

21/00410/FUL

2 Hale Fen

Littleport

Ely

Cambridgeshire

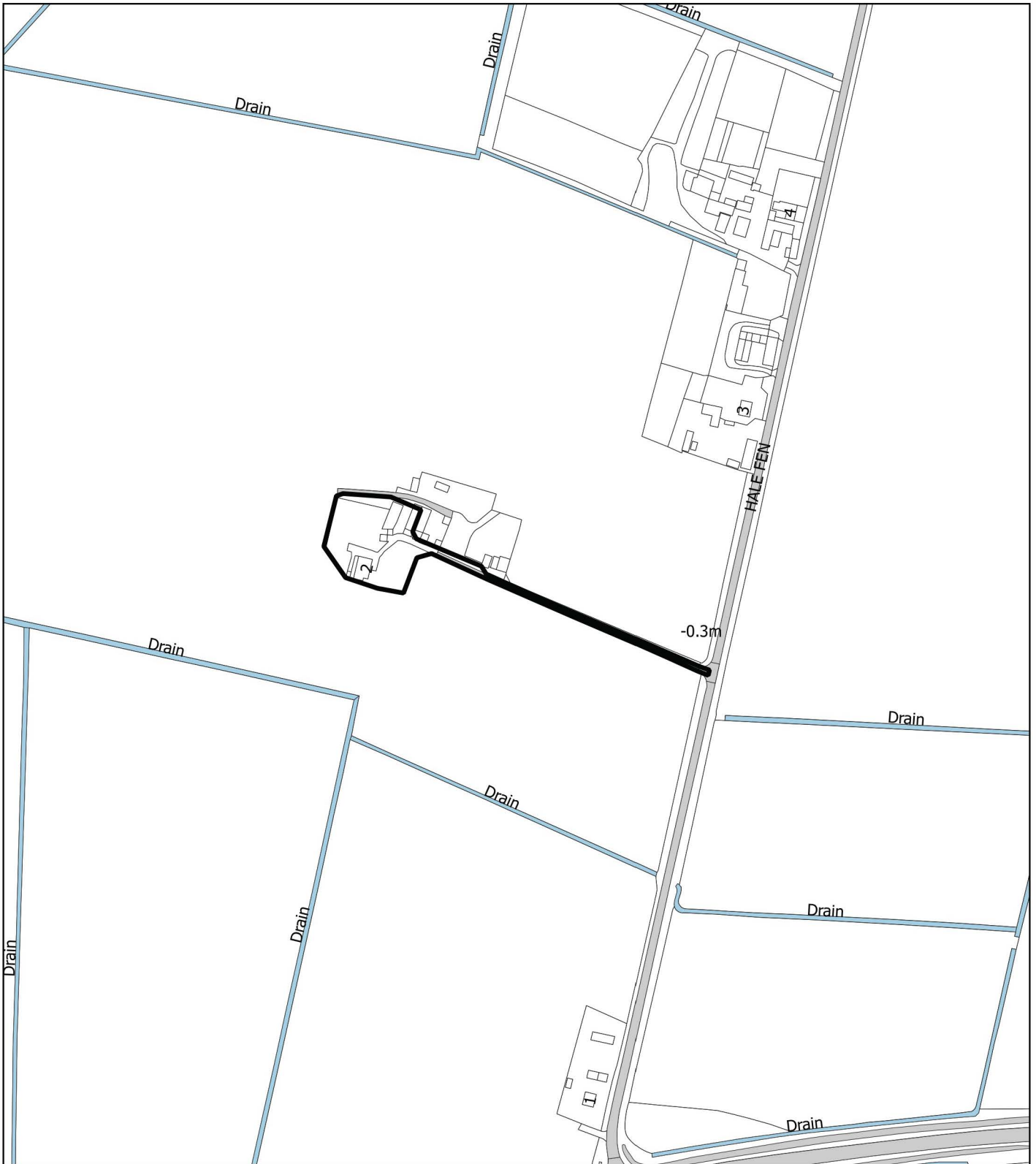
CB6 1EN

Replacement of existing dwelling house with new dwelling house and ancillary annexe with garaging

