

**Application Number: F/YR14/0066/F**  
**Minor**  
**Parish/Ward: Newton/Roman Bank**  
**Date Received: 29 January 2014**  
**Expiry Date: 26 March 2014**  
**Applicant: Messers T & P Hubbard**  
**Agent: Mr D Upton, Peter Humphrey Associates Ltd.**

**Proposal: Erection of 4 x 4-bed 2-storey dwellings with detached double garages.**

**Location: Land East of Abbey Green, Church Lane, Newton.**

**Site Area: 0.48 hectares.**

**Reason before Committee: The application has been called in by Councillor Hatton to allow the Planning Committee to assess the level of local support in line with Policy CS12.**

## 1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for 4 dwellings at land east of Abbey Green, Church Lane in Newton. The site is outside of the main settlement core however does adjoin it and existing residential development to the West. The site currently comprises open, unclassified agricultural land.

The key issues to consider are:

- Relevant Policy
- Design and Layout
- Flood Risk

The proposal relates to the introduction of 4 large dwellings, with associated garden land and access, within an area of existing agricultural land. 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

Of relevance to this application is:

- |     |               |  |   |
|-----|---------------|--|---|
| 2.1 | F/YR03/0847/F | Erection of a 2-storey side extension and new access to existing dwelling. | Granted 9 <sup>th</sup> February 2003 - Delegated |
|-----|---------------|--|---|

## 3. PLANNING POLICIES

### 3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that applications 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.

### 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

E2 – Important Landscape Features.

E8 – Proposals for new development.

## 4. **CONSULTATIONS**

- |     |                                      |   |
|-----|--------------------------------------|---|
| 4.1 | <b><i>Parish/Town Council</i></b>    | No response received at the time of writing this report.  |
| 4.2 | <b><i>Environment Agency</i></b>     | No objections in principle to the development subject to the inclusion of a condition relating to foul water drainage.  |
| 4.3 | <b><i>CCC Highways</i></b>           | No response received at the time of writing this report.  |
| 4.4 | <b><i>North Level IDB</i></b>        | No comments to make regarding this application.   |
| 4.5 | <b><i>FDC Scientific Officer</i></b> | No objections to the development as it is unlikely to have a detrimental effect on local air quality or the noise climate. From the information provided land contamination is not considered an issue. |

4.6 **Local Residents:** None received.

## 5. **SITE DESCRIPTION**

5.1 The site currently comprises unclassified agricultural land off Church Lane in Newton. The site is relatively open with further agricultural land extending to the South. There is existing residential development, forming the main settlement of Newton, adjacent to the site to the west. The village hall sits opposite the site to the north and to the east there are residential dwellings but these are of a more sporadic and isolated nature than those to the west. The site is currently ploughed and forms the frontage of a larger field. There are no structures on the site.

## 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 (September 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 acknowledged that there are dwellings to the East however as these front onto Rectory Road rather than Church Lane it is not considered that these result in a continuous built up frontage.

Policy CS12 of the Fenland Core Strategy (September 2013) identifies criteria to be met for dwellings outside of the main settlement core. Although the proposal meets the first criterion in that it is adjacent to the existing developed footprint of the village, it is considered that the proposed development does not comply with points (d), (e) and (h) of this policy. Point (d) states that the proposal should be of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance. Point (e) states that the development would not extend linear features of the settlement or result in ribbon development and point (h) seeks to ensure that development will not result in the loss of important spaces within the village. It is considered that the proposed development would result in the loss of a key gap within the settlement that currently serves to delineate between the main built up village and the open countryside and that the development of this site, in a linear fashion, would result in the extension of the settlement of Newton in a ribbon development form. As such the proposal cannot be considered to comply with all of the provisions of policy CS12.

In terms of the village thresholds, Newton has the capacity for 18 more dwellings as detailed within the Village Thresholds Evidence Document (February 2013). 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 4 detached two-storey dwellings, sited in a linear fashion fronting onto Church Lane. Plots 1 to 3 are sited together with a farm access proposed between Plots 3 and 4. The plots are large in size and include amenity and parking areas. In design terms, there are slight variations between the appearance of the dwellings, with house type 4 being larger and including render and more of a chalet style dwelling. The design is considered to be acceptable in terms of the overall character of the area, which sees a mix of dwelling styles, however in terms of the location and the provisions of the NPPF the design is not considered to be outstanding or innovative.

