

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Core Planning Principles – seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 55: To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. LPAs should avoid new homes in the countryside unless there are special circumstances.

Paragraph 56. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Paragraph 63: In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 118: When determining planning applications, LPAs should aim to conserve and enhance biodiversity.

3.2 Draft Fenland Core Strategy:

CS1: A presumption in favour of sustainable development.

CS3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

CS12: Rural Areas Development Policy

CS15: Facilitating the Creation of a More Sustainable Transport Network in Fenland.

CS16: Delivering and Protecting High Quality Environments across the District.

3.3 Fenland District Wide Local Plan:

H3 – Settlement Development Area Boundaries

H16 – Housing in the open countryside

E1 – Conservation of the Rural Environment

E8 – Proposals for new development.

4. CONSULTATIONS

4.1 *Parish/Town Council*

It was agreed to support the development and recommend approval by 3 votes to 1 vote with 6 abstentions.

4.2 *CCC Highways*

The submitted layout plan makes reference to the provision of an adoptable standard road. Whilst this may mean that it is constructed to the CCC specification, does this include street lighting and drainage.

The layout does not meet adoption standards and would not be suitable to serve additional development. Whilst the Highways Agency should advise of the necessary criteria for the junction with the A47 it should comprise appropriate visibility splays and radii suitable for the 60mph nature of the A47 each side of the access.

4.3 ***North Level IDB***

No response received at the time of writing this report.

4.4 ***Highways Agency***

Note the access for the existing farm is to be used. In order that the increased and intensified use of this private access is safe and poses the minimum risk for traffic accidents I would require the access to be constructed to Design Manual for Roads and Bridges Standards. There is no detailed design drawing of the proposed access arrangements and how it can efficiently and safely deal with the immediately adjacent access to the village hall. Ideally both of these access points should be arranged at one location so that vehicles can enter and leave the A47 trunk road efficiently and safely. Therefore there is insufficient information presently available to the Secretary of State to determine whether the proposal would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road.

4.5 ***Environment Agency***

The submitted FRA is acceptable in principle. No objections to the proposed development from a flood risk point of view providing the development is carried out in accordance with the submitted FRA.

4.6 ***FDC Scientific Officer***

No objections or observations

4.7 ***Local Residents:***

None received.

5. **SITE DESCRIPTION**

5.1 The site currently comprises an area of agricultural land to the front of the existing dwelling at Toll Farm. To the North of the site is the existing dwelling and land at Toll Farm, to the East is a small development of small-scale bungalows along Lindens Close, the A47 runs directly to the South of the site with open agricultural land beyond, whilst to the West there is the village hall and petrol station/shop. As mentioned in the design and access statement there is a public house within walking distance to the West however this is closed and therefore cannot be considered to contribute to the sustainability of the site.

6. PLANNING ASSESSMENT

6.1 The key considerations for this application are:

- Policy and Principle Implications
- Design and Layout
- Highway Safety
- Flood Risk

The application site is outside of any settlement core, but is in an area characterised by some residential development. The proposal has been considered in line with the Development Plan Policies and National Guidance detailed in the Policy Section of this report.

The NPPF seeks to promote sustainable development in rural areas where it will maintain the vitality of rural communities. This is further supported by the policies within the Local Plan and Emerging Core Strategy where it is determined that new development in villages will be supported where it contributes to the sustainability of the settlement and does not harm the wide, open character of the countryside.

Paragraph 55 of the NPPF states that LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area.

This proposal is considered to be contrary to the provisions of the NPPF, Policy H3 of the Fenland District Wide Local Plan and Policy CS12 of the Emerging Core Strategy (Feb 2013) in that it is not related to the essential need for a worker and is not considered to be an innovative or outstanding design. Policy CS3 of the Core Strategy does not include Thorney Toll in any of the village or town classifications. Therefore, new development in this location is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The site is not adjoining the main settlement core and whilst there are other dwellings in the area these have been in this location for some time. As such the proposal is considered to be unacceptable in this location in principle.

