
F/YR24/0811/F

**Applicant: Mr Josh Peggs &
Mr Andrew Clark
Ashmore Developments Ltd**

**Agent: Mr Chris Walford
Peter Humphrey Associates
Ltd**

Land East Of 156, High Road, Newton-in-the-isle,

Erect 9 x dwellings (5 x 2-storey 4-bed and 4 x 2-storey 3-bed), and the formation of 2 x accesses and a pedestrian footpath

Officer recommendation: REFUSE

Reason for Committee: Parish Council comments contrary to Officer recommendation.

Government Planning Guarantee

Statutory Target Date for Determination: 2 December 2024

EOT in Place: Yes

EOT Expiry: 14 February 2025

Application Fee: £5202

Risk Statement:

This application must be determined by 14 February 2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1. The application seeks full planning permission for the erection of 9 dwellings (5 x 2-storey 4-bed and 4 x 2-storey 3-bed), the formation of 2 x accesses and a pedestrian footpath. It is preceded by relevant planning history with respect to a previously approved PIP application (granted) and a subsequent Full application (refused), both for a 6 dwelling scheme with associated works.</p> <p>1.2. The below assessment considers that the proposed development, as 9no. 2-storey dwellings on currently open countryside alongside a number of modest single storey dwellings would result in a prominent and incongruous feature within the street scene to the detriment of the character and appearance of the area and therefore would be contrary to Policy LP16(d) of the Local Plan.</p> <p>1.3. Due to the proximity and position of the semi-detached 2-storey dwellings at Plots 8 & 9 in relation to the neighbouring property to the east (No118), there is potential for visual dominance with the associated loss of outlook from this dwelling and a likely loss of light due to the enclosure of the property, to the</p> |
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detriment of neighbouring residential amenity, contrary to Policies LP2 and LP16(e) of the Fenland Local Plan (2014).

- 1.4. Development in flood zones 2/3 require the successful completion of a sequential test and where necessary an exception test, as set out in Policy LP14 and Chapter 14 of the NPPF. The below assessment concludes that the application fails to fully meet the requirements of the exceptions test for flood risk and does not fully address wider community benefit, and thus remains contrary to Local Plan Policy LP14 and the aims of Chapter 14 of the NPPF.
- 1.5. Noting the clear policy contraventions, the recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1. The site currently comprises agricultural land to the north of High Road (B1165), Newton. The site is relatively open with further agricultural land extending to the North and on the opposite side of the road to the South. There are some mature trees that line the southern boundary of the site.
- 2.2. There is existing residential development, forming the main settlement of Newton, adjacent to the west of the site, to the east there are further sporadic residential dwellings and a removals business/warehouse. The site forms the frontage of a larger field, there are no structures on the site.
- 2.3. The site is located within Flood Zones 2 (medium risk) and 3 (high risk).

3 PROPOSAL

- 3.1. This application seeks full planning permission for the erection of 9 x dwellings (5 x 2-storey, 4-bed and 4 x 2-storey, 3-bed) and the formation of two accesses and a pedestrian footpath. The proposed dwellings comprise 5 x detached dwellings with attached garages and 2 pairs of semi-detached dwellings. The proposed dwellings are slightly differing in architectural design and scale as 3 house types:

House Type 1 – Plots 3 & 4 - Detached

- 3.2. On the ground floor of House Type 1 a single integral garage, small utility, kitchen/family/dining room, WC, study and lounge are proposed. On the first floor 4 bedrooms are proposed all with ensuite.

The dwellings would measure approximately:

- 14.3m max width
- 12.6m max depth
- 8.9m max roof pitch height

Proposed materials are:

- Roof - Marley modern smooth grey tiles
- Fenestration – Grey UPVC windows and doors
- Walls – Vandersanden Flemish Antique facing bricks

House Type 2 – Plots 1, 2 & 5 - Detached

- 3.3. On the ground floor of House Type 2 proposes an attached garage, utility, WC, Kitchen/diner, family room and lounge are proposed. On the first floor 4

bedrooms are proposed 2 with ensuite and 2 with access to a Jack and Jill bathroom.

The dwellings would measure approximately:

- 16m max width
- 14m max depth
- 8.7m max roof pitch height

Proposed materials are:

- Roof – Marley Modern smooth grey tiles
- Fenestration – Cream UPVC
- Walls - Vandersanden Flemish Antique facing bricks

House Type 3 – Plots 6, 7, 8 & 9 – Semi-Detached

- 3.4. These pairs will include a lounge, kitchen/diner and WC on the ground floor, with three bedrooms, 1 ensuite, and a family bathroom on the first floor.

Each pair would measure approximately:

- 11.8m max width
- 9m max depth
- 7.8m max roof pitch height

Proposed materials are:

- Roof – Marley Modern smooth grey tiles
- Fenestration – Cream UPVC
- Walls - Vandersanden Flemish Antique facing bricks

- 3.5. The scheme is also intended to include a mix of shared and private driveways/turning areas and private gardens to the rear, a new ditch/swale to the frontage of the site, with neutral grassland and tree planted buffers to the front and rear (beyond the private amenity spaces).

- 3.6. A proposed 1.8m wide (approx.) footpath is proposed to link to existing footway to the east and west of the site.

- 3.7. Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR24/0249/F	Erect 6 x dwellings (2-storey 4-bed), and the formation of 2 x accesses and a pedestrian footpath	Refused 27.06.2024
F/YR22/1361/PIP	Residential development of up to 6 x dwellings (application for Permission in Principle)	Granted (Committee overturn) 05.06.2023

5 CONSULTATIONS

5.1. Newton-in-the-Isle Parish Council

The Parish Council's Planning Committee considered this application at its recent meeting. Members noted the concerns raised by some residents

regarding surface water drainage and capacity of the main sewer and highway issues.

