

**Application Number: F/YR14/0076/F**  
**Minor**  
**Parish/Ward: Newton/Roman Bank**  
**Date Received: 30 January 2014**  
**Expiry Date: 27 March 2014**  
**Applicant: Messers T & P Hubbard**  
**Agent: Mr D Upton, Peter Humphrey Associates Ltd.**

**Proposal: Erection of 4 x 2-storey 3-bed dwellings.**  
**Location: Land West of Bramley House, Church Lane, Newton.**

**Site Area: 0.23 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 West Bramley House, Church Lane in Newton. The dwellings are proposed to be 2 pairs of semi-detached dwellings fronting on to Church Lane. The site is outside of the settlement core however does adjoin existing residential development to the east. 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 2 pairs of semi-detached two-storey dwellings, with associated garden land and access. 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 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.

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**

- |     |                                   |   |
|-----|-----------------------------------|---|
| 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 objection to the proposed development subject to a condition ensuring that the development is carried out in accordance with the submitted FRA and a condition requiring details of the provision and implementation of 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 comment to make with regards to this application.  |

4.5 **FDC Scientific Officer** No objections in terms of the effect on the local air quality or the noise climate. From the information provided contaminated land is not considered an issue.

4.6 **Local Residents:** None received.

## 5. **SITE DESCRIPTION**

5.1 The site currently comprises an area of agricultural land fronting onto Church Lane in Newton. The site is completely open 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 residential development to the south comprising of the Colville Road/Goodens Lane development.

## 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 introduction of residential development 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.

Policy CS12 relates to development in rural areas and whilst the proposal complies with the first part of this policy in that it is adjacent to the existing developed footprint of the village it fails to comply with other parts of this policy. Part (e) specifically aims to prevent development from extending the linear features of a site or result in ribbon development and as such this development would be contrary to this.

The proposed dwellings are in a linear fashion and due to the open countryside beyond the site it is not infill and results in a form of ribbon development. It is not considered that this proposal could also be considered as a 'rounding off' of the settlement. It is acknowledged that the development to the South across Church Lane extends further than Bramley House, however it is considered that on the northern side of Church Lane Bramley House forms a natural conclusion to the village footprint. The application site forms a small part of a wider agricultural field and is the beginning of an area which is very rural in character. There are no drainage ditches or hedgerows delineating the rear or western side boundaries of this site which would contain development within and represent the natural end to the village therefore the proposal is considered to be unacceptable in this location. These open sites located adjacent to village boundaries form the rural nature of the area and if all areas that presently adjoin village boundaries were developed the cumulative effect would be to change the character of these villages to the detriment of the wider area and result in the loss of the rural fringe.

In addition policy CS12 states that development should not have an adverse impact on the character and appearance of the surrounding countryside and farmland. As such, given the fact that the proposal is at odds with a number of the Local Plan policies it is considered that this site is unacceptable for residential development in principle.

#### Design and Layout

The proposal is for 4 dwellings, proposed as 2 pairs of two-storey dwellings on relatively large plots. The dwellings are to be positioned centrally within the site, facing Church Lane, to allow for a parking and turning area to the front of each dwelling. Each garden has an area of rear residential amenity space. The design of the proposed dwellings is relatively traditional and the area is characterised by a mix of dwelling designs. Each dwelling will provide a lounge, kitchen/diner, w/c and utility at ground floor level and 3 bedrooms, a bathroom and an en-suite to bedroom 1 at first floor. Due to the size of the site and the positioning of the dwellings it is unlikely that there will be any adverse impact on adjoining residential amenity.

The overall layout and design of the proposal is considered to be acceptable given the character of the dwellings nearby. However, this does not override the concerns in relation to the principle of development of this location.

### Flood Risk

The site falls within Flood Zone 3 which is a high risk. Whilst it is noted that the application has been accompanied by an FRA 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 concludes that the development may be permitted as although the site lies within an area vulnerable to flooding the risk is considered to be 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 Zone 3 should only occur when other developable land in lesser flood zones has been undertaken.