Design and Layout

The proposal is for 3 detached dwellings sited towards the front of the site. The dwellings comprise of 1 x 4 bed dwelling with integral double garage and 2 x 4-bed dwellings with single integral garage. The dwellings are large dwellings which front onto the A47. Each dwelling has its own private amenity area and separate driveway accessed off a proposed access road which runs to the rear of the dwellings. The siting, layout and form of the dwellings would result in a poor outlook for the existing dwelling to the North which would have its main view out dominated by 3 large dwellings.

The design of the dwellings is considered to be out of scale and character with the surrounding area. The design of the dwellings include very heavy roofs resulting in, in combination with the overall size of the dwellings, a bulky and overbearing development. The dwellings to the East which back onto the site are modest bungalows which would be dominated and overshadowed by the proposed development. As such, although it is noted that the dwellings are substantial in scale, they are not exceptional in design terms nor are they innovative or outstanding as required by the NPPF. As such the design and layout in this location is considered contrary to the provisions of the NPPF and Policies E8 and CS12 and CS16.

Highway Safety

This site is adjacent to the main A47 Trunk Road between Peterborough and Guyhirn. The comments of both the Local Highway Authority and the Highways Agency have been summarised in Section 4 of this report. It is noted that the LHA point out that the proposed access road would not meet adoption standards and the Highways Agency cannot support the proposal without further drawings showing the proposed access details. These comments have been forwarded to the Agent for attention but no further plans have been submitted for consideration by the relevant Highways bodies. As such the proposal is considered to be unacceptable in terms of highway safety as it has not been sufficiently demonstrated that the access is safe and will not have an adverse impact on the existing A47 trunk road.

Flood Risk

The site falls within Flood Zone 3 which is a high risk. Whilst the comments of the Environment Agency accepting the submitted FRA are noted the application has failed to comply with the relevant local and national policy in respect of these high risk flood areas. The NPPF seeks to steer new development to lesser flood zones, where appropriate, to ensure that areas of lower risk of flooding are developed before those at a higher risk. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 101).

In addition the proposal appears to be in conflict with Policy CS14 Part B which generally conforms with the requirements of the NPPF relating to the Sequential Test and the Exceptions Test. It is necessary to carry out a Sequential Test to determine if there are other comparable sites available for the development proposed. If following the Sequential Test it is not possible (consistent with wider sustainability objectives) to locate development in lower areas of risk of flooding then the Exception Test can be considered. The Exception Test involves passing the following criteria:

a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared.

b) A FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The submitted FRA makes mention of the sequential test and concludes that the development may be permitted as the site is protected against both the 1 in 200 year return period tidal event and the 1 in 100 year return period fluvial event meeting the requirements of the NPPF. Notwithstanding this, the applicant has failed to submit any justification as to why this high risk site should be developed and the LPA consider that it has not been demonstrated that there are no other suitable sites within lower flood zones as per the policy requirements. In addition, there does not appear to be any wider benefits to the community that would outweigh flood risk issues. It is quite clear that the release of land in Flood Zone 3 should only occur when other developable land in lesser flood zones has been undertaken.

