
MAIN CASE

Reference No: 16/00875/FUL

Proposal: Construction of new farmhouse at existing farm establishment (re-submission of 15/01128/FUL)

Site Address: Witcham Bridge Farm Witcham Bridge Drove Wardy Hill
Cambridgeshire

Applicant: Mr T Whitehand

Case Officer: Andrew Phillips Senior Planning Officer

Parish: Coveney

Ward: Downham Villages

Ward Councillor/s: Councillor Anna Bailey
Councillor Mike Bradley

Date Received: 11 July 2016 **Expiry Date:** 7 December 2016

[R156]

1.0 **RECOMMENDATION**

1.1 Members are requested to refuse the application on the following ground:

1. The dwelling is located in the countryside and by reason of its distance from either the minor settlements of Coveney, Wardy Hill and the nearest main settlement of Ely, is considered to be in an unsustainable location. The future residents of this dwelling 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 in paragraph 55 of the National Planning Policy Framework and is deemed contrary to Local Plan Policies GROWTH 5 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 proposed dwelling that constitutes a 'more vulnerable' development, in accordance with Table 2 of the National Planning Policy Framework Planning Practice Guidance is located within Flood Zones 2 and 3 and, therefore, flooding is highly likely. With several other nearby sites suitable for the construction of a single dwelling, the proposal fails the sequential test. The developer has also not provided their own sequential test, which fails to comply with Cambridgeshire Flood and Water SPD. The proposal by virtue of being a more vulnerable development in an

area at a high risk of flooding does not comply with Policy ENV8 of the East Cambridgeshire Local Plan Adopted April 2015 or the National Planning Policy Framework.

2.0 SUMMARY OF APPLICATION

2.1 The application is for a single one and a half storey three bedroom dwelling. The proposal would not lead to the loss of the existing barn, sheds or paddock area.

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 proposal has been called in by Cllr Bailey in order that the Agent can present new/more detailed information to be considered by Planning Committee.

3.0 PLANNING HISTORY

3.1

95/00525/FUL	Siting of a mobile home in connection with agriculture	Approved	03.04.1996
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15/01128/FUL	Construction of new farmhouse at existing farm establishment	Withdrawn	24.05.2016
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Off site relevant planning history

15/00388/OUT – Outline application for four dwellings at 33 Main Street, Wardy Hill
Approved 22.06.2015

14/00793/OUT – Outline application for a 2 bedroom bungalow at land west of 1 Jerusalem Drove, Wardy Hill. Approved 20.11.2014

16/00653/OUT – Outline application for two dwellings at land adjacent Hale Fen House, Wardy Hill. Approved 14.07.2016

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site is within but on the edge of Flood Zone 2 and is partially within Flood Zone 3. The site is located approximately 440 metres outside of the defined development boundary.

4.2 The site currently has a wooden barn structure and sheds on it with paddock land to the rear (south), access is via Witcham Bridge Drove to the north. The site is currently used in connection with the keeping of horses and the previous approved

mobile home is not on site. Along the northern boundary is a drainage ditch but this is partially culverted in front of the site.

5.0 RESPONSES FROM CONSULTEES

5.1 The full responses from consultees are available on the Council's web site.

Coveney Parish Council – (20 July 2016) It seeks the outright refusal of the application, as the development is outside of the development envelope and the countryside must be protected.

Local Highways Authority – (4 August 2016) No significant adverse effect upon the public highway should result from this proposal if it gains benefit of planning permission.

Littleport and Downham Internal Drainage Board – (22 July 2016) The method of surface water disposal for the site is unclear, as there are disparities between the application form and the Flood Risk Assessment. Therefore, the Board objects to the application until the method has been clarified.

Also the Board believe the statement in paragraph 3.3 of the Flood Risk Assessment is wrong. The principle potential flood risk is by the failure of the South Level Barrier Bank of the New Bedford River.

(5 August 2016) They have been contacted by the agent for this development who has supplied us with a revised flood risk assessment and clarification of surface water drainage disposal. With now acceptable information it withdraws its objection.