The Committee resolved to support the application, subject to the above concerns being addressed by the appropriate statutory consultees.

5.2. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal.

Given the nature and scale of the proposed development, the issues of primary concern to this service during the construction phase would be the potential for noise, dust and possible vibration to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, this service would welcome a condition requiring the submission of a robust Construction Environmental Management Plan (CEMP) that shall include working time restrictions in line with the template for developers, now available on Fenland District Council's website at: Construction Environmental Management Plan: A template for development sites (fenland.gov.uk)

Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites may also be relevant, as would details of any piling construction methods / options, as appropriate.

5.3. Cambridgeshire County Council Highways Authority

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

Further to the previous consultation response, dated 22nd October, the applicant has provided the ATC survey results and corresponding location plan for the surveys. The provision of this data ensures that the visibility splays presented on the Proposed Drawing 1, drawing no. 6851/01/01D, are acceptable. As the visibility splays have been prepared in accordance with the surveyed speeds, it is not considered necessary to relocate the change in speed limit, however, it is understood that this would be beneficial to the wider area as per the Parish's request and is to be secured by the developer separately to this application in consultation with the Parish Council and County Council.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:

Conditions

Prior to the occupation of the proposed development hereby approved the accesses from the public highway will be constructed in accordance with the widths presented within the Proposed Drawing 1, drawing no. 6851/01/01D.

Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

The proposed accesses are to be constructed using a bound material, for 5 metres back from the adopted highway, to prevent debris spreading onto the adopted public highway.

Reason: In the interests of highway safety

Prior to the first occupation of the development hereby approved, visibility splays shall be provided from the proposed accesses, in full accordance with the details indicated on the submitted Proposed Drawing 1, drawing no. 6851/01/01D, and shall be maintained free from any obstruction over a height of 600 mm.

Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

The proposed vehicular accesses shall be constructed so that its falls and levels are such that no private surface water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Local Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order), no gates or other means of enclosure shall be erected across the proposed residential vehicular access hereby approved.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

Prior to the commencement of the development hereby approved adequate temporary facilities area (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) 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: for the safe and effective operation of the highway

Prior to the first occupation of the development hereby permitted a footway of a minimum width of 2 metres shall be provided along the northern side of High Road, as shown on Proposed Drawing 1, drawing no. 6851/01/01D, in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

Prior to the commencement of the development hereby approved, a scheme for construction of the vehicular crossing of the ditch /watercourse along the frontage of the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: In accordance with the National Planning Policy Framework and Policies LP15 and LP19 of the Fenland Local Plan 2014.
[...]*

5.4. North Level Internal Drainage Board

My Board has no objections to the above application.

Formal land drainage consent will be required for altering the existing watercourse and access culverts.

Consent to discharge into the existing surface water pipeline on High Road will be subject to a development levy contribution (enclosed).

5.5. Environment Agency

Thank you for consulting us on the above application. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development. We have provided flood risk information below.

Flood Risk

The proposed development is in flood zone 3 with a high risk of flooding. We have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (ref Ellingham Consulting Ltd. ECL1219-2a/PETER HUMPHREY ASSOCIATES dated September 2024) mitigation measures are followed in particular:

- 2 Storey dwellings with finished floor levels set a minimum of 300mm above existing/ surrounding ground levels.*
- A minimum of 0.3m of flood resilient construction above finished floor level.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

5.6. Anglian Water

No comments provided.

5.7. Senior Archaeologist (CCC)

Thank you for the consultation with regard to the archaeological implications of the above referenced planning application. The proposed development is located in an area of archaeological potential, to the southeast of the settlement of Newton-in-the-Isle. To the east running north south is the earthwork remains of the Roman Bank, sea bank dating from the 13th century (Cambridgeshire Historic Environment Record MCB16155). There are also the reported remains of a Roman Saltern site (CHER 03969) to the east and Roman pot find spots to the south (CHER 03968).

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example below.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. The statement of significance and research objectives;*
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;*
- c. The timetable for the field investigation as part of the development programme;*
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.*

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

5.8. Local Residents/Interested Parties

The LPA received 12 letters of objection to the scheme from eight address points within Newton in the Isle, including High Road, Fen Road, Church Lane, Rectory Road and Chapel Lane.

Reasons for objection can be summarised as:

- Character and landscape impact;
- Concerns parking will overspill onto road; parking under-provision concerns;
- Contrary to Local Development Plan.
- Development is predominately in Flood zone 3;

- Drainage concerns;
- Highway safety concerns; ATC survey range includes a bank holiday weekend at the start of half-term (likely less traffic);
- Loss of agricultural land;
- Not infill;
- Out of character; totally inappropriate within existing street scene;
- Overdevelopment – PIP was for 6 units, application is for 9;
- Query over apparent Parish Council support for the scheme;
- Residential amenity concerns;

6 STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) 2024

- 1.Introduction
- 2.Achieving sustainable development
- 4.Decision-making
- 5.Delivering a sufficient supply of homes
- 8.Promoting healthy and safe communities
- 9.Promoting sustainable transport
- 11.Making effective use of land
- 12.Achieving well-designed places
- 14.Meeting the challenge of climate change, flooding and coastal change
- 15.Conserving and enhancing the natural environment
- 16.Conserving and enhancing the historic environment

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

7.4. Fenland Local Plan 2014

- LP1 – A Presumption in Favour of Sustainable Development
- LP2 – Facilitating Health and Wellbeing of Fenland Residents
- LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 – Housing
- LP5 – Meeting Housing Need
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding
- LP15 – Facilitating the Creation of a More Sustainable Transport Network
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment
- LP19 – The Natural Environment