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<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQ0J0KGGGL700>





21/00410/F UL

2 Hale Fen
Littleport
CB6 1EN



East Cambridgeshire
District Council

Date: 16/11/2021
Scale: 1:3,500



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MAIN CASE

Reference No: 21/00410/FUL

Proposal: Replacement of existing dwelling house with new dwelling house and ancillary annexe with garaging

Site Address: 2 Hale Fen Littleport Ely Cambridgeshire CB6 1EN

Applicant: Mr James Wilson

Case Officer: Emma Barral Planning Officer

Parish: Littleport

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

Date Received: 15 March 2021 **Expiry Date:** 8th December 2021
W120

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

- 1) The proposed replacement dwelling would be significantly different in terms of its design and would be larger in terms of its scale than the dwellinghouse that it would replace. By reason of its design, scale and unsympathetic physical appearance within the landscape, the development would have a substantial adverse impact upon the character and the setting of the surrounding countryside. The proposed dwelling would fail to demonstrate any of the required exceptional or innovative qualities, reflecting the highest standards of architecture that would serve to enhance its immediate setting or show any sensitivity in terms of its scale and design in respect of the defining characteristics of the surrounding local area. As such, the proposal would be contrary to the requirements of both Policies HOU8 and ENV2 of the East Cambridgeshire Local Plan and policy guidance provided in the National Planning Policy Framework (2021) in respect of providing for replacement dwellings within the countryside.
- 2) The proposed attached annex, while a functional link is clearly shown, by virtue of the excessive scale and footprint it is considered that the proposed annex has been designed as a separate residential dwellinghouse. The application plot could easily be subdivided by the future or current occupiers and due to the excessive scale of the annex this would not form ancillary accommodation. Dwellinghouses

outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. For these reasons the annex is considered to result in the creation of a separate new dwelling is contrary to Policies ENV2 and GROWTH2 of the East Cambridgeshire Local Plan 2015, and the Design Guide SPD, and is inconsistent with proposals for genuine ancillary accommodation.

2.0 SUMMARY OF APPLICATION

2.1 The application submitted seeks planning permission for the replacement of the existing dwellinghouse with new dwellinghouse and an ancillary annexe with a proposed garage.

2.2 Officers raised concern with the original proposed plans submitted on the 15th March 2021 for a replacement dwellinghouse, garages and attached annex. It should be noted that the existing dwellinghouse has an overall height of 8 metres (26 feet). The originally proposed scheme had an overall height of 10.4 metres (34 Feet) for the replacement dwellinghouse. Officers noted the excessively sized replacement dwellinghouse that was significantly larger in scale and height than the existing dwellinghouse (only photos are provided of this though existing drawings were required). The proposed dwellinghouse was considered to be clearly out of proportion with the existing dwellinghouse. While policy HOU8 of the Local Plan 2015 allows some flexibility and larger replacement dwellinghouses can be accepted, there were concerns with the scale of the dwellinghouse proposed. In addition, the scale of the proposed annex was considered to be excessive with a kitchen, wet room etc with access to its own garage- this is beyond the reasonable scale of an annex. As such, Officers advised the Planning Agent that they could not support the application as it does not comply with policy HOU8 of the Local Plan 2015 due the height, scale and bulk of the dwellinghouse.

2.3 Officers also gave the following advice in relation to proposed annexes- Annexes should in the first instance be an extension to the existing property. Where detached buildings are an option the conversion of an existing outbuilding would be acceptable. The annex should not be designed to be a separate planning unit or the creation of a new dwelling. There should be a clear functional relationship to the host dwellinghouse with the shared access, garden and parking area. While sited in close proximity to the host dwellinghouse (as an extension), the proposed annexe in the originally proposed scheme could be capable of being used as a separate residential dwellinghouse by the current or future occupiers. Dwellinghouses outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. To be an annexe the proposed annex needs to rely on the main dwellinghouse for key services and utilities, whereas the proposed annexe was considered to be self-sufficient and does not meet the tests of an annexe in the view of Officers.