7. CONCLUSION

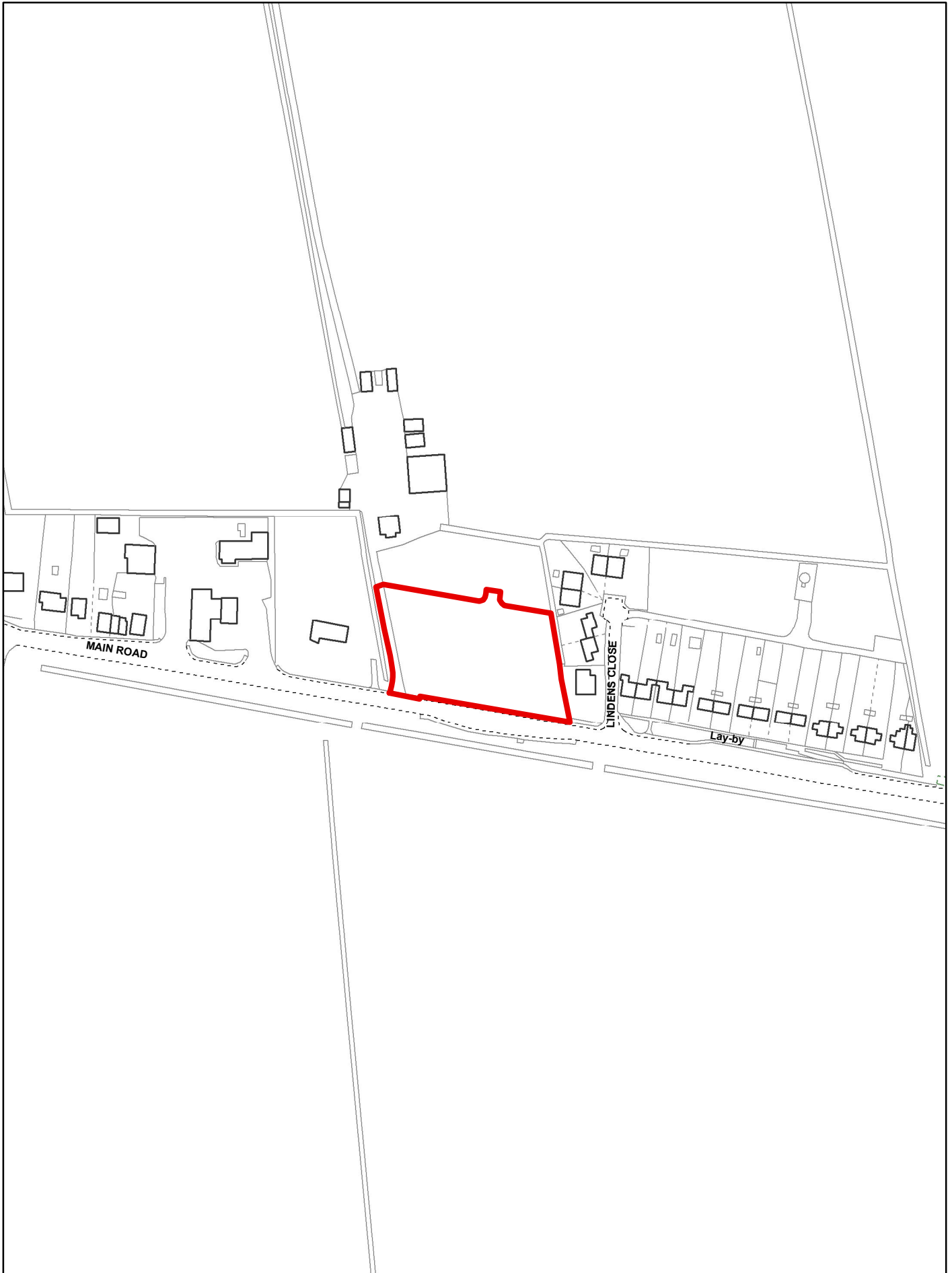
- 7.1 The proposal is considered to be contrary to the relevant policies in terms of the overall principle of development, as well as the design, layout, flood risk and highway safety considerations of the proposed development. As such the proposal is recommended for refusal for the reasons listed below.

8. RECOMMENDATION

Refuse.