Environment Agency – (4 August 2016) States that it is up to the Local Planning Authority to determine if the proposal passes the Sequential Test.

The application site lies partially within Floodzone 2 on the Environment Agency's flood map. The site lies outside the extent of tidal flooding based on the Environment Agency's Tidal Hazard Mapping.

If the application is to be approved it seeks a condition that there will be no ground floor sleeping in the proposed dwelling.

(23 September 2016) States that the site is partly within Floodzone 2 and slightly within Floodzone 3. It is the Local Planning Authorities responsibility to apply the sequential test and they support our decision.

(12 October 2016) It states that the site is within Floodzone 2 and partially within Floodzone 3.

If the applicant has evidence to show that the site is in Floodzone 1 they could contact our Customer and Engagement team to request a flood map challenge.

Alternatively a sequential approach could be used at the site and the proposed development could be located in the part of the site that is in floodzone 1.

Natural England – (3 August 2016) No objections to the proposal.

Waste Strategy (ECDC) – (15 July 2016) Requests usual Informatives are added to any consent.

Trees Officer – They state that as the landscape views are unaffected they have no objection to the proposal. It seeks an informative to ensure that the proposal meets with British Standards during construction to prevent damage to the trees.

CCC Growth & Development - No Comments Received

Ward Councillors – (1 November 2016) Cllr Anna Bailey requests that the application is determined by Planning Committee. The Agent believes they have a very strong case about the flood risk issue and whilst they appreciate that ECDC also has a strong case (based on known and available data), it seems that the Agent plans to present new or more detailed information about the flood risk that should be considered by the Planning Committee.

5.2 Neighbours –A site notice was put up on the 21 July 2016 and a notice was put in the press on the 28 July 2016. No neighbouring properties were notified and no responses were 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
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
COM 7	Transport impact
COM 8	Parking provision

6.2 Supplementary Planning Documents

Developer Contributions and Planning Obligations
Design Guide
Cambridgeshire Flood and Water SPD

6.3 National Planning Policy Framework 2012 (NPPF)

- 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 issues to consider when determining this application relate to the principle of development, flood risk, the impacts upon character and appearance of the area, ecology, highway safety, trees and residential amenity.

7.2 Principle of development

The application site lies outside of the defined development boundary of Wardy Hill. The development of the site for housing would therefore conflict with Policy GROWTH 2 of the East Cambridgeshire Local Plan which seeks to focus new housing development within defined settlement boundaries. However as the Council cannot currently demonstrate a 5 year supply of housing land, Policy GROWTH 2 cannot 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 development set out in the National Planning Policy Framework (NPPF) means that permission for 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.

Paragraph 55 of the NPPF states that isolated new homes in the countryside should be avoided unless there are special circumstances. This site is considered to be within close proximity of Jerusalem Drove, Wardy Hill that has a collection of dwellings (there is a distance of approximately 160 metres between the proposed dwelling and No.4 Jerusalem Drove) and these dwellings are located close to the settlement of Wardy Hill. The site fronts Witcham Bridge Farm with an existing access and a number of agricultural buildings and stables.

However, the proposed dwelling is remote from both the development boundary of Wardy Hill and is separated from the properties along Jerusalem Drove. With this separation the property is considered to be too remote to be considered to support a rural community as defined within paragraph 55 of the National Planning Policy Framework and for this reason is not acceptable in principle.

7.3 Flood Risk

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 2 & 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.

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 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 Parish of Coveney suitable for the erection of a single dwelling which is outside of Flood Zones 2 & 3.

A Flood Risk Assessment has been submitted as supporting information as part of the planning application which questions the accuracy of the Environment Agency Flood Risk Maps. The Environment Agency has responded to this by stating that the applicant can request a Flood Map challenge if it is considered that the proposed dwelling is located within Flood Zone 1.

The Environment Agency does not object to the application; however the Local Planning Authority is required to apply the sequential test. A Sequential Test has not been submitted by the applicant.

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.