2.4 Further to the above-mentioned concerns, Officers met with the Agent and applicants on site on the 11th June 2021 to further discuss the proposals. Officers expressed their concerns with the proposed development and its lack of compliance with the requirements of policy HOU8 of the Local Plan 2015. Design solutions were discussed which included reducing the dwellinghouse by at least 1.2 metres (3.9 feet), moving the garage away from blocking the principle elevation, removing the

games room from above the garage, reducing the excessive scale of the annex and showing a clear functional link to the main dwellinghouse.

2.5 Amended plans were submitted by the Agent on the 25th September 2021. The Agent submitted these with the following commentary-

1. "The main house has been reduced in height by 1.2m (3.9 feet) as agreed. As a result I have removed the third floor bedrooms for the scheme due to height restrictions and the staircase access from the first floor. The roof space will be used as attic storage initially but dormer windows are retained to preserve the aesthetic of the building.
2. The single garage has been removed as requested.
3. The garaging to the main house has been repositioned and reduced in height. As suggested by Mr Phillips, the garage has been moved to the side of the main house to create an uninterrupted main façade to the dwelling with the appearance of two 'wings'. Whilst the garage remains attached to the house it has been moved to the South. The orientation of the garage remains as before as it is intended at a future stage to fit solar panels to the south facing roof. To this end the roof is now asymmetric to allow the longer roof slope to face South. The roof height has been reduced and dormers removed and the previously accommodated 'Games' room has been relocated.
4. The oak surround to the secondary frontage door to the dwelling has been removed.
5. The games room has been relocated to the single storey North 'wing' with access from the Utility room.
6. The rear sunroom arrangement to the former, larger, annexe accommodation has been removed.
7. The ground floor area of the annexe has been significantly reduced with living accommodation to one open plan room the front of the single storey north 'wing', large enough for living room furniture, a dining table and kitchenette for coffee making etc. The annexe proposal will retain one first floor bedroom and bathroom".

2.6 Officers reviewed the amended plans and the consultation period for the amended plans expired on the 20th October 2021. Officers provided the following comments to the Agent setting out the concerns in relation to the amended proposal-

- "The existing dwellinghouse has an overall height of 8 metres (26 feet). The proposed scheme had an overall height of 10.4 metres (34 feet). Officers asked this to be reduced by 1.2 metres (3.9 feet). The amended proposed scheme has a height of 9.39 metres (30.8 feet) and therefore this has only been reduced by 1 metre. This is generally more acceptable given that policy HOU8 of the Local Plan 2015 states that "the replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original dwelling", however it is still considered to be generous to allow more than 1 metre taller than the height of the original dwellinghouse (when taking into account the proposed scale too).
- As the third floor is not habitable the proposed dormer windows should be removed from the scheme as they are not required and do not add architectural benefits to the dwellinghouse.

- I note the reduction and altered location of the double garage which does not obscure the principle elevation in the amended plans- however this is still excessive in height when viewed from the north elevation given that this is a single storey structure.
- The relocation of the games room has resulted in a larger footprint for the annex element. Mr Philips suggested that the games room form a single storey rear element to the main dwellinghouse.
- The proposed annex is still completely excessive in scale and footprint. While the reductions to the roof form are noted the footprint for the annex element is approximately 130sqm (including ground floor and first floor). The National Model Design Code (Part 2 Guidance Notes) on page 73 sets out space standards (minimum requirements) for dwellinghouses. For a 1 bedroom 2 storey dwellinghouse the space standard is 58sqm. The proposed annex is clearly in excess of this standard by over 60sqm and is therefore disproportionate- and this is an annex not a new dwellinghouse.
- Overall, I cannot see that significant reductions have been made to address Officers previous concerns. The proposal does not comply with policy HOU8 of the Local Plan 2015 for the above reasons”.