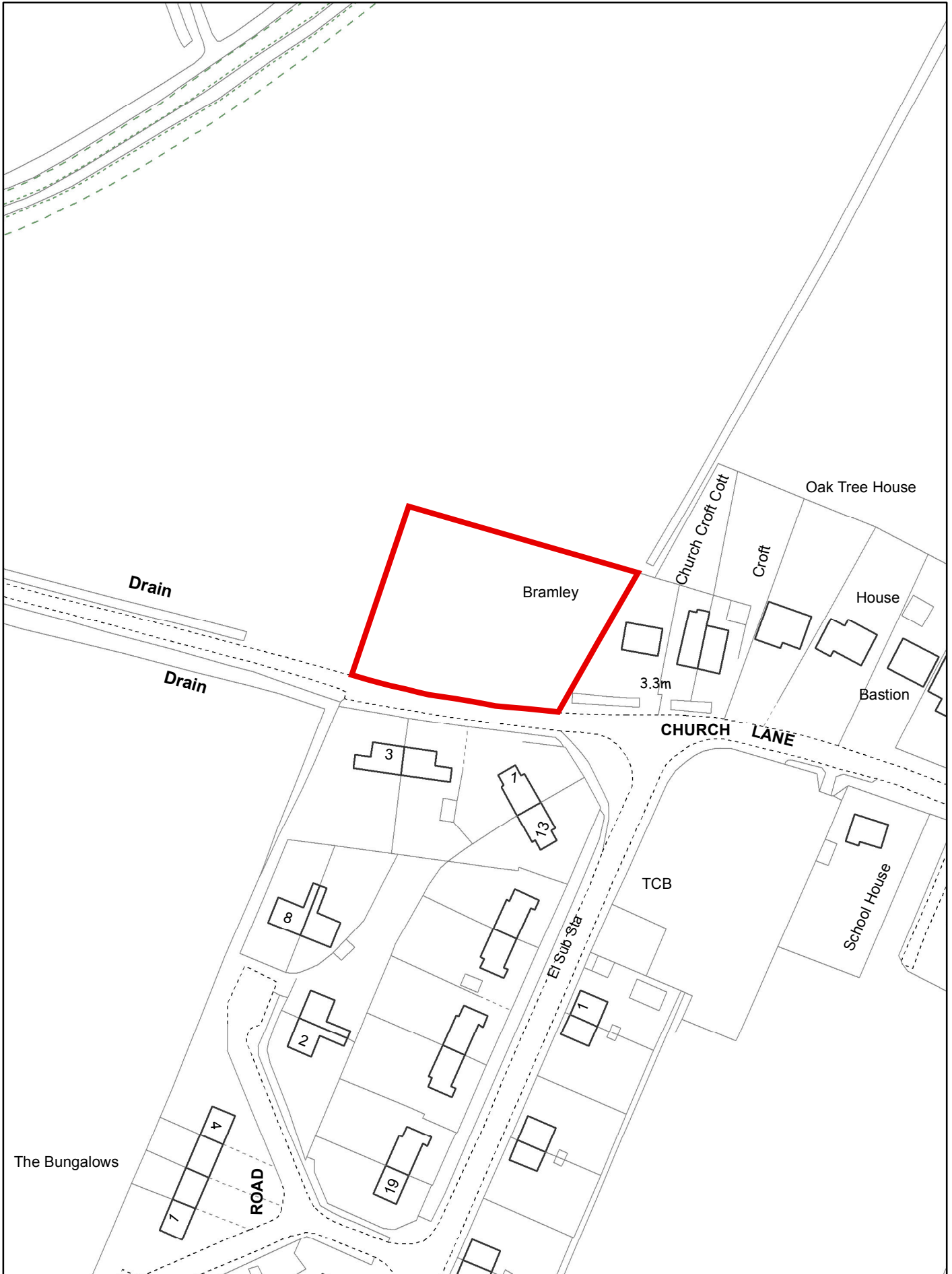
## **7. CONCLUSION**

- 7.1 The proposal is considered to be contrary to the relevant policies in terms of the overall principle of development, as well the 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. 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 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.**



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Scale = 1:1,250



HOUSE TYPE SCHEDULE		
PLOT NUMBER	No. OF BEDROOMS	TYPE
PLOT 1	3 BEDROOM	3 car garage
PLOT 2	3 BEDROOM	2 car garage
PLOT 3	3 BEDROOM	2 car garage
PLOT 4	3 BEDROOM	2 car garage

Total 4 Units  
SITE AREA = 2275 sqm approx. (equivalent to 0.23ha)  
6 car spaces

### KEY TO SYMBOLS

- 1.2m Chest boarded fence
- Timber traditional gate
- VEHICULAR ACCESS ENTRANCE  
Timber board to 600mm height, asphalt, 1.5m wide to 600mm height, asphalt
- GRAVE: DRENCHWAY  
240mm x 180mm x 150mm (darker shaded) above over 180mm rebar
- SPRINKLER/LANDSCAPE PLANTING
- INDICATIVE TREE PLANTING
- PERIMETER BOUNDARY SECURITY FENCING  
1.2m galvanized steel security fence with mesh toping  
1.2m galvanized steel security fence with mesh toping  
7% OVERSHOTS
- 30% LOGWOOD (CORNUS) PLANTING  
OREGON GRAPE (MAHONIA AQUIFOLIUM)  
PRIVATE GARDEN (VIBURNUM OPULIS)  
GUELCHER ROSE (VIBURNUM OPULIS)
- Position of scheduled site
- Indicative positions of permanent car parking spaces

