

**MAIN CASE**

**Reference No:** 17/00422/OUT

**Proposal:** Outline Application for 1.5 storey dwelling along with associated parking, cart lodge, access & site works

**Site Address:** 24 Prickwillow Road Isleham CB7 5RQ

**Applicant:** Mr Luke Hudson

**Case Officer:** Gareth Pritchard, Planning Officer

**Parish:** Isleham

**Ward:** Isleham  
Ward Councillor/s: Councillor Derrick Beckett

**Date Received:** 14 March 2017      **Expiry Date:** 22 September 2017

[S100]

1.0 **RECOMMENDATION**1.1 Members are recommended to **refuse** this application for the following reasons:

- 1.1.1 The proposed dwelling is located within the countryside and, by virtue of its distance from the main settlement of Isleham, is considered to be in an unsustainable location. The proposal does not promote sustainable forms of transport and the future residents of this additional dwelling will be reliant on motor vehicles in order to access any local services or facilities. The proposal does not meet any of the special circumstances as identified in Paragraph 55 of the National Planning Policy Framework. The proposal fails to comply with the Policies GROWTH 5 and COM7 of the East Cambridgeshire Local Plan 2015 and Paragraphs 14 and 55 of the National Planning Policy Framework, as it fails to promote sustainable development.
- 1.1.2 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 Isleham 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 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 Cllr Derrick Beckett has called the application into planning committee for the following reason: *"In order to maintain consistency in planning decisions I would like to call this application in to committee, as several like applications have been passed on Great Fen Road and Hasse Road recently."*
- 2.3 This application seeks outline planning permission for a 1.5 storey dwelling with associated works and cart lodge. The outline is for access and scale with appearance, landscaping and layout being retained as reserved matters. The applicant has confirmed that the scale of the dwelling would be a maximum height of 6.75 metres from the new ground level which would need to be raised by 1.5 metres to meet the requirements of the FRA and the cart port 4.25 metres in height from the new ground level.

## 3.0 PLANNING HISTORY

- 3.1 No relevant planning history

## 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the established development framework for Isleham which is located approximately 2.5 miles to the south of the site. The site is characterised as being a paddock in the countryside. It has a dry, maintained ditch along the west of the site with trees and vegetation. The site is located within Flood Zone 3. There is also vegetation along the front of the site and a large tree between the site and highway.

## 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** - Originally objected to the application but these objections were later removed and no reason provided.

**Ward Councillors** - *"In order to maintain consistency in planning decisions I would like to call this application in to committee, as several like applications have been passed on Great Fen Road and Hasse Road recently."*

**Environment Agency** - The EA have reviewed the submitted Flood Risk Assessment in respect of Part II of the Exceptions Test and do not object to the

application subject to necessary conditions including raising the ground level by 1.5 metres.

**Local Highways Authority** - Raised no objection to the application but requested conditions.

**CCC Growth & Development** - No Comments Received

**Lead Local Flood Authority** - No Comments Received

**Minerals And Waste Development Control Team** - No Comments Received

**Trees Officer** – Raised no objections to the application

5.2 Neighbours – one neighbouring property was notified, a site notice posted and advert place in the Cambridge Evening News. 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
COM 7	Transport impact
COM 8	Parking provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution

### 6.2 Supplementary Planning Documents

Design Guide

Developer Contributions and Planning Obligations

Flood and Water

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

### 6.3 National Planning Policy Framework 2012

10 Meeting the challenge of climate change, flooding and coastal change

11 Conserving and enhancing the natural environment

4 Promoting sustainable transport

6 Delivering a wide choice of high quality homes

7 Requiring good design

## 7.0 PLANNING COMMENTS

7.0.1 The main considerations of this application are: principle of development, flood risk, visual amenity, residential amenity, highways safety, parking provision, ecology, trees and other matters.

### 7.1 Principle of development

7.1.1 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. The scheme is considered to have a limited weight in terms of an additional dwelling to East Cambs housing stock, and the short term economic benefit through construction.

7.1.2 The application site lies outside of the defined development boundary. 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 five year land supply for housing, policy GROWTH 2 cannot be considered up to date in so far as it relates to supply of housing land. 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 isolated from any built settlement, being 2.5 miles from the nearest settlement of Isleham. The site is located in an isolated, rural location. It is therefore considered to be an unsustainable location for the erection of a new dwelling, similar to the conclusions of the Inspector in recent appeal decisions which forms a material consideration to be given significant weight in determining this application.

7.1.3 The appeal decision bears similarities with this proposal and followed the refusal by the Planning Committee for two dwellings at 14 The Cotes, located 1.8 miles north of Soham, in an isolated cluster of dwellings. The proposed development site in this case is some 2.5 from Isleham where its limited local shops and services are located.

7.1.4 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 2.5 miles from the edge of Isleham where its limited local shops and services are located.

Other recent appeal decisions continue this view in similar applications in Little Downham and Isleham relating to unsustainable locations and reliance on the private motor vehicle (APP/VO510/W/3158114 and APP/VO510/W/3160576 respectively).

- 7.1.5 The Local Planning Authority have recently received a further appeal (APP/VO510/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 an undeveloped paddock. In any event each site needs to be treated on its own individual merits.
- 7.1.6 Due to the distance from services and facilities in Isleham and the lack of suitable facilities for non-motorised transport, trips would likely take place by car. This is contrary to Local Plan Policies GROWTH2 and COM7 and paragraphs 14 and 55 of the NPPF. As a result the principle of development is considered to be unacceptable.
- 7.1.7 This proposal differs from residential permissions granted in the small rural settlements in the District. This is due to the fact that encouraging growth at these rural sites will improve their sustainability and since they are presently reliant on nearby villages and reliant on the car already; the introduction of new dwellings ultimately helps their long-term sustainability and keeps these communities alive. The NPPF supports this by stating in paragraph 55 that development can support services in a village nearby and that isolated new homes in the countryside should be resisted unless there are special circumstances.