Whilst it is acknowledged that this area of Newton does demonstrate some larger dwellings, to the west is the main village settlement which is characterised predominantly by smaller plots.

The proposed dwellings are somewhat larger than the majority of the nearby dwellings to the west, which set the character and general context of the area to which new development should follow. Whilst some variation between existing and proposed developments can be acceptable it is considered in this instance that the proposed dwellings are out of scale and character with the surrounding form and character and would introduce a somewhat incongruous and dominant built form into the open countryside. 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 lies within Flood Zone 2, which although not considered as high risk as Flood Zone 3, still holds some level of risk. 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).

The application has been accompanied by a Flood Risk Assessment (FRA) which concludes that although the site lies within an area somewhat vulnerable to flooding the risk is considered to be very low as the defences are maintained to a 1:200 year event level, there was no flooding recently during the high river levels and the IDB maintain a protection level of 1:100 year. Notwithstanding this, the applicant has failed to submit any justification as to why this 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 Zones 2 and 3 should only occur when other developable land in Flood Zone 1 has been undertaken. It is noted that the EA have raised no objections to the proposal however it is still considered contrary to the provisions of the NPPF and Part B of policy CS14 of the Core Strategy.

## **7. CONCLUSION**

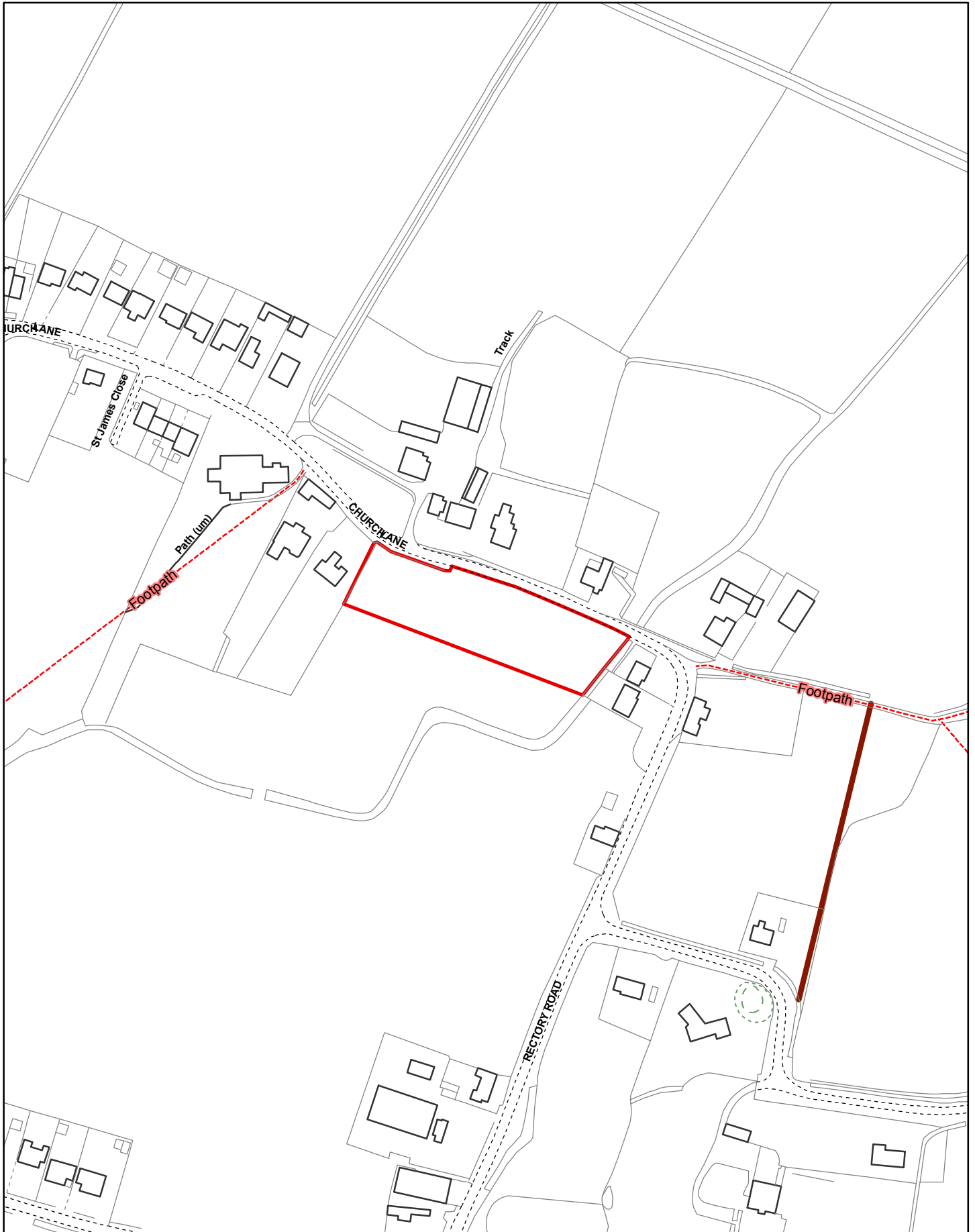
- 7.1 The proposal is considered to be contrary to the relevant policies in terms of the overall principle of development, as well as the design and layout considerations of the proposed development. For the reasons detailed above the proposal for 4 large detached dwellings by reason of their scale, positioning, form and location outside of the main settlement of Newton is considered to have a detrimental impact on the existing rural character of this part of the village. As such the proposal is recommended for refusal.

