

F/YR12/0193/F

2 March 2012

Applicant : Mr D Parrin

**Agent : Mr D Upton, Peter Humphrey
Associates Ltd.**

Land North of The Mount, Mill Lane, Newton, Cambridgeshire

Erection of 2no x 2-storey 4-bed dwellings with detached double garage and store

This proposal is before the Planning Committee due to it being called in by Councillor M. Humphrey to ensure compliance with development plan policy.

The application is a minor application.

Site Area : 0.2ha

1. SITE DESCRIPTION

This application seeks full planning permission for the erection of 2 x two-storey 4-bed dwellings with a shared detached double garage and store, on land on the east side of Mill Lane adjacent to the village of Newton. The site is located outside the Development Area Boundary (DAB) to the village, which in this instance forms two separate built-up areas linked by Fen Road. A detached two-storey residential property (The Mount) is located immediately to the south of the application site, and a BT Telephone Exchange lies to the north.

The existing DAB runs along the west side of Mill Lane opposite the application site. The site itself is located in open countryside and comprises a rectangular area of land approximately 0.2 ha in area, which sits in a much larger field. The site is currently agricultural land laid mainly to grass. The site has a line of mature trees (with a hedgerow below) along the Mill Lane frontage. To the rear of the site there is the continuation of a large field, which is very open, with views into the surrounding countryside.

The 4 frontage oak trees are of a significant size, and are protected by a tree preservation order.

The area is characterised by a mix of house styles from different ages, including both two-storey houses and bungalows.

2. HISTORY

Of relevance to this proposal is:

F/YR11/0760/F

- Erection of 1 x 3-storey 5/6 bed dwelling with attached double garage and 1 x 3-storey 4/5 bed dwelling with attached double garage – Refused 22 November 2011

3. CONSULTATIONS

Parish Council:

The Parish Council is content with these plans.

Local Highway Authority (CCC)

No objection but has identified that site layout plan encloses part of the public highway (requires amending). Appropriate visibility splays are achievable, but may require significant cutting back of trees and hedgerows on frontage. Also the carriageway of Mill Lane is narrow and evidence of vehicles overrunning verge is evident - flare at access point should therefore be widened. No footway along Mill Lane between site and junction with Fen Road – need to consider implications of the lack of an appropriate link. Recommend a number of highway conditions.

FDC Tree Officer

Awaited.

Environment Agency

The site is located partly in Flood Zone 2, and falls within EA Flood Zone Standing Advice Matrix Cell E5. Standard guidance on flood risk issues in such locations, is provided by the EA. Advice on drainage if a public sewer is not available is also provided by the EA.

FDC Contaminated Land Officer

Require unsuspected contamination condition.

Middle Level Commissioners

No comments received.

Local Residents/Interested Parties:

Two letters of objection raising the following concerns:

- the site is outside of the DAB shown in the Local Development Plan
- already several empty 4/5 bed executive properties in Newton that haven't sold
- will set precedent for further land to be released
- loss of agricultural land
- environmental impact of proposal
- will not provide affordable homes to meet local need
- our property has stood with uninterrupted field views for over 80 years – this proposal will completely

- ruin our beautiful view
- development of this type has already been refused once
- developers who bought land have previously been disparaging about the village of Newton

4. POLICY FRAMEWORK

FDWLP Policy

- H3
- Proposal for housing development within Development Area Boundaries will normally be permitted provided it is sympathetic to the character and amenities of the location and does not give rise to serious amenity or highway problems.

H9

Newton is allocated as a Group Settlement – limited residential development possible where it is contained within the framework of the village and makes best use of the site.

- E8
- Proposals for new development should:
 - allow for protection of site features;
 - be of a design compatible with its surroundings;
 - have regard to amenities of adjoining properties;
 - provide adequate access, parking etc.

- TR3
- Proposed developments will normally be required to provide adequate car parking in accordance with Council's approved parking standards.