## 7.2 Flood Risk

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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. 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.

- 7.2.4 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.
- 7.2.5 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 Isleham suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.2.6 A Flood Risk Sequential Test has not been submitted by the applicant, 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 Isleham, 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 Isleham 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 Isleham 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. It should also be noted that the 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 to Sequential test.
- 7.2.7 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 to Sequential test.
- 7.2.8 Had the Sequential Test be passed the Exception Test should then be applied, guided by the submitted Flood Risk Assessment.
- 7.2.9 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; and
- 7.2.10 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.
- 7.2.11 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.

7.2.12 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.

### 7.3 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.

7.3.2 The site comprises a paddock and there is a small cluster of development surrounding the site. This includes a dwelling to the north and north-west of the site, and farm development to the north and north-east. There is also a mature willow tree fronting the site for retention, and vegetation fronting the highway.

7.3.3 The main views of the site will be when approaching from the south from Isleham. This view is currently of No.24 and of associated farm buildings to the east of this. When approaching from the north views are obscured by No.24 and existing vegetation. The site is reasonably open and devoid of boundary treatment on the south, east and northern boundaries.

7.3.4 While there are only a limited number of dwellings surrounding the application site these are typically of single storey or 1.5 storeys in nature. The proposal for a 1.5 storey dwelling would therefore in this context be consistent with this.

7.3.5 An amended height was agreed to the dwelling following the requirements of the EA for the sites ground level to be raised by 1.5 metres. The dwelling was originally proposed as being 7.75 metres, however, following conversations with the applicant it was agreed the maximum height of the dwelling would be 6.75 metres. This was considered to mitigate the impact of the ground level increase.

7.3.6 The block plan, while indicative for layout, shows a scale of dwelling which would not occupy the full width of the site. As a result it would still offer views of the landscape beyond which generally appears to be paddock and agricultural.

7.3.7 Appearance, layout and landscape remain reserved matters but it is considered that an acceptable design and materials could be achieved on this site.

7.3.8 Therefore on balance while there is a considered harm through the urbanisation of this paddock, it is not considered to have a significant and demonstrable harm on its locale. Therefore the application is considered to comply with policies ENV1 and ENV2 in this regard.

#### 7.4 Residential amenity

7.4. Under Local Plan policy ENV2 this application should ensure that there is no significantly detrimental harm to the residential amenity of the occupier or neighbouring occupiers as a result of the proposed. Given the relatively isolated nature of the proposed and the scale demonstrated it is not considered to have a detrimental impact in terms of being overbearing, overlooking or causing a loss of light. The nearest dwelling is No.24 which is approximately 24 metres to the north of the site. As a result the application is considered to comply with policy ENV2 in this regard, and separation distances laid out in the Design Guide SPD.

#### 7.5 Highways safety and parking provision

7.5.1 This outline application includes access and under Local Plan policy COM7 this application should ensure that it can provide a safe and convenient access to the public highway. The Local Highways Authority have raised no objections to the proposed application subject to necessary conditions which are considered to be acceptable. As a result the application is considered to comply with policy COM7 in this regard.

7.5.2 It is considered that it may be dangerous for residents to access Isleham if they were to walk to the main settlement due to the lack of non-motorised transport facilities in the form of footpaths. This combined with the distance from the main settlement and as noted the likely use of the motor vehicle means the application is considered to fail to comply with policy COM7 in that it does not encourage sustainable forms of transport.

7.5.3 Under Local Plan policy COM8 this application must provide a minimum of two parking spaces for motor vehicles on site. While layout remains a matter for reserved matters stage the applicant has demonstrated how the scale of the proposed on the site would allow for a minimum of two motor vehicles to be parked on the site. As a result the application is considered to comply with policy COM8 in this regard.

#### 7.6 Ecology and trees

7.6.1 Under Local Plan policy ENV7 this application is required to protect biodiversity and geological value of land and buildings, and minimise harm to or loss of environmental features such as hedgerows and trees. The site is primarily open with trees and vegetation limited to the western boundary with a willow tree on this boundary. The Tree Officer has raised no objections to the application at this stage.

7.6.2 Additional information was requested from the applicant in regards to site details for ecology. While the site is of a paddocks type area, there was a dry ditch fronting the highway and vegetation on the western boundary. The applicant provided an additional description of the site, and informal advice has been sort from the Wildlife Trust who confirmed they did not believe an ecological appraisal was necessary given the site information. As a result the application is considered to comply with policy ENV7 in this regard.



7.7 Other matters

7.7.1 A contaminated land survey can be secured by way of planning condition

7.7.2 A scheme to deal with surface water can be secured by way of planning condition

7.7.3 The applicant has provided a large amount of information relating to starter homes and affordable housing and that these can include custom built homes which they are proposing. This has been discussed with the applicant as it carries little weight in the decision making terms, given the scale of the proposed works. It would not meet the six tests for planning conditions as set out in the NPPF to secured this dwelling as affordable housing and it would be unreasonable to secure this dwelling as affordable housing through a planning condition or through a S106.

7.7.4 The applicant has also provided a number of previous applications in East Cambs on what they considered to be similar schemes in similar locations or circumstances. Each site is judged on its own merit, and as highlighted above greater weight is placed on inspectors appeal decision.

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.

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00422/OUT	Gareth Pritchard Room No. 011 The Grange Ely	Gareth Pritchard Planning Officer 01353 665555 gareth.pritchard@e astcambs.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>