2.7 Further to this, the application was called to Planning Committee by Councillor Christine Ambrose-Smith who stated that “I have agreed to call in this application for determination by the Planning Committee. I will speak as the Ward Member and also declare my interest a member of the Planning Committee and not take part in the following discussion”.

2.8 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/>.

3.0 PLANNING HISTORY

3.1 There is no relevant planning history relating to the application site.

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is located outside the development envelope of Littleport with the main settlement located to the south. The existing farmhouse on the application site is a building which is plain in nature with white rendered external walls throughout and a hipped roof with a ridge height of approximately 8.00m (26 feet) from ground level. The existing house is situated in a relatively remote location with a long private driveway from Hale Fen Road and surrounding fields in the ownership of the applicant’s family with no public footpaths in the immediate proximity. The proposed house is some 200m (656 feet) from Hale Fen Road and 400 (1312 feet) – 500m (1640 feet) from the A10 although it is clearly visible from the A10.

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.

The Ely Group Of Internal Drainage Board - 7 April 2021- “This application for development is within the Littleport and Downham Internal Drainage District. The application states that surface water will be disposed of via soakaways. 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 in this matter, as the applicant would need the consent of the Board to discharge into any watercourse within the District”.

The Ely Group Of Internal Drainage Board - 1 October 2021- “The board has no further comment to make from a drainage point of view”.

Littleport Parish Council- 7 April 2021- “No comments”.

Waste Strategy (E CDC) - 15 April 2021-

“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; 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 (96 feet) (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 Acts 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 £52 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”.

Environmental Health - 5 October 2021- “Thank you for consulting me on the above proposal. As this is a replacement dwelling on a site which appears to have had no other previous use a contamination assessment is not required. Due to the proposed sensitive end use of the site (residential) I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission”.

Environmental Health - 5 October 2021- “It doesn't appear as though we were consulted on the initial application.

If Peter wishes to make any comments he will respond separately.

I would advise that construction times and deliveries during the construction and demolition phases are restricted to the following:

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. This document should include the commitment to notifying nearby properties prior to the work commencing to advise how long the works will last. This notification should also provide a contact number so that if there are any concerns while the piling is taking place they can contact the contractor. If the method of piling involves impact driving I would request a commitment to the following restricted hours specifically for piling - 09:00 - 17:00 each day Monday - Friday and None on Saturdays, Sundays or Bank Holidays.

If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

No other comments to make at this time but please send out the environmental notes”.

Local Highways Authority - 18 October 2021- “Subject to the following comments and recommendations: I have no objection to this application. The site benefits from an existing access for which no material intensification of use is anticipated. The proposed layout maintains suitable parking provision and space for turning”.

Ward Councillors – Councilor Christine Ambrose Smith- 14 May 2021- “This property is isolated with no near neighbours and it is sufficiently distant from the road that any difference in the scale of the old & new buildings would have little impact”.

Ward Councillors – Councilor Christine Ambrose Smith- 1 November 2021- “I have agreed to call in this application for determination by the Planning Committee. I will speak as the Ward Member and also declare my interest a member of the Planning Committee and not take part in the following discussion”.

- 5.2 A site notice was displayed near the site on 04.05.2021.
- 5.3 Neighbours – No neighbouring properties were notified as there are no surrounding neighbouring dwellinghouses. A full copy of the responses are available on the Council’s website.
- 6.0 The Planning Policy Context

East Cambridgeshire Local Plan 2015

- 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

- ENV 9 Pollution
- HOU 8 Extension and replacement of dwellings in the countryside
- COM 7 Transport impact
- COM 8 Parking provision
- GROWTH 2 Locational strategy
- GROWTH 3 Infrastructure requirements
- GROWTH 5 Presumption in favour of sustainable development

Supplementary Planning Documents

Design Guide

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

Flood and Water

Natural Environments

Climate Change

National Planning Policy Framework 2021

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are; the principle of development; the impact it may have on the residential amenity of nearby occupiers; the impact it may have on the character and appearance of the area; and the impact it may have on parking and highway safety; as well biodiversity, trees and ecology; flood risk and drainage; climate change; and contamination.