East of England Plan

- ENV7
- Quality in the Built Environment

Emerging LDF Core Strategy (Draft Consultation) – July 2011

- CS1
- *Spatial Strategy, The Settlement Hierarchy and the Countryside.*
This policy sets out the most appropriate locations for new development in Fenland, using a hierarchy – market towns, growth village, limited growth villages and small villages. The majority of new development should be focussed towards the larger market towns. Newton is allocated as a small village, where development of a very

- limited nature will be permitted and limited in scale to infilling of single or a group of no more than two or three dwellings.
- CS10 - *Rural Areas Development Policy.*
This sets criteria for the consideration of new housing development in rural areas. New development in villages will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. Any proposal will need to be considered against a number of criteria including; whether it is in or adjacent to the existing developed footprint of the village, not having an adverse impact on the surrounding countryside and farmland, and that it respects natural boundaries and features such as trees and hedgerows.
- CS14 - *Delivering and Protecting High Quality Environments across the District.*
This policy seeks to deliver and protect high quality environments across the district, within all new development proposals. It includes criteria relating to; the protection of natural features on the site, the need for new development to make a positive contribution to the local distinctiveness and character of the area, is of a scale that is in keeping with the shape and form of the settlement pattern and does not adversely impact on the amenities of neighbouring properties.

National Planning Policy Framework (2012)

5. ASSESSMENT

Nature of Application

Planning permission was refused in November 2011 (F/YR11/0760/F) for housing development on this land. A similar housing scheme was also refused on land adjacent to The Shrubberies, High Road (on the opposite side of the telephone exchange building and also owned by the applicant) at the same time (Ref: F/YR11/0763/F).

The 2011 application on the current application site was refused under delegated powers for the following reasons:

- 1. The proposed development, by reason of its scale, positioning and location outside of the Development Area Boundary of Newton is considered to have a detrimental impact on the existing rural character of this part of the countryside and also the character and appearance of the part of the village adjoining the application site. It thus fails to accord with Policies H3 and E8 of the Fenland District Wide Local Plan 1993.*
- 2. The proposed development, which is located outside of the Development Area Boundary of Newton, will be located within open countryside which forms the rural nature of this part of the village of Newton and it is considered that the scale and form of the development will be visually intrusive and will not assimilate into the rural landscape which is characteristic of the eastern side of Mill Lane, Newton, and is therefore contrary to Policy E1 of the Fenland District Wide Local Plan 1993.*
- 3. The proposed development will result in an unacceptable loss of existing hedgerow along the frontage of the site which is necessitated by the need to provide adequate visibility splays contrary to Policy E8 of the Fenland District Wide Local Plan 1993.*

The current application is for full planning permission for a reduced size of development, that seeks to overcome the previous reasons for refusal. The main changes compared to the previous scheme are as follows:

- The overall size of the built form of the development has been reduced, by removing the single-storey side extensions and the attached double garage from Plot 1.
- The deletion of the rooms in the roof-space, the lowering of the ridge heights and removal of the front dormers
- The re-siting of the two dwellings to provide better spacing around the dwellings and a wider gap separating the two.
- The re-location of the garages to a separate block at the rear of the site.

The revised application is considered to raise the following key issues;

- Principle of Development and Policy Implications
- Design & Appearance and Impact on Amenity
- Access and Parking
- Landscape and Impact on Existing Trees and Hedgerows.

Principle of Development and Policy Implications.

The site is located in the countryside immediately adjacent to the existing DAB (on the opposite side of Mill Lane) and comprises an area of land measuring approximately 0.2 ha.

Policy H3 of the Local Plan indicates that housing development would not normally be permitted outside defined DABs. This policy broadly accords with national policy in the National Planning Policy Framework (NPPF), which indicates that planning authorities should strictly control new house building in the countryside away from established settlements. It is recognised that this site is immediately adjacent to the DAB, however, areas outside the defined boundary are considered to be outside the settlement for policy purposes.

Accordingly, when applying the Local Plan as it stands, the principle of an additional 2 dwellings here would be contrary to the strict interpretation of Policy H3 and to national planning policy.