**Peter Humphrey Associates**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed Residential Development  
Land West Of Bramley House  
Church Lane  
Newton

CLIENT  
**Messers T & P. Hubbard**

DRAWING TITLE  
Proposed Site Plan

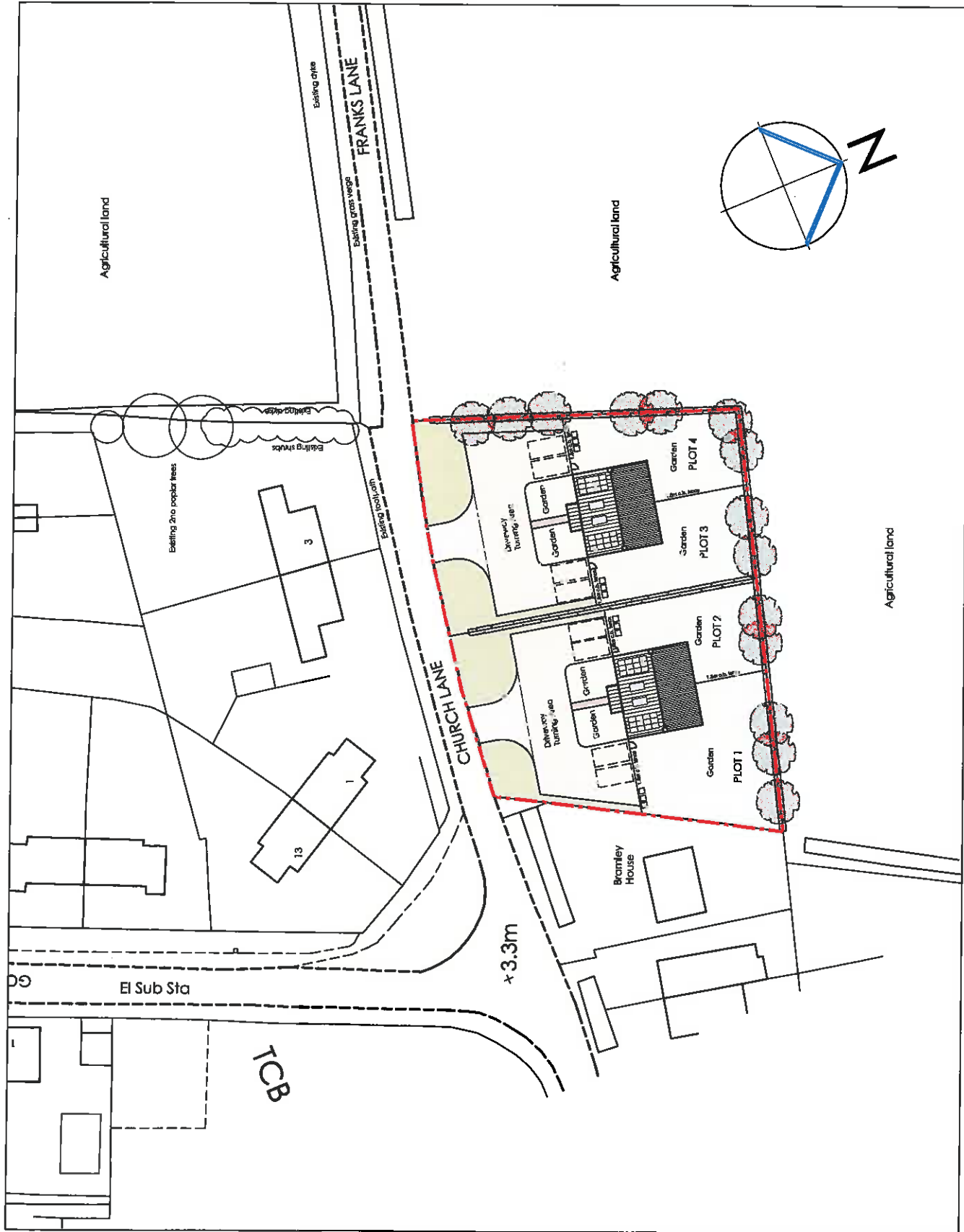
DATE: June 2010 SCALE: AS SHOWN JOB No. 4931-P01

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**Architectural**

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Proposed Site Plan 1:500 @ A3