7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 14 - Waste management needs arising from residential and commercial Development

7.6. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

7.7. **Cambridgeshire Flood and Water SPD 2016**

7.8. **Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021**

7.9. **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 49 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1: Settlement Hierarchy

LP2: Spatial Strategy for the Location of Residential Development

LP4: Securing Fenland's Future

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP12: Meeting Housing Needs

LP18: Development in the Countryside

LP19: Strategic Infrastructure

LP20: Accessibility and Transport

LP22: Parking Provision

LP23: Historic Environment

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP27: Trees and Planting

LP28: Landscape

LP32: Flood and Water Management

8 KEY ISSUES

- **Principle of Development**
- **Character, Street Scene & Historic Environment**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Highway Safety**
- **Ecological impacts & Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1. This application has been preceded by two earlier applications seeking development on this site. Permission in Principle for residential development of up to 6 dwellings was granted by Planning Committee contrary to officer

recommendation on 5th June 2023. Following this, a full planning application seeking residential development for 6 dwellings along with the formation of 2 accesses and a footpath was refused by Planning Committee in line with officer recommendation on 27th June 2024. The application was refused on the grounds of (in summary):

- Detrimental impact on the streetscene and landscape character, contrary to Policy LP16 (d);
- Residential amenity impacts to neighbouring dwelling No.118 High Road, contrary to Policy LP16 (e); and
- Failure to identify the wider community sustainability benefits with respect to the required exception test, contrary to Policy LP14 and wider aims of the NPPF.

9.2. For transparency, it is understood that one of the applicants on the current application, Mr Andrew Clark, is a relative of Cllr Sam Clark. It is also understood that Mr Clark was also linked within the earlier aforementioned applications.

10 ASSESSMENT

Principle of Development

10.1. The Council accepted the principle of development on the site for up to 6 dwellings under the PIP application at the Planning Committee meeting of the 31st of May 2023, contrary to officers' concerns over location, character harm and flood risk. As such, it would be inconsistent with the Council's previous conclusions were the Council now not to accept the principle of development of the site in terms of the location and proposed residential use. Whilst the quantum of housing now proposed is larger, it is considered that the main principle of residential use of the site has been previously agreed.

Character, Street Scene and Historic Environment

10.2. Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area. Policy LP18 of the Fenland Local Plan 2014 states that the council will protect, conserve and seek opportunities to enhance the historic environment.

10.3. The site is rural in character with open fields to the front and rear. There is linear development stretching to the west of the site in the form of bungalows. To the east of the site are sporadic dwellings stretching into the countryside. The site is located very prominently at the southern entrance to the village.

10.4. The existing bungalows ease the visual transition into the village from the surrounding countryside. The proposed introduction of 9no. 2-storey dwellings of the proposed scale and position, on entrance to the village, and adjacent to the existing modest bungalows would result in undue prominence, be visually stark, abrupt and out of character.

- 10.5. St James Church (Grade II listed) is approximately 315m north of the site and owing to the distance and the obscured views due to existing trees no impact on the setting of the Grade II listed church is considered to arise.
- 10.6. Owing to the above, the proposal is considered contrary to policy LP16 (d) of the Fenland Local Plan 2014 given the incongruous form and scale of the development which would fail to respect and positively respond to the character of this part of Newton.

Residential Amenity

- 10.7. Policy LP2 seeks to ensure a positive living environment for Fenland residents and Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.
- 10.8. The house type closest to the bungalows to the west of the site (Plot 1) would be House Type 2, a detached dwelling with attached single garage at approximately 16m max width x 14m max depth x 8.7m max roof pitch height. The garage, positioned to the western side of the proposed dwelling, nearest the existing bungalow, would reach approximately 5.6m to the ridge.
- 10.9. The dwelling proposed on plot 1 would be more than 12m away from the neighbouring bungalow (No.156), and the inclusion of a 5.6m high attached garage to the dwelling's western side will allow some transition between the single storey dwelling at No.156 and the proposed 2-storey dwelling at Plot 1. There is currently a reasonable hedge between the site and No.156. Therefore, owing to the distance between the proposed dwelling at Plot 1 and No.156, no significant harm due to loss of light, overlooking, overshadowing or noise is anticipated this side.
- 10.10. The dwellings proposed at Plots 8 & 9 to the eastern end of the site are intended as a pair of semi-detached dwellings at approximately 11.8m max width x 9m max depth x 7.8m max roof pitch height. These dwellings, viewed as one 'mass', would be located approximately 5.8m away from dwelling to the east (No.118). The boundary between No.118 and the site comprises high vegetation toward the front of the property, which thins to an open boundary toward the rear of No.118 and the application site. Within the facing elevation, No.118 includes two ground floor windows in a single storey rear extension that currently face west across the open application site.
- 10.11. Notwithstanding the 5.8m separation, the position and scale of the intended pair of semi-detached dwellings at Plots 8 & 9 within the development site will be set forward of the dwelling at No.118, and the western boundary will be enclosed by intended 1.8m close boarded fencing. The proposed dwellings at Plots 8 & 9 would be an incongruous feature within the direct visual aspect of occupiers of No.118, resulting in undue enclosure, reduced outlook and reduced light ingress to the existing ground floor windows within No.118.
- 10.12. Furthermore, the earlier refused scheme under F/YR24/0249/F proposed the development of 6 dwellings. The current scheme, considered herein, proposes 9. With the scheme including 5no detached dwellings to the

western end of the site and 4no (as two pairs) to the eastern end. Therefore, whilst the scale and massing of the adjoined Plots 8 & 9 would result in impacts similar to that of one unit with respect to light ingress, reduced outlook and enclosure (like the earlier refused scheme), the current proposal introducing semi-detached pairs to the eastern end would result in compounded additional noise and general disturbance owing to the quantum of dwellings intended nearest No.118.