Emerging local and national planning policy though (as set out in the draft Core Strategy Policies CS1 and CS10 and the recently published NPPF), does indicate that some flexibility may now be possible. This is to allow some new housing development in the countryside in sustainable locations, such as on the edge of market towns, growth villages, limited growth villages and small villages. Newton is identified as a small village where development will be of a very limited nature and limited in scale to infilling of single or a group of no more than two or three dwellings.

The NPPF also recognises the intrinsic character and beauty of the countryside and the need to support thriving rural communities.

Another important thread in the NPPF relates to the need for the planning system to achieve sustainable development, and the need to consider the economic, social and environmental role in new development proposals. In this instance, the economic role to provide a strong and competitive economy by providing sufficient land for new housing has to be balanced against the environmental role which contributes to protecting and enhancing our natural, built and historic environment, which in this case is the countryside.

Therefore, in addition to this, the policy objections regarding new development in the countryside, will need to be balanced against other material planning considerations that pertain to the current proposal i.e. its location in relation to the settlement, the design and layout of the proposal and the particular site characteristics. These are assessed and considered below.

Design & Appearance & Impact on Amenity.

The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The aim is to achieve high quality and inclusive design for all development. Planning decisions should ensure that developments; function well and add to the overall quality of the area, establish a strong sense of place and create attractive and comfortable places to live and are visually attractive as a result of good architecture and appropriate landscaping. Permission should therefore be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Development of open land outside of DAB limits is not automatically ruled out, given the need to encourage appropriate new development to Fenland, which is supported by emerging policy. It is important though that acknowledged factors such as impact on the wide open character of the surrounding countryside and the established character and appearance of the settlement, are also considered.

Character and Appearance.

(a) Countryside.

As set out above, the site has a particularly rural setting. Views up and down Mill Lane adjacent to the site are fairly landscape dominant, resulting from the large

number of frontage trees and hedgerow along the lane, as well as trees and hedges located in adjoining properties. Views northwards towards the High Road/Mill Lane junction contains more built development, around a small village core.

There are currently south-easterly views towards the open Fen countryside from Mill Lane across the application site. These views will be significantly reduced by the introduction of the proposed dwellings in this location. The amended plans though do allow some views around the new buildings, particularly through the gap between the two dwellings.

The introduction of new built form on the site and the loss of the fairly open views from this part of Mill Lane across the countryside, will have a some impact on the existing rural character of the area. This has to be balanced by the fact that the existing hedgerows and trees in Mill Lane will be retained, apart from a small break in the hedgerow to create the new shared access to the site. The site is also framed on either side by the existing telephone exchange to the north and a detached two-storey house to the south (The Mount). The proposal will in effect result in the infilling of a site between existing built development.

The detached garage, which is to be shared by both properties, is proposed to be constructed in stained black horizontal wooden boards with a clay tile roof. This is considered to better reflect the rural character of the site.

A new native hedgerow is proposed along the rear boundary to the open countryside, along with a number of trees.

Although the telephone exchange and The Mount fall outside of the DAB, they do comprise a built form that relates more to the form of the village than to the wider countryside. The current proposal as amended, is therefore considered to consolidate development and helps to reinforce the natural limits to the existing built form of the village.

(b) Built Form of Village.

Housing around the village core (formed around The High Rd/Mill Lane junction) comprises a mixture of two-storey cottages, bungalows and some two-storey detached houses further away in Fen Road. These are generally small scale in terms of their height and size. The only larger scale dwelling nearby is The Shrubberies, but this is not well related to the application site, being some distance away and well screened by surrounding vegetation.

The proposed dwellings on the previously refused development were considered to be significantly larger in scale than nearby dwellings opposite the site, which was one of the concerns regarding the impact on the character of the area that resulted in this refusal.

The reduction in the scale of the houses and the overall building footprint, resulting in more spacious and open gardens around the dwellings, brings them more into line with the size of other dwellings in this part of the village.

It is considered that the design of the proposed houses and the detached garage/store now relates more appropriately to the scale with the immediate village surroundings.

(c) Impact on Amenities of Adjoining Properties.