While there are no allocated sites for housing within the Parish of Coveney, as specified within the East Cambridgeshire Local Plan 2015; there are more appropriate sites along Jerusalem Drove and adjacent Coveney and Wardy Hill that are within Flood Zone 1. In addition, outline planning permission 15/00388/OUT for 4 no. dwellings at Vine Leigh Farm, 33 Main Street Wardy Hill; outline application for two dwellings at land adjacent Hale Fen House, Wardy Hill; and outline planning application 14/00793/OUT for a 2 bed bungalow Land west of 1 Jerusalem Drove, Wardy Hill have recently been approved in more sustainable locations within the Parish of Coveney. (The Environment Agency's response dated 12 October is attached in full as Appendix 1 to this report)

It is 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 Coveney 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.

Members should note that the previous planning application 15/01128/FUL was withdrawn in order to give the applicant the opportunity to address the Flood Risk and sequential Test issues.

The developer has provided some information regarding the need to be on site to look after horses, but also says the site has been managed for the past 20 years without the need for an onsite presence. In addition no financial information has been provided in regards to the business and no details provided of what nearby properties have been sought for purchase. With the information provided it appears that the applicant owns horses as a hobby and not as a business. Policy HOU5, therefore, does not apply to this proposal and does not add any weight in favour of granting planning permission.

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, the provisions of the PPG on Flooding and Coastal Change and the National Planning Policy Framework.

7.4 Character and appearance of the area

The area surrounding the application site is predominantly rural in nature, largely comprising agricultural fields. The application site currently has a barn and sheds adjacent the site, a menage and paddocks. The site is well screened by an established belt of trees along the north boundary adjacent to Witcham Bridge Drove and hedges along the east and west boundary.

Policy ENV1 of the East Cambridgeshire Local Plan 2015 requires new development proposals to demonstrate that their location creates positive, complementary relationships with existing development and protects, conserves, and where possible enhances space between settlements and their wider landscape setting. Furthermore, Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires all new development proposals to respect the landscape of the surrounding area and ensure the location of buildings relates sympathetically to the surrounding area.

It is considered that the erection of the proposed dwelling adjacent to the existing barn and sheds would not erode the predominantly rural character of the area and would not be visually intrusive upon the surrounding rural landscape.

It is therefore considered that the proposed dwelling in this location would not cause significant and demonstrable harm to the rural character and appearance of the area, and would accord with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14, 17 and 56-68 of the NPPF.

7.5 Ecology

The proposal is not considered to have a detrimental impact upon biodiversity as the site is already well used and the entrance culverted. If the application was to be approved landscape and biodiversity enhancement conditions should be added to comply with policy ENV7 of the adopted Local Plan.

7.6 Highway safety

The submitted plans demonstrate that adequate parking and turning could be achieved for a minimum of 2 domestic cars. The vehicular access is existing and benefits from good visibility onto a quiet road which serves a very low level of traffic.

Cambridgeshire County Council Highways has been consulted on the application and has raised no objections and has not requested any conditions, which officers support. The proposal, therefore, does not raise any concerns in regards to highway safety.

7.8 Residential Amenity

The proposed dwellings would be sufficiently distanced from No.4 Jerusalem Drove to prevent any significant adverse impacts upon the residential amenity of this neighbouring property. It is therefore considered that the proposal accords with Policy ENV2 of the East Cambridgeshire Local Plan 2015 in respect of residential amenity.

7.9 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 harm caused by provision of a dwelling in an unsustainable location and the harm caused by the increased risk of flooding as a result of an additional dwelling within Flood Zones 2 and 3 despite there being reasonably available sites elsewhere with a lower probability of flooding. In conclusion, this proposal is in conflict with Policies GROWTH5 and ENV8 of the East Cambridgeshire Local Plan 2015, Cambridgeshire Flood and Water SPD and the National Planning Policy Framework.

8.0 APPENDICES

8.1 Appendix 1 - Environment Agency comments dated 12 October 2016.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
16/00875/FUL 95/00525/FUL 15/01128/FUL	Andrew Phillips Room No. 011 The Grange Ely	Andrew Phillips Senior Planning Officer 01353 616359 andrew.phillips@ea stcambs.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>