7.2 Principle of Development

7.3 *Proposed Annex*

7.4 Annexes should in the first instance be an extension to the existing property. The proposed annex is attached and measures 13 metres (42 feet) in width which is sizeable for an annex and has a floorspace of 130sqm. The annex has a hallway, coat room, wet room, sitting room (with kitchenette) and a games and utility room that link to the ground floor of the main dwellinghouse. On the first floor the annex benefits from a bedroom, cupboard and bathroom with no link to the main dwellinghouse. When Officers met with the Agent and applicants' options for the annex were discussed at length given the scale of the annex originally proposed and functional link to the main dwellinghouse.

- 7.5 The annex should not form a separate planning unit. There should be a clear functional relationship to the host dwellinghouse with a shared access, garden and parking area. The annex would be linked by a door through the utility room which is proposed to be a shared space for both the main house and the annex. However, the annex would have a separate front door. To be an annexe it needs to rely on the main dwellinghouse for key facilities, services and utilities. The Agent has confirmed that “The proposed annexe is not a separate planning unit and there is a clear functional relationship between it and the main dwelling in that it has a shared rear access door, shared wet room, shared Utility room, shared vehicular access, shared garden and shared parking. The annexe will rely on the main dwellinghouse for all key services and utilities”.
- 7.6 In the amended plans received on the 25th September 2021 the annex was reduced in footprint (from 187sqm to 130sqm) and overall height to 7.7 metres (25 feet) to the ridge. However, the games room has been moved from above the attached garage element in the main house to the rear of the proposed annex as a single storey element. The proposed annex is still considered to be completely excessive in scale and footprint. While the reductions to the roof form are noted the footprint for the annex element is approximately 130sqm (including ground floor and first floor). However, the Agent has stated that this is 79sqm as they do not consider the games room and shared utility to be part of the annex accommodation. The National Model Design Code (Part 2 Guidance Notes) on page 73 sets out space standards (minimum requirements) for dwellinghouses. For a 1 bedroom 2 storey dwellinghouse the space standard is 58sqm. The proposed annex is clearly in excess of this standard even with the developer’s interpretation of the rooms that form the annex and these standards relate to new dwellinghouses not ancillary annexes.
- 7.7 While a function link is clearly shown with internal doors, Officers considered that the proposed annex could easily be capable of being used as a separate residential dwellinghouse by the current or future occupiers. The application plot could easily be subdivided and due to the excessive scale of the annex this would not form ancillary accommodation. Dwellinghouses outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. To be an annexe it needs to rely on the main dwellinghouse for key facilities, services and utilities, whereas this proposed annexe is self-sufficient and does not meet the tests of an annexe in the view of Officers due to its excessive scale and footprint.
- 7.8 *Replacement Dwellinghouse*
- 7.9 Policy HOU8 of the East Cambridgeshire Local Plan 2015 sets out the policy requirements for replacement dwellings. The location is countryside outside of the development envelope of Littleport and, as such; the requirements of Policy HOU8 of the Local plan would apply to any replacement dwelling on the site. Proposals which seek to extend or replace an existing dwelling in the countryside will only be supported where they accord with policy HOU8 of the Local Plan 2015. Policy HOU8 of the Local Plan 2015 states as follows-

Local Plan policy HOU8 requires replacement dwellings in the countryside to:

- Be of a scale and design which is sensitive to its countryside setting with its height being similar to that of the original dwelling. If an alternative height is proposed, the applicant will be expected to demonstrate that the scheme demonstrates exceptionally high quality of design and enhances the character and appearance on the locale.
- The proposal is within the existing curtilage
- The residential use has not been abandoned
- Proposals accord with policy ENV2 on design and other relevant policies
- Proposals have regard to maximising carbon neutrality

7.10 The proposed replacement dwellinghouse is located within the existing curtilage and the residential use of the existing dwellinghouse has not been abandoned. The Agent has addressed maximising carbon neutrality and this is further explored below.