The only nearby dwellings are The Mount, immediately to the south and Oak Lea, which sits on the opposite side of Mill Road from the application site.

Plot 1 has been sited slightly forward of The Mount, but is 8m distant from it. The frontage of Plot 2 measures 30 m from the front of Oak Lea, across Mill Lane. The spacing around the proposed dwellings between the existing and proposed dwellings is considered to be acceptable.

For the above reasons, the revised proposal is therefore considered to demonstrate an improved design quality, which relates better to this countryside setting and the built form of the village. It is also considered to have an acceptable relationship to existing residential dwellings adjoining the site. The proposal is therefore considered to accord with Policies H3 & E8 in the adopted Fenland Local Plan (1993), emerging Core Strategy Policy CS14 and the NPPF.

Access and Parking.

The plans show a single point of access, with a driveway leading into the site which is shared by both dwellings. 2.4m x 34m and 2.4m x 43m visibility splays are shown at the site entrance. Garages and parking spaces are provided and a significantly sized forecourt is provided for each dwelling. Turning is available within the site.

The verge has been measured on site and the distance from the near side channel line Mill Lane to the outer edge of the hedgerow measures between 2.5 to 2.6m. It now appears that the proposal will not result in the loss of the majority of the hedgerow along the site frontage, as previously feared, to facilitate the required visibility splays at the site entrance.

It would be possible to slightly increase the flare at the site access (as required by the highway authority), to allow an additional passing place on this part of Mill Lane, which is a single carriageway road. To introduce a pedestrian footway, would urbanise what is currently a country lane, and is not considered to be desirable in this instance.

Amended plans showing the flare at the access and to ensure that the site boundary does not include highway verge are currently being sought.

Subject to these matters being addressed to the satisfaction of CCC (Highways), the access and parking arrangements for this proposal are therefore considered to comply with Policy TR3 in the adopted Fenland Local Plan (1993).

Landscape and Impact on Frontage Trees / Hedgerow.

There is a row of mature oak trees along the frontage of the site which it is proposed to retain. A tree preservation order was recently placed on these trees to ensure their continued protection.

The positioning of Plot 2 needs to be moved further away from the site frontage and the protected Oak Tree (T3) to ensure that a sufficient root protection area (RPA) is maintained around this tree. Amended plans will be submitted before the committee meeting showing this.

As stated above, it is now considered that the vast majority of the hedgerow can be retained, minus a small break to provide the site access.

Conditions will be applied to ensure that both the hedgerow and the land within the tree RPA's, is protected from damage during the construction period and in the future.

The submitted landscaping scheme includes a range of native trees and hedgerows, which will provide wildlife interest. The scheme provides a more open landscaped appearance avoiding the need for significant amounts of close boarded fencing, which is considered to be a more appropriate solution for this rural location.

Conclusion

In terms of the proposed development layout, the amended scheme is now considered to have broadly addressed the reasons for the previous refusal in terms of the potential impact of the site layout and arrangement of buildings upon the character of the village and the surrounding countryside. The existing frontage hedgerow and trees will also be retained and an appropriate landscaped boundary provided to the open countryside.

Although the development will still impinge into the open countryside beyond the village DAB, it is also considered that this form of development could respond to the thrust of emerging local planning policy, which seeks to support small scale development in appropriate locations. Under existing Local Plan policies, development outside of the DABs around villages such as Newton would normally be restricted. Emerging Core Strategy Policy CS1 now identifies Newton as a small village where new development should be of a very limited nature and limited in scale to infilling of single or a group of no more than two or three dwellings. Criteria contained in emerging Core Strategy Policy CS10 sets guidance on the consideration on the consideration of new development proposals in such situations.

The site is framed on either side by the existing telephone exchange to the north and a detached two-storey house to the south (The Mount). The proposal will in effect result in the infilling of a site between existing built development on the edge of the village. This site is adjacent to the existing developed footprint of the village (relating to other dwellings on the opposite side of the road), and due to design amendments incorporating a reduced scale of development, is not now considered to have an adverse impact on the surrounding countryside and farmland, and respects natural boundaries and features such as trees and hedgerows.