- 10.13. There is also the concern over future occupier amenity to consider, by virtue of the proposed introduction of a larger quantum of sensitive noise receptors in the form of 4no dwellings nearest the commercial removals/storage warehouse business at the eastern end of the site. For context, the nearest existing dwelling not directly associated with the removals business is High Trees, situated approximately 40m to the north of the warehouse. However, the introduction of 4no dwellings to within approximately 12m of the existing warehouse may result in more evident noise and/or disturbance impacts from operations undertaken at the removals business premises to occupants of the newly developed dwellings, should they be approved.
- 10.14. The introduction of further “sensitive” developments is contrary to Policy LP16 (o). It should be noted, however, that at the time of writing the LPA have no evidence of complaints regarding noise emanating from this site that result in undue amenity harm with respect to existing dwellings in the vicinity. However, the separation of existing residential development around the business premises is such that any noise impacts are likely to be negligible. No specific objections from the Council’s Environmental Health have been raised with respect to this matter, the above is noted merely for completeness and for consideration by Members.
- 10.15. Notwithstanding any noise impacts to future occupiers, the scheme is considered to result in unacceptable harm to neighbouring residential amenity by virtue of undue enclosure, reduced outlook and reduced light ingress to No.118, contrary to Policies LP2 and LP16(e).

Flood Risk and Drainage

- 10.16. The site is located within flood zones 2/3, where planning policy LP14 (B) states that development in such areas will only be permitted following the successful completion of a sequential test and where necessary an exception test. The proposals should also demonstrate that it meets an identified need, it specifies flood risk management and safety measures and has a positive approach to reducing flood risk overall.

Sequential Test

- 10.17. As set out above the PIP application was approved by the Council, despite there being no successful application of the sequential test. Notwithstanding, the Council accepted the principle of the proposal without this, further concluding that the exception test was met identifying the public benefits outweighing flood risk by virtue of a footpath that would be introduced across the frontage and extend to the west, where existing housing can be found along Rectory Road. In this regard, whilst this latest application also again fails to undertake a sequential test, the failure to meet the sequential test is not considered reasonable grounds to refuse the application on, given the substantial weight afforded to the established principle under the PIP

application and the need to maintain consistency in decision making, albeit again a greater quantum is now proposed in this location.

Exception Test

- 10.18. In order to pass the exception test, NPPF paragraph 178 sets out that the development should demonstrate that it:
- a) yields wider sustainability benefits to the community which outweigh flood risk; and
 - b) that the site can be made safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall.
- 10.19. NPPF paragraph 179 sets out that both elements should be satisfied for developments to be permitted.
- 10.20. In order to pass the Exception Test the proposal must provide wider sustainability benefits i.e., beyond merely the application site, for the community. Examples of benefits beyond the application site may include:
- Visually enhance a site to the benefit of the character of an area;
 - Link development to existing services and facilities bringing communities together sustainably;
 - Relocate an existing use closer to existing public transport hubs, thus reducing the amount of traffic on the road; or
 - Providing community facilities

All these examples would likely provide some benefit to the community beyond the application site.

- 10.21. To address the exception test, the application includes:
- a) a 2m wide footway (to highways specification) to the site frontage, linking to the existing footway network adjacent the application site;
 - b) the proposed extension/relocation of the 40mph speed limit;
 - c) the provision of smaller units.

a) Footway construction

- 10.22. Whilst it is acknowledged that the provision of a footway to link into existing infrastructure could be considered a wider public benefit and thus address the exception test as concluded by the Council during consideration of earlier applications F/YR22/1361/PIP and F/YR24/0249/F (both 6 dwelling schemes), the increase in quantum of development with the current application, seeking 9 new dwellings, would result in a requirement to provide a suitable footway as part of the development proposals in any case by the LHA and LPA. Therefore, this provision cannot be considered to address wider public benefit as required by the exception test, as this 'benefit' would be a standard requirement for development of this scale.
- 10.23. The proposed footway is intended to join to existing infrastructure at the western end of the site where the current public footpath terminates outside No.158. At the eastern end, the proposed footpath is intended to round the corner of the junction with Rectory Lane linking to the grass highway verge just south of the access to No.118. Here, there is no existing infrastructure to link to and development becomes significantly more sporadic as you travel north on Rectory Lane; there are no services or facilities to which a new

footpath can provide access, and as such the footpath becomes little more than an arbitrary link offering limited benefit potential to provide pedestrian access into the village for one additional dwelling (No.118). As such, on the basis of consideration of the measures within the exception test to provide wider community benefit, the provision of the intended footpath fails as the overall benefit is negligible.

b) Speed reduction

- 10.24. The submitted drawings include a proposed relocated speed limit change from the junction of High Road and Rectory Road from the existing 60mph limit to a proposed 40mph limit, denoted as “subject to highway approval”. Whilst this may offer some wider community benefit with respect to improved highway safety in the area, there has been no evidence submitted with the application (such as an approved TRO) to satisfy the LPA that the Highway Authority would accept this in principle i.e., that it is deliverable.
- 10.25. It is noted from the LHA comments above: “*As the visibility splays have been prepared in accordance with the surveyed speeds, it is not considered necessary to relocate the change in speed limit, however, it is understood that this would be beneficial to the wider area as per the Parish's request and is to be secured by the developer separately to this application in consultation with the Parish Council and County Council.*”; which suggests speed reduction may result in benefit to the community. Yet, it is also noted that comments from the Parish Council are silent on this matter, and defer to the Highway Authority as the statutory consultee with respect to the highway safety concerns raised by their constituents.
- 10.26. Thus, whilst it is acknowledged that the proposal to reduce road speed may address a wider community benefit with respect to the exception test, there is no definitive evidence submitted within the application to confirm (even in principle) that a relocated speed limit can be formally secured and thus the exception test cannot be considered passed on this basis. Notwithstanding, were the LHA to consider it necessary to impose such a speed restriction in the interests of wider benefit of the community, they could elect to impose this under their own powers under the Highway Act.