7.11 Character and Appearance

7.12 Policy HOU8 requires that the replacement dwelling is of a scale and design which is sensitive to its countryside setting, with its height being similar to that of the original dwelling. The proposal features a distinctly different design to that of the existing farmhouse dwellinghouse. The existing dwellinghouse has an overall height of 8 metres (26 feet). The proposed scheme had an overall height of 10.4 metres (34 feet). Officers asked this to be reduced by at least 1.2 metres (3.9 feet). The amended proposed scheme has a height of 9.39 metres (30.8 feet) and therefore this has only been reduced by 1 metre (3 feet) meaning in total this is 1.4 metres (4.49 feet) taller than the existing dwellinghouse. It is still considered to be generous to allow more than 1 metre (3 feet) taller than the height of the original dwellinghouse (when taking into account the proposed scale too). In relation to the scale of the proposed dwellinghouse, the width of the existing dwellinghouse is 14 metres (46 feet). The full width of the proposed dwellinghouse together with the attached garage element and annex is 34 metres (111 feet) which is excessive when compared to the scale of the original farmhouse that exists on site. The annex element alone measures 13 metres (42 feet) in width which is sizeable for an annex as discussed above. Given that the annex is 13 metres (42 feet) in width, 7.7 metres (25 feet) in height and has a floor space of 130sqm it is more similar to the dwellinghouse that would be replaced, although it is noted the existing housing a floorspace of approximately 224sqm.

7.13 The proposal does not respect the element of HOU8 which refers to a level of cohesion with “the original dwelling” which is a traditional rural cottage. In the supporting statements for the proposal the Agent states that the proposed dwellinghouse would be a brick built farmhouse with traditional detailing and a number of rural building elements incorporated, in style and materials. The excessive width and scale together with the excessive height results in a replacement dwellinghouse that does not comply with policy HOU8 of the Local Plan 2015 as the scale and design would not be sensitive to its countryside setting. The Agent has been advised that as the third floor is not habitable the proposed dormer windows should be removed from the scheme as they are not required and

do not add architectural benefits to the dwellinghouse. The Agent has expressed willingness to remove these. Officers also noted the reduction and altered location of the double garage which now does not obscure the principle elevation in the amended plans. However, this is still excessive in height when viewed from the north elevation given that this is a single storey structure and it reaches the height of the dormer windows in the roof space. The relocation of the games room has resulted in a larger footprint for the annex element, where the Agent has been previously advised to add it behind the proposed garage or to the rear of the main dwelling.

7.14 The Agent also states that “the house is situated in a relatively remote location with a long private driveway from Hale Fen and surrounding fields in the ownership of the applicant’s family with no public footpaths in the immediate proximity. The proposed house is some 200m from Hale Fen and 400 (1312 feet)– 500m (1640 feet) from the A10. As such the proposed increase in height is minimal given the distances that it will be viewed from”.

7.15 However, the proposed large detached dwelling with garage and annex would remain a clearly visible and prominent addition to the local rural landscape and would remain significantly larger in terms of its scale and significantly incongruous in terms of its design than the dwelling it would replace. The dwellinghouse would be extremely prominent in the rural landscape when viewed from the A10 to the south and along Hale Fen to the east. The existing dwellinghouse can clearly be seen from the A10 therefore the mass and bulk of the rear of the garage element which is 6.2 metres (20 feet) in height would be visible and prominent. The footprint of the garage element alone is similar to the size of the existing farmhouse.

7.16 Policy HOU8 allows for consideration of a substantial increase in the size of a replacement dwelling provided that the proposed development can be demonstrated to be of an exceptionally high quality of design that would serve to enhance both the character and the appearance of the locality. The replacement dwelling located in the countryside lacks any of the required exceptional or innovative qualities reflecting the highest standards of architecture, that would either serve to enhance its immediate setting or show any sensitivity, in terms of its scale and design, in respect of the defining characteristics of the local area. As such, the proposal would be contrary to the requirements of both Policies HOU8 and ENV2 of the East Cambridgeshire Local Plan 2015 in respect of replacement dwellings within the countryside.