On balance, it is now considered that the amended proposal complies with emerging development plan policy and forms an appropriate infill development that properly relates to the wider village.

6. RECOMMENDATION

Grant subject to suitable conditions:

- 1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2** Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

Reason - To safeguard the visual amenities of the area.

- 3** All tree and hedgerow planting, seeding or turfing and hard surfacing shown on the submitted plans hereby approved, shall be carried out in the first planting season following the occupation of the dwellings, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

- 4** Except where directly affected by such access requirements as indicated on the submitted plans, the existing hedge along the Mill Road boundary of the site shall not be uprooted or removed and shall not be reduced below a minimum height of 1.5m and shall be retained in perpetuity thereafter.

Reason - To ensure that the appearance of the development in this rural location is satisfactory and that it contributes to the visual character and amenity of the area,

- 5** Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.

Reason - To ensure that retained trees are adequately protected.

- 6** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason - To control pollution of land and controlled waters in the interests of the environment and public safety.

- 7 The access shall be a minimum width of 5.0m, for a minimum distance of 10.0m measured from the near side channel line of Mill Lane.**

Reason - In the interests of highway safety to ensure that satisfactory off-road parking is provided.

- 8 Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to park clear of the public highway.**

Reason - In the interests of highway safety to ensure that satisfactory off-road parking is provided.

- 9 Prior to the first occupation of the development a common turning area shall be provided at the end of the private drive to enable all vehicles to enter, turn and leave the site in forward gear. The area shall be levelled and surfaced and thereafter retained for that specific use.**

Reason - In the interests of highway safety to ensure that satisfactory off-road parking is provided.

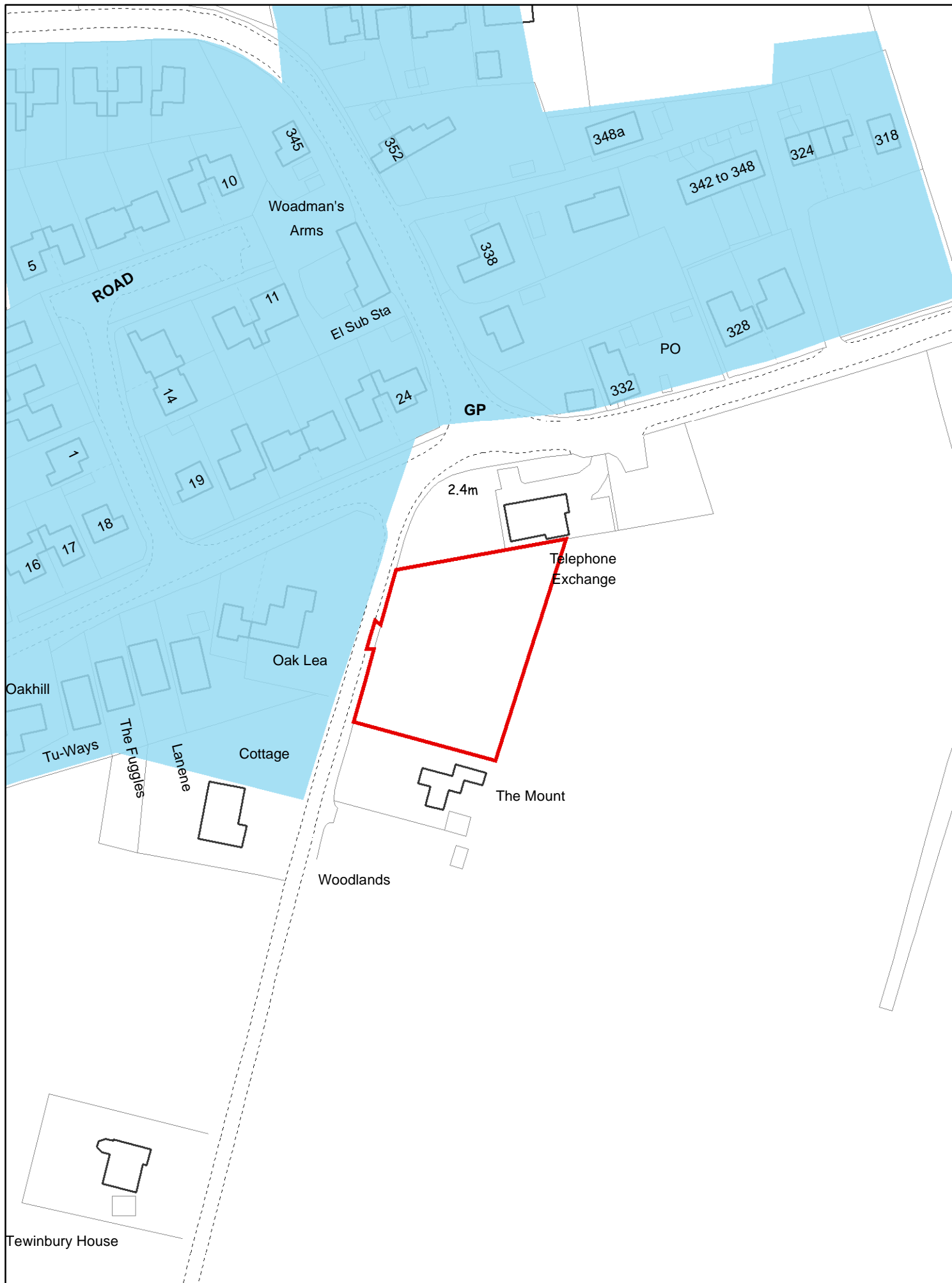
- 10 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.**