c) Smaller housing units

- 10.27. Policy LP5 of the Fenland Local Plan states that development should provide a scale and mix of housing types that will meet the identified need for Fenland (as informed by an up-to-date Cambridge Sub Region Housing Market Assessment (SHMA)) and a range of new job opportunities in order to secure balanced communities.
- 10.28. The latest SHMA data, contained within the Cambridgeshire and West Suffolk Housing Needs of Specific Groups 2021, suggests the following housing mix for Fenland for the 2020-2040 period:

Size	Market Dwelling	Affordable homes to buy	Affordable homes to rent
1 bedroom	0-10%	20-25%	35-45%
2 bedrooms	20-30%	35-45%	35-45%
3 bedrooms	40-50%	25-35%	10-20%
4+ bedrooms	20-30%	5-10%	0-10%

The application commits the following housing mix for the proposed development, as market dwellings:

- 4No. 3 bedroom dwellings (equating to 44% of the overall development)
- 5No. 4 bedroom dwellings (56% of the overall development)

- 10.29. The proposed housing mix does not accord with the suggested housing mix specified within the SHMA for market dwellings and, whilst the SHMA is a broad, district wide evidence document, no evidence has been provided to indicate such a high demand for 4-bedroom properties in the locality. The proposed development therefore fails to provide a housing mix which meets the identified local housing need, particularly for smaller 1-bedroom or 2-bedroom dwellings, contrary to Policy LP5 of the Local Plan.
- 10.30. As such, the presumption that the provision of the mix of dwellings within the scheme would address a wider community benefit in the form of appropriate housing mix is unsubstantiated as no apparent evidence to support such a need is available.
- 10.31. In addition, whilst it is recognised that the development would achieve increased housing stock, as set out in section 4.5.9 of the Cambridgeshire Flood and Water SPD 2016: *“The general provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk”*. There is no cogent evidence to indicate that any mix of housing of this specific site is required to the degree that it would provide wider community sustainability benefits – particularly given the Council’s recent record of housing delivery and long-term housing land supply. As such, the first part of the exception test has not been met.
- 10.32. In this regard therefore, the latest application fails to identify wider sustainability benefits to the community which outweigh the flood risk, failing the first part of the exception test. Thus, the scheme remains contrary to policy LP14 and NPPF paragraph 178 and 179.

Other Drainage Matters

- 10.33. Notwithstanding, the site is in the North Level Internal Drainage Board’s (IDB) district. The Board had no objection in principle to the planning application, providing appropriate IDB consents are sought.
- 10.34. The Environment Agency note the proposed flood mitigation measures within the submitted FRA and offer no objection, subject to conditions.
- 10.35. Should the application be granted conditions will be imposed to secure flood risk mitigation measures within the development. As such, it is likely that the second part of the exception test, insofar as demonstrating that the development can be made safe for its lifetime without increasing flood risk can be achieved.

Flooding and Drainage Conclusion

- 10.36. Development in flood zones 2/3 require the successful completion of a sequential test and where necessary an exception test, as set out in Policy LP14 and Chapter 14 of the NPPF. In addition, the proposals should also demonstrate that it meets an identified need, it specifies flood risk

management and safety measures and has a positive approach to reducing flood risk overall.

- 10.37. Given the above it is concluded that, whilst the development could be made safe for its lifetime without increasing flooding elsewhere (as per part (b) of the exception test) the application fails to fully meet the requirements of the exceptions test for flood risk, by virtue of a lack of supporting evidence in respect of the proposed measures to fully address wider community benefit, and thus remains contrary to Local Plan policy LP14 and the aims of Chapter 14 of the NPPF.

Highway Safety

- 10.38. Policy LP15 states that development proposals should demonstrate that they provide well designed, safe and convenient access for all. It also states that development schemes should provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A.
- 10.39. Appendix A requires 4 bedroom properties to provide a minimum of 3 parking spaces. Each of the properties has a garage that would equate to 1 parking space and with enough room for 2 cars to park to the front of the garage/property. Similarly, the 3 bedroom dwellings, requiring a minimum of 2 spaces, are depicted with sufficient parking/turning room to accommodate this requirement. As such, the parking provision for the site is acceptable.
- 10.40. Following deliberations and discussion during consideration of the earlier applications on the site (F/YR22/1361/PIP & F/YR24/0249/F), the current application commits a preliminary highway layout depicting the accesses, footpath, visibility splays, etc has been submitted for review, supported by ATC survey data. The Highway Authority have reviewed the submitted details, and offer no objection to the scheme on the basis of the information available, subject to conditions.
- 10.41. During the earlier applications, concerns were raised as to the feasibility to provide the 2m wide proposed footpath eastwards up to and around the radii of the junction of High Road and Rectory Road. With regard to details submitted within the current application, and further discussion with the Local Highway Authority regarding these details suggests that, in their opinion, there appears to be sufficient land either within the Highway Authority's control or the applicant's ownership to achieve the footpath proposal, however they acknowledge that a 'pinch point' width constraint may be apparent at the radii of the junction with Rectory Road. Notwithstanding, the LHA were satisfied with the potential deliverability of a footpath as proposed, subject to conditions.
- 10.42. As discussed above, while no wider community benefits are to be delivered as a consequence, it is nonetheless considered that the proposed footpath does facilitate what is required to serve the development itself.
- 10.43. As such, it is considered that the scheme is acceptable with respect to Policy LP15, subject to the provision of a suitable footway, and compliance with additional conditions as suggested by the Highway Authority.

