compatible with this Flood Zone in Table 3, the test is not considered to be necessary.
- 7.4.3 The Flood Risk Assessment details mitigation measures including raising the finished floor levels and surface water drainage having to be constructed to BRE365 standards which is also required by the EA. The applicant has shown surface water on drawing ENQ.5563.PED.1 Rev A as being dealt with by soakaways. The IDB have also removed their objection following an amended plan removing water discharge into their watercourse. The Local Planning Authority have considered the soil types in the area which are described as: *“Loamy and sandy soils with naturally high groundwater and a peaty surface”* and as being naturally wet for drainage. Therefore, the Local Planning Authority feel it necessary to condition a detailed scheme for surface water drainage to be secured by way of condition, with the applicant required to provide detailed information regarding infiltration rates to ensure soakaways are acceptable. Should this not be the case an alternative surface water drainage scheme would need to be put forward by the applicant with sufficient detail for the Local Planning Authority to judge its acceptability.
- 7.4.4 It is therefore considered that the application complies with the provision of the NPPF, Local Plan policy ENV8 and emerging LP25 as well as the Flood and Water SPD.

## **7.5 Other Material Matters**

- 7.5.1 While the site is un-kempt in the location of the proposed development the majority of this area is hardstanding and is unlikely to have any ecological value. The application is therefore considered to comply with policy ENV7 and emerging LP30 in this regard.

## 7.6 Planning Balance

- 7.6.1 It is therefore considered that the principle of an agricultural building in this location is acceptable, and that the development represents low vulnerability to flood risk due to its use. The concerns from the neighbouring occupiers as to the overbearing and loss of light impacts have been noted but are not considered to be significant enough that would warrant refusal. In addition in terms of visual amenity the proposed building would have a general agricultural appearance in close proximity to other built form and is considered to be broadly acceptable.
- 7.6.2 The application is therefore recommended for approval subject to the necessary conditions in Appendix 1.

## 8.0 APPENDICES

- 8.1 Suggested planning conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01477/FUL	Gareth Pritchard Room No. 011 The Grange	Gareth Pritchard Planning Officer 01353 665555
83/00169/OUT 84/00420/FUL	Ely	gareth.pritchard@eastcambs.gov.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>

## APPENDIX 1 - 17/01477/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
FLOOD RISK GCB/A C BACON		11th August 2017
LOCATION PLAN		11th August 2017
ENQ.5563.PED.1	A	12th September 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces shall be as specified on drawing ENQ.5563.PED.1 Rev A. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Proposed Submission Local Plan 2017.
- 4 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Geoff Beel Consultancy dated August 2017 reference: GCB/A C Bacon and the following mitigation measures detailed within the FRA:
  - Building finished floor 300mm above existing lowest land level
- 4 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Proposed Submission Local Plan 2017.
- 5 Notwithstanding drawing ENQ.5563.PED.I Rev A no development shall take place until a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. Should this be soakaways as shown on drawing ENQ.5563.PED.I Rev A infiltration details will need to be submitted. The scheme(s) shall be implemented prior to first use.
- 5 Reason: To prevent flooding by ensuring the satisfactory storage/disposal of water from the site, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Proposed Submission Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.