Reason - In the interests of highway safety to ensure that satisfactory off-road parking is provided.

- 11 Prior to first occupation of the development hereby approved, visibility splays shall be provided on each side of the vehicular access and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. Minimum dimensions to secure the required splays shall be 2.4 metres measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 43.0 metres measured along the channel line of the highway carriageway from the centre line of the proposed access.**

Reason - In the interests of highway safety.

- 12 Approved Plans Condition.**



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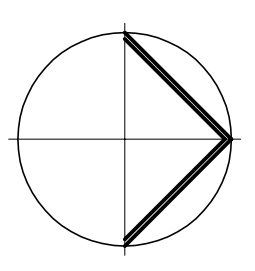
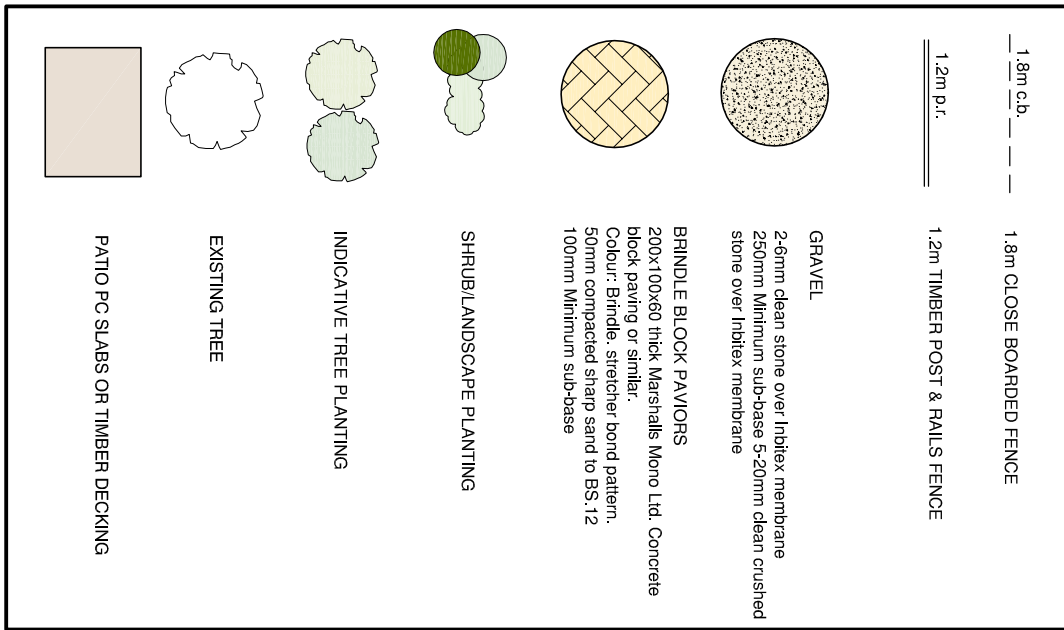
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IN ROAD