Ecological impacts & Biodiversity Net Gain (BNG)

- 10.44. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.45. In accordance with statutory guidelines, the application was supported by a Preliminary Ecology Report (PEA) and a Biodiversity Net Gain Metric and statement. The PEA concluded that there is low potential for the site to support protected species, but offers recommendations to secure ecological enhancements to support biodiversity on the site that can be secured by condition.
- 10.46. The Biodiversity Statement concluded that that the proposed development would lead to a net gain in habitat, hedgerow and watercourse units, well above the necessary 10%. As such, a Biodiversity Gain Condition is required to secure provision of these units, along with requirement for a Habitat Management and Monitoring Plan (HMMP) to be approved to ensure habitats (both on and off site) are appropriately managed to achieve their desired condition in perpetuity and ensure the scheme complies with Policies LP16, LP19 and the Environment Act 2021.

11 CONCLUSIONS

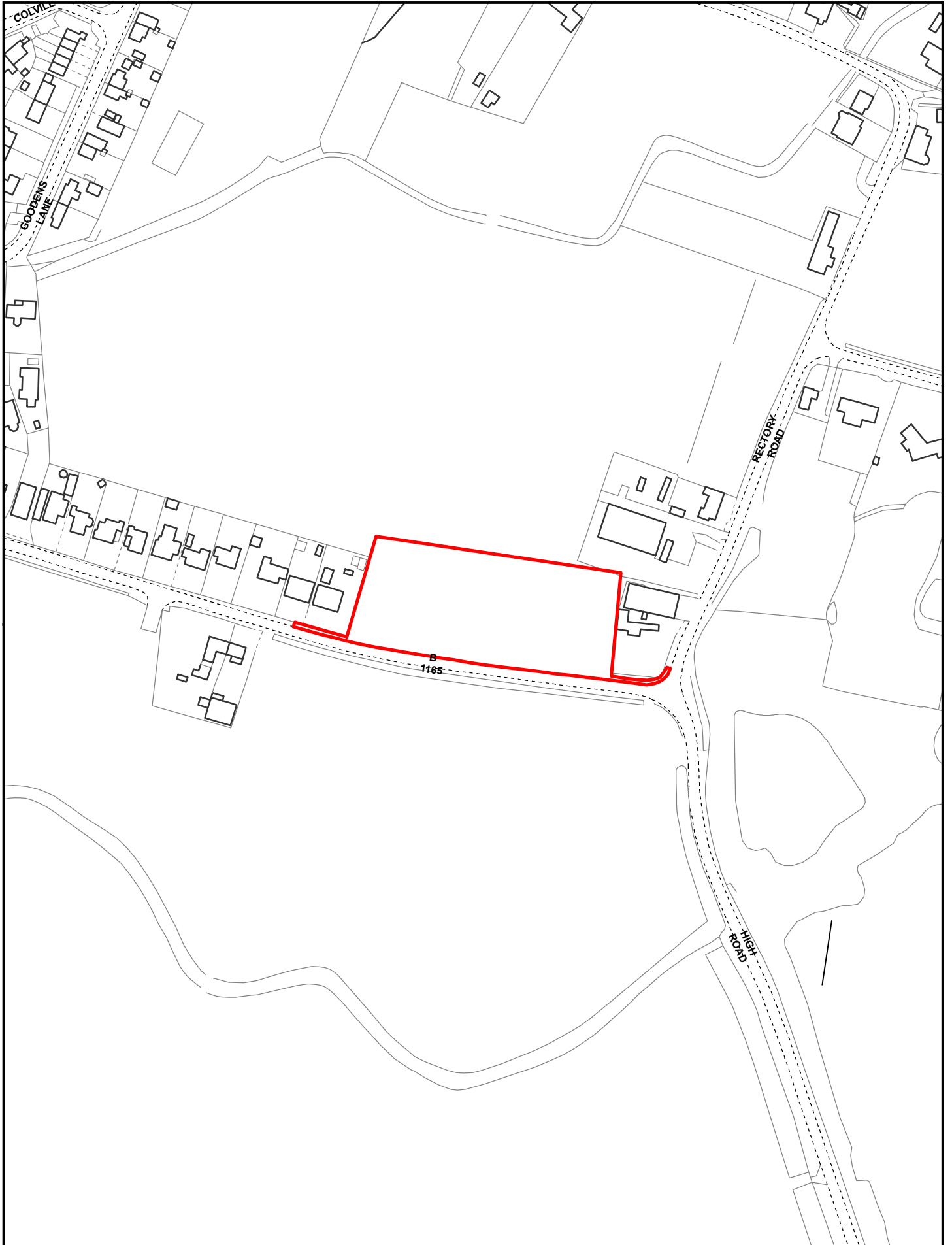
- 11.1. The above assessment outlines that the proposal to erect 9 dwellings, form 2 access and a pedestrian footpath at land east of 156 High Road, Newton-in-the-Isle will result in a detrimental impact on the streetscene and landscape character contrary to Policy LP16 (d) and residential amenity impacts to neighbouring dwelling No.118 High Road contrary to Policies LP2 and LP16 (e). Furthermore the application fails to satisfactorily identify the wider community sustainability benefits with respect to the required exception test, contrary to Policy LP14 and wider aims of the NPPF.
- 11.2. The benefits of the scheme do not outweigh the conflicts with the development plan in terms of flood risk, character and neighbouring amenity and as such should be refused on this basis.