7.17 Residential Amenity

7.18 Policy ENV2 of the East Cambridgeshire Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. A distance of 230 metres (754 feet) would be retained to the common boundary with the 3 Hale Fen (and the pet care store) to the north-east and given the orientation of the proposed dwellinghouse, it is not considered that the replacement dwellinghouse would result in unacceptable harm by way of loss of light, overshadowing, loss of privacy, overlooking or loss of outlook enough to warrant an objection on these grounds alone. To the south-east lies 1 Hale Fen and given that a distance of over 300 metres (934 feet) would be retained to the closest building to the south-east, the proposed development would not create a significant

overbearing impact or loss of light to the neighbouring property. Furthermore, it is considered that an acceptable distance would be retained in order to prevent any harmful overlooking from the first-floor windows proposed in the side facing elevations.

7.19 The proposed dwelling is significantly distanced from other nearby dwellings along Hale Fen to prevent any impact upon residential amenity of these properties. Due to the distance of the proposed replacement dwellinghouse and annex from the nearby residential properties, it is considered that the proposal would not create any significant adverse impacts upon the residential amenity of any nearby properties. It is therefore considered that the proposal accords with Policy ENV2 of the Local Plan 2015 in respect of residential amenity.

7.20 Highways

7.21 Local Plan policy COM7 requires development proposals to provide safe and convenient access to the highway network. Local Plan Policy COM8 states that a dwelling should have parking provision for two motor vehicles on the site for the proposed dwellinghouse. In addition, enough space should be provided for vehicles to park and manoeuvre.

7.22 The site is located to the west of Hale Fen Road and will use an existing access. Enough space will be provided for vehicles to park and manoeuvre in the front garden area. Two additional spaces are proposed in the attached garage element. The Highways Authority have commented that “The site benefits from an existing access for which no material intensification of use is anticipated. The proposed layout maintains suitable parking provision and space for turning”. The Highways Authority have no objection to the proposal, so raises no concerns and it is considered to be acceptable. It is therefore considered that the proposed development would not create any significant detrimental impacts upon highway safety or parking, in accordance with Policies COM7 and COM8 of the Local Plan. The proposal is considered to be compliant with Policy COM7 and COM8 of the Local Plan 2015, as it provides safe and convenient access to the highway network, and Chapter 9 of the NPPF which promotes sustainable transport.

7.23 Climate Change

7.24 East Cambridgeshire District Council (ECDC) declared a Climate Emergency at its Full Council meeting on 17 October 2019. ECDC has joined over 200 Councils around the UK in declaring such an emergency. In declaring a Climate Emergency, the Council committed to producing an Environment Plan, which it subsequently did so (adopted June 2020). One action within that Plan was to prepare a Climate Change Supplementary Planning Document (SPD). The SPD has become a material consideration for the purpose of determining planning applications. The agent was invited to address the Climate change SPD that requests applicants may wish to look at minimising demand through design and maximising energy efficiency. The agent was informed of the requirements in the SPD and has commented that “The new house and annexe will have a detailed design and construction which seeks to better the requirements of the Code for Sustainable Homes. The overall energy performance will exceed the requirements set out within the Building Regulations with SAP calculations prepared by an accredited

assessor and an EPC at completion of the build to confirm an EPC rating of A which will demonstrate a significant improvement of the rating of the existing dwelling. The new house will use ground source or air source heat pump technology with underfloor heating to increase energy efficiency and reduce carbon emissions. Secondary heat sources are to be used to benefit the SAP rating in the form of wood burners. The new house will be constructed using a timber frame to promote sustainable timber use and the use of organic building materials and the timber boarding shown will be authentic rather than fibre cement. Robust detailing in the timber frame construction and the use of sustainable insulation types will enhance the overall sustainability of the construction and eliminate air leakage. The proposed house will benefit from a rainwater harvesting system for reuse of grey water and the use of low water systems will increase water efficiency. The water usage will easily comply with the requirements of Part G of the Building Regulations. The main areas of hard landscaping will be gravel and therefore permeable for efficient rainwater drainage". As such, the proposed scheme would comply with the aims and objectives of policy ENV4 and the Climate Change SPD.