KEY TO SYMBOLS



TREE SCHEDULE

CODE	VARIETY
T1	ACER (SYCAMORE)
T2	TILIA (LIME)
T3	ACER (MAPLE)
T4	SORBUS (WHITE BEAM)
T5	CARPINUS (HORNBEAM)
T6	MALUS (GRAB APPLE)
T7	ASCULUS (HORSE CHESTNUT)
T8	QUERCUS (OAK)
T9	FRAXINUS (ASH)
T10	PRUNUS (CHERRY ANIUM)

SHRUB SCHEDULE

CODE	VARIETY
S1	TAXUS (YEW)
S2	BERBERIS (MIXED)
S3	HOLLY
S4	CYSTISUS
S5	PHILADELPHUS (MOCK ORANGE)
S6	CORNUS (DOGWOOD)

HEDGE SCHEDULE

CODE	VARIETY
H1	CRATAEGUS
H2	MIXED CONSERVATION HEDGE:

70% CRATAEGUS
30% DOGWOOD (CORNUS), FIELD MAPLE (ACER CAMPESTRE), OREGON GRAPE (MAHONIA AQUIFOLIUM), PRIVAT (LIGUSTRUM), GUelder ROSE (VIBURNUM OPALIS)

PROPOSED BLOCK PLAN 1:200

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
Proposed Residential Development
Land North of The Mount
Mill Lane
NEWTON