12 RECOMMENDATION

- 12.1 **REFUSE**; for the following reasons:

1	<p>Policy LP16 (d) of the Fenland Local Plan (2014) requires development to deliver high quality environments that make a positive contribution to the local distinctiveness and character of an area, enhancing their setting and responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area.</p> <p>The proposal is for the construction of 9x two-storey dwellings on land currently used for agricultural farming on the edge of the village alongside existing single storey bungalows. The proposal would introduce an uncharacteristic built form of 2-storey dwellings which</p>
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	<p>would appear, visually dominant, overly prominent and incongruous in the street scene to the significant detriment of the visual amenity of the area. If permitted, the development would consequently be to the detriment of the character and appearance of the area and contrary to Policy LP16 (d) of the Fenland Local Plan (2014).</p>
2	<p>Policy LP2 seeks to ensure an equitable living environment for Fenland residents. Policy LP16 (e) of the Fenland Local Plan 2014 seeks to ensure that development does not adversely impact on the amenity of neighbouring users such as noise, light pollution, loss of privacy/overlooking or loss of light.</p> <p>Due to the proximity and position of the semi-detached 2-storey dwellings at Plots 8 & 9 in relation to the neighbouring property (No118), there is potential for visual dominance with the associated loss of outlook from the neighbouring property and a corresponding loss of light due to the enclosure of the property, to the detriment of neighbouring residential amenity, contrary to the aforementioned policies of the Fenland Local Plan (2014).</p>
3	<p>Policy LP14 of the Fenland Local Plan (2014) and paragraph 170-171 of the NPPF requires development in areas at risk of flooding to pass the exception test by demonstrating that it;</p> <ul style="list-style-type: none"> a) yields wider sustainability benefits to the community which outweigh flood risk, and b) that the site can be made safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall. <p>Whilst the development meets the tests of criteria b), the proposal fails to identify that it would achieve wider community sustainability benefits to outweigh the flood risk. The proposal is therefore contrary to Policy LP14 of the Fenland Local Plan (2014) and the flood risk sustainability aims of the NPPF.</p>