## **8. RECOMMENDATION**

**Refuse.**

**Subject to the expiry of the consultation period.**

- 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. In addition the proposal would result in ribbon development along this part of Church Lane. 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. It is considered that the scale and form of development will be visually intrusive and will not assimilate into the rural landscape. 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 2. 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.**

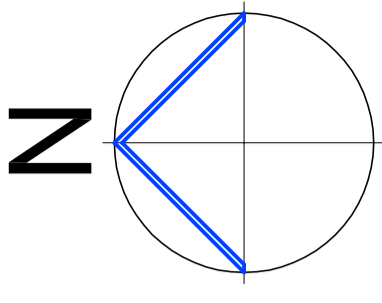


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**F/YR14/0066/F**  
Scale = 1:2,500





**KEY TO SYMBOLS**

	1.8m close boarded fence
	Timber traditional gate
	<b>VEHICULAR ACCESS ENTRANCE</b> Tarmac Road to CCC Highway specification. Min. 5m wide tarmac to CCC Highway specification
	<b>GRAVEL DRIVEWAY</b> 2-6mm clean stone over Ibbitex membrane 250mm Minimum sub-base 5-20mm clean crushed stone over Ibbitex membrane
	SHRUBLANDSCAPE PLANTING
	INDICATIVE TREE PLANTING
	<b>PERIMETER BOUNDARY SECURITY HEDGING</b> 1.8m galvanised steel security fence with mesh hedging. MIXED CONSERVATION HEDGE: 70% CRAETAGUS
	30% DOGWOOD (CORNUS) FIELD MAPLE (ACER CAMPESTRE) OREGON GRAPE (MAHONIA AQUIFOLIUM) PRIVAT (LIGUSTRUM) GUELDER ROSE (VIBURNUM OPALIS)
	Position of wheeled bins
	Indicative positions of permanent car parking space

**PeterHumphreyAssociates**  
ARCHITECTURAL DESIGN AND BUILDING

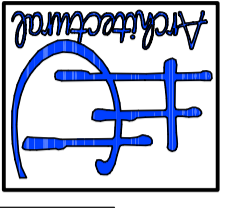
PROJECT  
Proposed Residential Development  
Land East of Abbey Green  
Church Lane  
Newton

CLIENT  
**Messers T & P. Hubbard**

DRAWING TITLE  
Proposed Site Plan

DATE: June 2013 SCALE: AS SHOWN JOB No. 4932-P01

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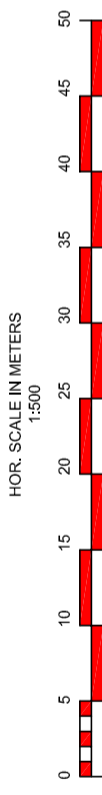
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**HOUSE TYPE SCHEDULE**

PLOT NUMBER	No. OF BEDROOMS	Type	GARAGE TYPE
PLOT 1	4 BEDROOM	Detached dwelling	Double garage + 2 car space
PLOT 2	4 BEDROOM	Detached dwelling	Double garage + 2 car space
PLOT 3	4 BEDROOM	Detached dwelling	Double garage + 2 car space
PLOT 4	4 BEDROOM	Detached dwelling	Double garage + 2 car space
Total 4 Units			Total = 16 car spaces

SITE AREA = 4800 sqm approx. (equivalent to 0.48ha)



Proposed Site Plan 1:500 @ A3