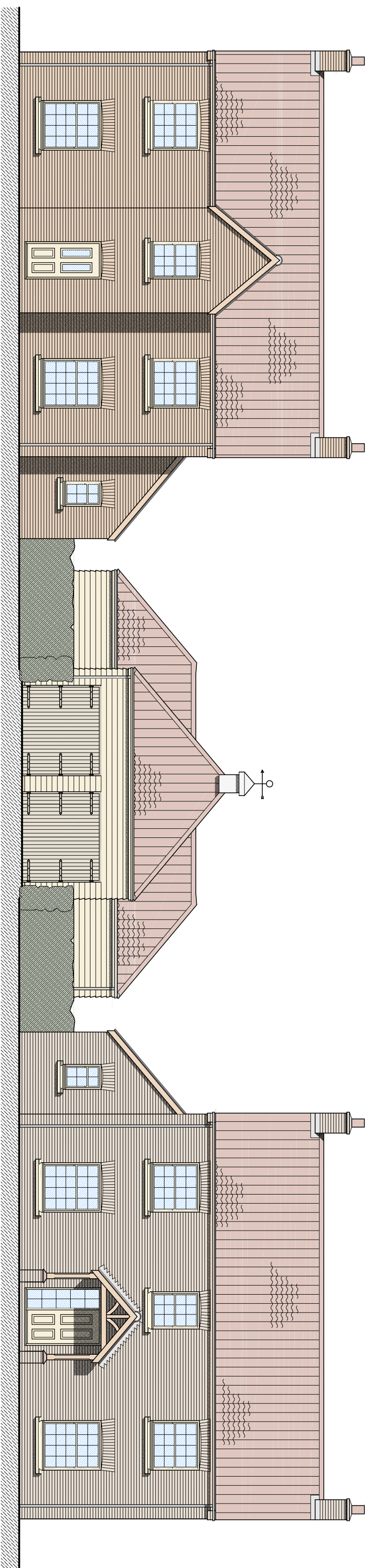
CLIENT
Mr. D. PARRIN

DRAWING TITLE
Landscape plan

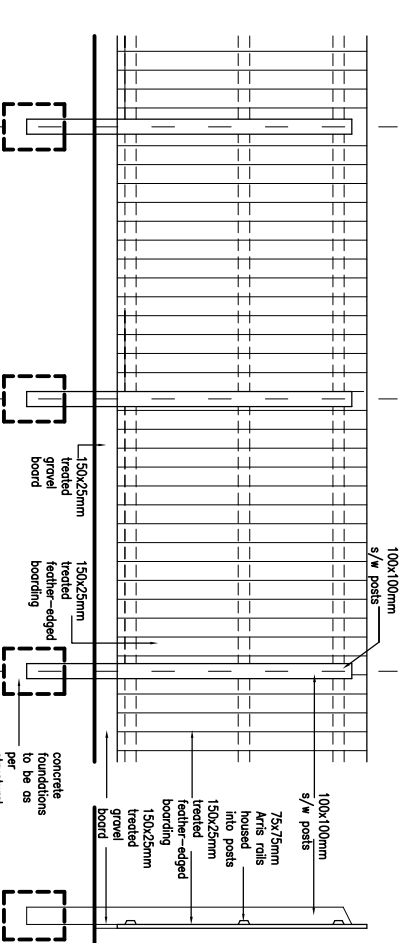
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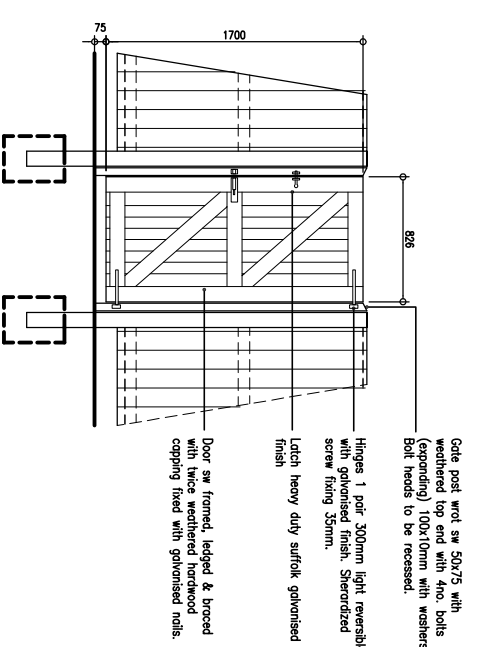




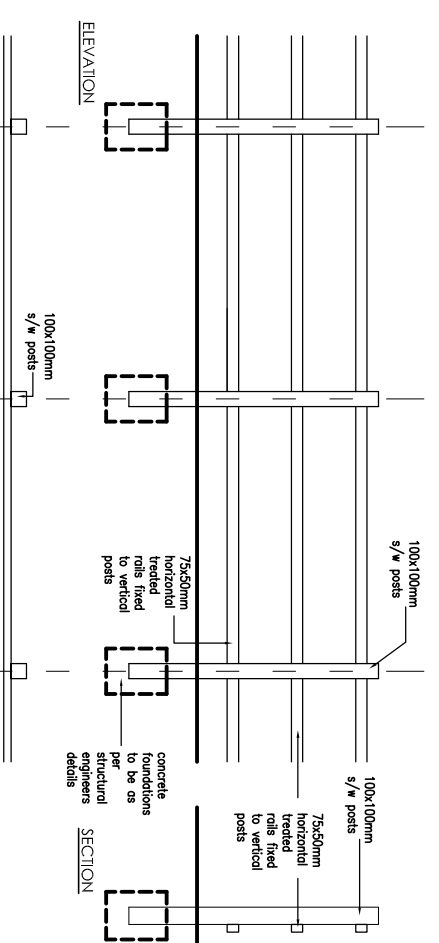
Proposed street scene (Mill Lane) 1:100



1.8m Close Boarded Fence Detail
SCALE 1:50



Gate Elevation
SCALE 1:50



1.2m Post & Rail Fence Detail
SCALE 1:50

Peter Humphrey Associates
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 Proposed Residential Development
 Land North of The Mount
 Mill Lane
 NEWTON

CLIENT
 Mr. D. PARRIN

DRAWING TITLE
 Proposed Street scene

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