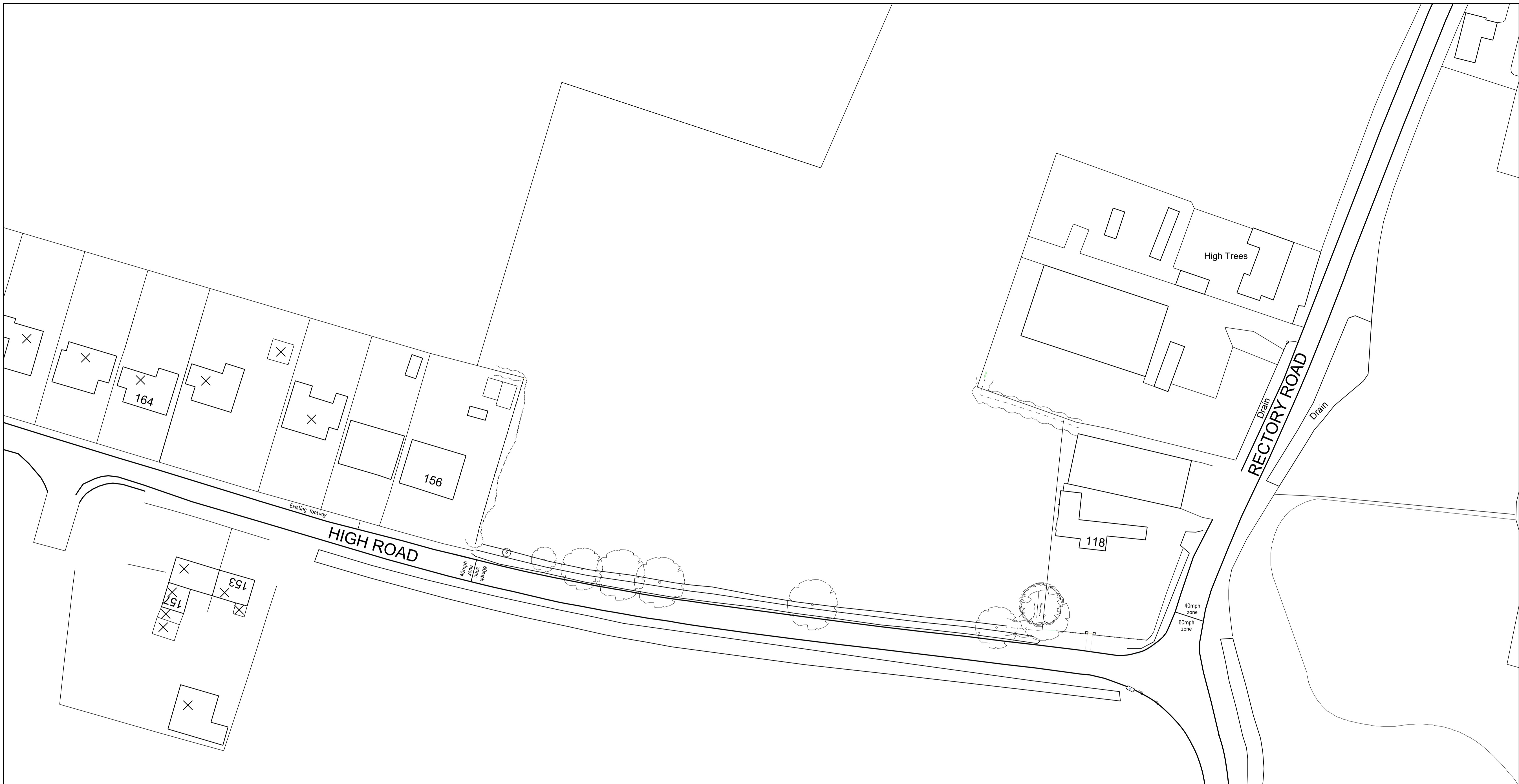
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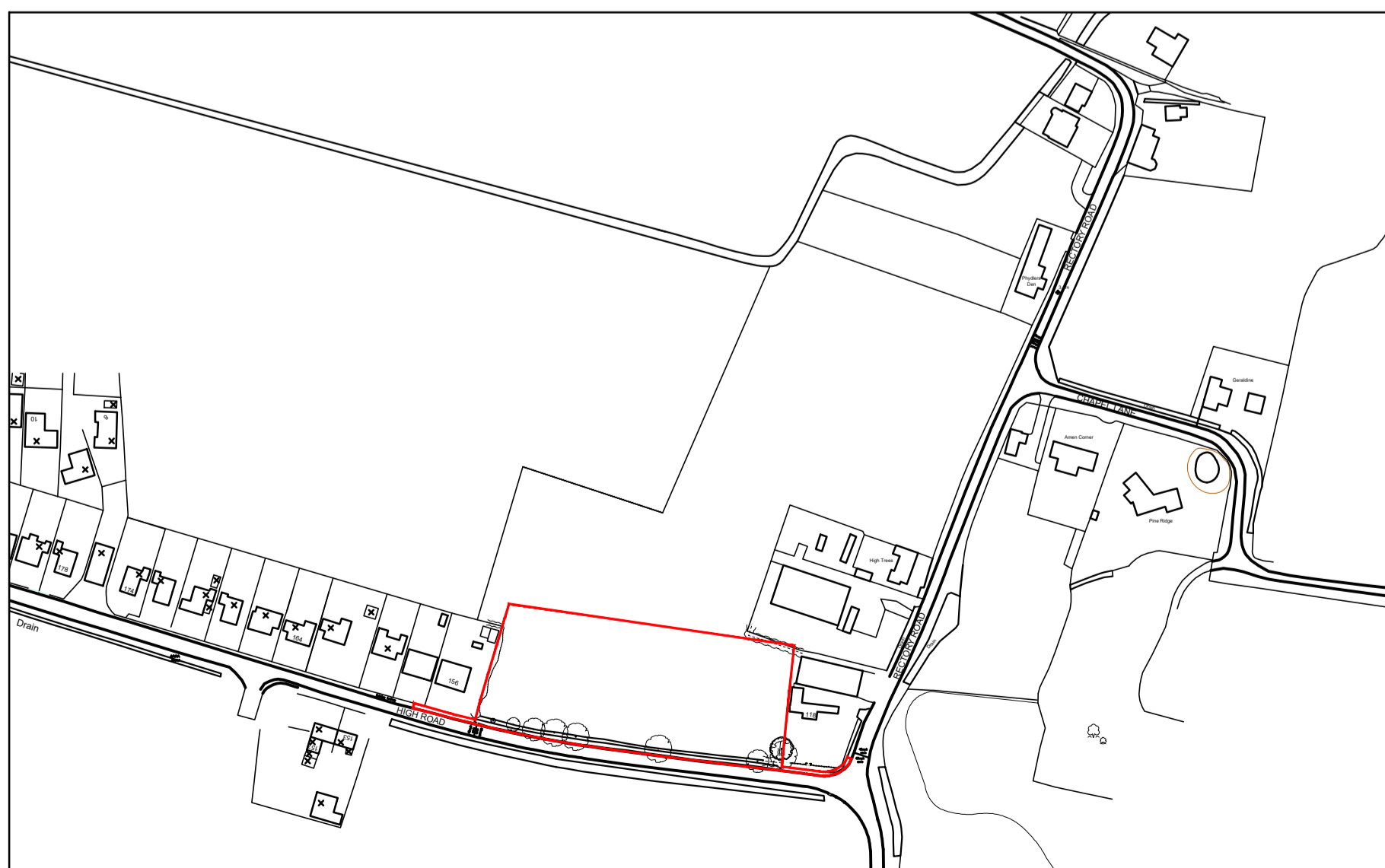
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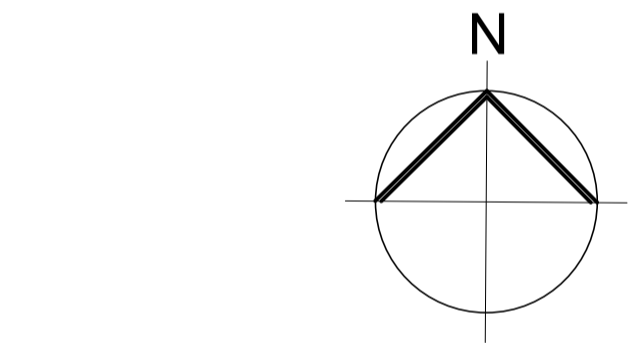




EXISTING SITE PLAN 1:500



LOCATION PLAN 1:2500



A -
REVISIONS



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PROJECT
 PROPOSED RESIDENTIAL DEVELOPMENT

SITE
 LAND EAST OF 156 HIGH ROAD
 NEWTON
 WISBECH
 CAMBS
 PE13 5ET

DRAWING
 PROPOSED DRAWING 2

JOB NO.	PAPER SIZE	DATE
6851/01/02A	A1	NOV 2023

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