7.25 Trees and Biodiversity

7.26 Policy ENV7 of the East Cambridgeshire Local Plan 2015 sets out that all development proposals will be required to protect the biodiversity value of land and buildings and minimise harm to or loss of environmental features, such as trees. The existing site benefits from its existing soft landscaping with areas of grass, existing fruit trees and other established trees and hedging.

7.27 Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) advise that opportunities to incorporate biodiversity improvements should be encouraged, stating that development should be supported where the primary objective is to conserve or enhance biodiversity. Policy ENV7 of the Local Plan 2015 seeks to maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals, seeking to deliver a net gain in biodiversity proportionate to the scale of development. The Council adopted its Natural Environment SPD on the 24th September 2020 to help make sure new development in East Cambridgeshire both protects the current natural environment, but also creates new areas for wildlife to thrive.

7.28 New tree planting is proposed as shown on the attached Site Layout Plan Drawing 911/191/12D together with new native species hedge planting to the eastern and southern boundaries of the existing domestic curtilage. The proposals, also include the addition of bird boxes will enhance the existing natural habitats of native wildlife. The request for biodiversity improvements is guided by the local plan policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats and enhancing them for the benefit of species. The proposed development therefore complies with Policy ENV7 of the East Cambridgeshire Local Plan 2015, Policy NE6 of the Natural Environment SPD.

7.29 Flood Risk

- 7.30 Paragraph 11 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. Paragraphs 159-163 of the NPPF state 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.
- 7.31 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.
- 7.32 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.
- 7.33 Paragraph 162 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.
- 7.34 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 Littleport suitable for the erection of a single dwelling which are outside of Flood Zone 3.
- 7.35 However, as the proposed development is for a replacement dwelling to replace an existing detached dwelling, the flood risk impacts are considered to be reduced, provided that the proposal meets the exception test and appropriate mitigation measures can be provided. A Flood Risk Assessment has been submitted with the application and the Agent has commented that "the conclusions and requirements will be strictly adhered to during the redevelopment process". As such, a Condition could be appended to the planning permission ensuring there are no significant flood risks impacts created.
- 7.36 The applicant has proposed to discharge surface water via a soakaway which is stated on Drawing Ref 911/191/12 Rev D. The plan also states that foul sewage would be disposed of by a package treatment plan which is also stated on Drawing Ref 911/191/12 Rev D. The details of this can be secured by condition to prevent

the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

7.37 Other Material Matters

7.38 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission regards to unexpected contamination and remediation measures if required. The conditions advised by Environmental Health are not all required given the small-scale nature of the application site. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

7.39 Planning Balance

7.40 The proposed replacement dwelling does not comply with planning policy and would create significantly detrimental effects on the visual amenity of the streetscene and the character of the wider area. The scale, height and design of the proposed replacement dwellinghouse does not comply with the aims and objectives of Policies ENV2 and HOU8 of the Local Plan 2015.

7.41 The proposed attached annex, while a function link is shown, by virtue of the excessive scale and footprint of the proposed attached annex, it is considered that the proposed annex could be capable of being used as a separate residential dwellinghouse by the current or future occupiers. The application plot could easily be subdivided and due to the excessive scale of the annex this would not form ancillary accommodation. Dwellinghouses outside the development envelopes are restricted due to policy GROWTH2 of the Local Plan 2015. For these reasons the annex is considered to result in the creation of a separate new dwelling is contrary to Policies ENV2 and GROWTH2 of the East Cambridgeshire Local Plan 2015, and the Design Guide SPD, and is inconsistent with proposals for genuine ancillary accommodation.

7.42 The application is therefore recommended for refusal for these reasons.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
21/00410/FUL	Emma Barral Room No. 011 The Grange Ely	Emma Barral Planning Officer 01353 665555 emma.barral@eastcambs.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>