

Application Number: F/YR13/0716/F

Minor

Parish/Ward: Newton

Date Received: 23rd September 2013

Expiry Date: 18th November 2013

Applicant: Mr R Shippey

Agent: Mr D Upton, Peter Humphrey Associates Ltd.

Proposal: Erection of 2 x 2-storey 4-bed dwellings with detached garages/store, and a change of use of land to paddock land.

Location: Land West of 3 Swedish Houses, Church Lane, Newton.

Site Area: 0.60 hectares.

Reason before Committee: The application has been called in by Councillor Humphrey as the site is welcomed and supported by the Chairman of the Parish Council, the applicant has just sold some land to Roddons, the site is adjacent to the DAB and accords with Policies CS3 and CS12, the application will ensure a good mix of house types and respects the adjacent design and fits in with the street scene.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for 2 dwellings at land West of 3 Swedish Houses, Church Lane in Newton. The dwellings are proposed to be 2 detached dwellings fronting on to Franks Lane which continues on from Church Lane. The site is outside of the settlement core however does adjoin existing residential development to the east. The site currently comprises open, grade 1 agricultural land.

The key issues to consider are:

- Relevant Policy
- Design and Layout
- Flood Risk

The proposal relates to the introduction of 2 relatively large dwellings, with associated garden land and access, within an area of paddock to the rear. The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be contrary to Policy. Therefore the application is recommended for refusal.

2. HISTORY

There is no relevant history in this instance.

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.

Paragraphs 99 – 104: Managing flood risk.

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

3.2 **Fenland Core Strategy Submission Version – September 2013:**

CS1: A presumption in favour of sustainable development.

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

CS12: Rural Areas Development Policy

CS14: Part B Flood Risk and Drainage.

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**

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| 4.1 | <i>Parish/Town Council</i> | Newton PC are happy with this application providing the gardens are not built on. |
| 4.2 | <i>Environment Agency</i> | No objections in principle subject to conditions being applied to any permission which relate to development in accordance with the submitted FRA and the submission of a scheme for foul water drainage. |
| 4.3 | <i>CCC Highways</i> | The plan is acceptable from a highway point of view. The distance needed to relocate the 30mph signs will probably necessitate alterations to the Traffic Regulation Order. A legal agreement will be required to be completed between the developer and the Highway Authority to |

secure the highway works.

- 4.4 **North Level IDB** No objections in principle. Formal Land Drainage Consent will be required to form the proposed access.
- 4.5 **FDC Scientific Officer** No objections in terms of local air quality or the noise climate. From the information provided contaminated land is not an issue.
- 4.6 **Local Residents:** None received.

5. **SITE DESCRIPTION**

- 5.1 The site currently comprises Grade 1 Agricultural Land off Frank's Lane in Newton. The site is relatively open with agricultural land extending to the north and west. There is existing residential development, forming the main settlement of Newton, adjacent to the site to the East. In addition, there is a planning consent to the south for an affordable housing development comprising dwellings.

6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Relevant Policy
 - Design and Layout
 - Flood Risk

Relevant Policy

The application site is outside of any settlement core, but adjoins the existing developed settlement of Newton. 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.

Although the site is adjacent to the settlement in planning terms it represents an incursion into the open countryside therefore the 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 identifies Newton as a small village where development will normally be limited in scale to residential infilling or a small business opportunity. This site is considered to be contrary to the provisions of Policy CS3 as, although it is a relatively small scale development, it does not represent an infilling of a continuous built up frontage. As such the proposal is considered to be unacceptable in this location in principle.

It is noted that there has been a recent approval for 12 dwellings on the adjacent site to the south of this application site which is a site comprising purely affordable dwellings which was supported and justified by a demonstrable local need which was informed by the Cambridgeshire ACRE document. This highlighted a shortfall in affordable homes in Newton, which were required to meet a local need. As such, this adjacent site was approved under different considerations than the scheme we are now presented with for 2 dwellings. Although the sites are adjacent the approved site was considered to be a rounding off of the settlement with it occupying a corner plot. In addition the site was considered to be a natural extension of the existing Colville Road development utilising an existing road frontage. The current proposal will necessitate an upgrade of the existing road and will extend development along the road of an alien character, form and scale.

In terms of the village thresholds, Newton has the capacity for 18 more dwellings. 12 of these have been identified through the consenting of the Colville Road proposal leaving scope for a potential 6 more dwellings in Newton before the 10% village threshold is breached. As such this proposal would comply with the village targets and be within the identified housing level.

Design and Layout

The proposal is for 2 detached two-storey dwellings sited towards the front of the site. The dwellings comprise of 2 x 4 bed dwellings. The dwellings are relatively large, chalet style dwellings which front onto Franks Lane. Each dwelling has its own private amenity area, with a shared access point off Franks Lane which separates into individual driveways with parking and turning areas. Each dwelling has a large detached double garage sited to the front of the dwelling. Beyond the southern rear boundary of the proposed dwellings, a paddock is proposed which will be accessed off Colville Road.

The design of the dwellings is considered to be out of scale and character with the surrounding area in terms of their footprint and overall bulk. The submitted street scene which demonstrates a similar overall height has been noted however the combination of the overall scale and the excessive detailing on the dwellings would result in a development which would be out of keeping with the existing form and character of the surrounding area. The adjacent dwellings, Swedish Houses, are modest and simple in their scale and design, which is the prevailing character of this area. It is considered that the

proposed dwellings would create an incongruous and dominant feature within the landscape. As such, although it is noted that whilst 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.

Flood Risk

The site falls within Flood Zone 3 which is a high risk. Whilst the comments of the Environment Agency in 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. Again, for the purposes of clarification in relation to the adjacent site recently approved for 12 dwellings, the consideration relating to the balance of the risks of flooding against the community benefits, as informed by the ACRE housing needs survey, led to this adjacent site being found acceptable in terms of flood risk subject to appropriate mitigation measures.

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 and flood risk 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 the 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 –Submission Version September 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. In addition the proposal is out of keeping with the existing character and form of the surrounding area and nearby dwellings by virtue of its overall scale and design. 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 –Submission Version September 2013 and Paragraph 55 of the National Planning Policy Framework.**
- 3. 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 –Submission Version September 2013.**