- 1. The proposed development, which is located outside of any main settlement, will be situated within open countryside and has not been justified as essential for a worker to live close to a rural enterprise. As a result the proposal is contrary to the provisions of the National Planning Policy Framework paragraph 55, Policies E1, H3 and H16 of the Fenland District Wide Local Plan and Policies CS12 and CS16 of the Fenland Local Plan Core Strategy – Proposed Submission February 2013.**
- 2. The proposal, by virtue of the design and layout, would not enhance the character and appearance of this rural location and is not innovative or outstanding. The application is therefore contrary to Policy E8 of the Fenland District Wide Local Plan, Policies CS12 and CS16 of the Fenland Local Plan Core Strategy – Proposed Submission February 2013 and Paragraph 55 of the National Planning Policy Framework.**
- 3. The proposal has failed to demonstrate that the proposed access arrangements would not have an adverse impact on the highway safety of the A47 Trunk Road. As such the proposal is contrary to Policy CS15 of the Fenland Local Plan Core Strategy – Proposed Submission February 2013 and Policies H3 and E8 of the Fenland District Wide Local Plan, 1993.**

4. **The site is located within Flood Zone 3. The applicant has failed to demonstrate that the site is acceptable for housing development in sequential terms when compared to other available sites in the wider area which have a lower probability of flooding. The proposal is therefore contrary to Policy CS14 of the emerging Fenland Local Plan Core Strategy – Proposed Submission February 2013.**



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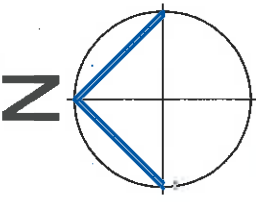




HOUSE TYPE SCHEDULE		
HOUSE NUMBER	No. OF BEDROOMS	Type
PLOT 1 - Type C	4 BEDROOM	Detached Chalk
PLOT 2 - Type A	4 BEDROOM	Detached Chalk
PLOT 3 - Type B	4 BEDROOM	Detached Chalk
Total 3 Units		

GARAGE TYPE	
Single garage	* 1 car port
Double garage	* 2 car spaces
Single garage	* 1 car port
# car spaces	

SITE AREA = 4600 sqm approx. (equivalent to 0.4dha)



KEY TO SYMBOLS	
	DRIVEWAY
	PERMEABLE BLOCK PAVERS 40mm thick Heritage Range Maxxwall Mono Ltd. Concrete block paving or similar. Colour: Charcoal, anthracite brown pattern. 60mm thick 6-dim clean stone over hollow membrane sub-base 5-50mm clean crushed stone over hollow membrane
	GARDEN & TERRACE PAVING 40mm thick Heritage Range Maxxwall Mono Ltd. Concrete slab paving or similar. 60mm compacted slump sand to BS.12 100mm Minimum sub-base
	VEHICULAR ACCESS ENTRANCE 5m wide Terrace Road to CCC Highway - full construction standard specification.
	PERMEABLE BLOCK PAVERS 40mm thick Maxxwall Mono Ltd. Concrete block paving or similar. Colour: Earthy, anthracite brown pattern. 60mm compacted slump sand to BS.12 100mm Minimum sub-base
	PROPOSED INDICATIVE TREE
	PROPOSED SHRUB/LANDSCAPE PLANTING
	PERIMETER SECURITY HEDGE BOUNDARY AND PLOTS 1.2m high galvanneal steel security fence with heighting MARKED CONSERVATION HEDGE: 70% GRATEGUS 30% DOGWOOD (CORNUS) FIELD MAPLE (ACER CAMPESTRE) OREGON GRAPE (MAHONIA AQUIFOLIUM) PRIVET (LIGUSTRUM) SHELTER HOSE (VIBURNUM OPULIS)
	Position of wheeled bins

Peter Humphreys Associates
ARCHITECTURAL DESIGN AND BUILDING

Proposed Residential Development
Land South of Toll Farm
Main Road
Thorney Toll

CLIENT: **P & R. Harrison**
DRAWING TITLE: **Proposed Site Plan**

DATE: MAY 2018 SCALE: AS SHOWN JOB NO.: **4907-P01**

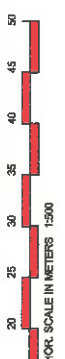
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Architectural

Building
CONSTRUCTION
CIVIL
ELECTRICAL
MECHANICAL
PLUMBING
STRUCTURAL
TERRAZZO
WORKS

Created 8th Nov 2008



Proposed Site Plan 1:500 @ A3