
F/YR23/0996/O

Applicant: Mr Andrew Clark

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

Land North Of High Trees, Rectory Road, Newton-in-the-isle, Cambridgeshire

Erect up to 6 x dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Parish Council comments and number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 8 January 2024

EOT in Place: Yes

EOT Expiry: 14 March 2025

Application Fee: £2310

Risk Statement:

This application must be determined by 14.03.2025 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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|---|
| <ol style="list-style-type: none">1.1. The application seeks outline planning permission for the erection of up to 6no. dwellings on Rectory Road, Newton-in-the-isle.1.2. It is acknowledged that the application is acceptable in terms of residential amenity, flood risk and drainage, highway safety, and biodiversity impact.1.3. Notwithstanding this, it is considered that the proposal is unacceptable in principle and in terms of its character impact by virtue of the site not constituting infill development, contrary to Policy LP3.1.4 Further to this, the site is rural in character predominantly open fields and greenfield sites in the surrounding area, with only sporadic residential development present. It is therefore considered that real and actual character harm would arise through the further development of this open part of Rectory Road, contrary to policies LP12 and LP16 of the Fenland Local Plan (2014).1.5 Subsequently, it is considered that the proposal is unacceptable in planning terms and is accordingly recommended for refusal. |
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2 SITE DESCRIPTION

- 2.1. The application site is located on land North of High Trees, Rectory Road, Newton-in-the-Isle.
- 2.2. The site currently comprises an area of agricultural land with residential properties immediately to the North and South of the site.
- 2.3. There are some natural boundary screening features along the southern part of the boundary onto Rectory Road, but other than this the frontage of the site is largely open.
- 2.4. The site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks outline planning permission with all matters reserved for the erection of up to 6no dwellings. The application form identifies the plots as being market housing.
- 3.2. An indicative site layout plan has been submitted with the application, which identifies a linear form of development fronting onto Rectory Road, with individual access points serving the dwellings. A footpath is shown along the frontage of the site, although it does not appear that this footpath would provide any wider links.
- 3.3. Full plans and associated documents for this application can be found at:
<https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

- 3.1. There is no planning history relevant to the determination of this application.

5 CONSULTATIONS

5.1. Newton-in-the-Isle Parish Council

21.03.2023

The Parish Council's Planning Committee considered this application at their recent meeting. Fourteen members of the public attended the meeting, the majority of whom did not support the application.

The site is one of a number of locations identified by the Parish Council during the recent Emerging Local Plan process as suitable for frontage residential development in keeping with the existing character of the village. The whole site lies in Flood Zone 1 and is situated less than 150m from Newton Village Hall, the hub of our community. It sits on the village bus route and its close proximity to the A1101 will minimise the traffic impact to the wider village. The introduction of a 3-storey 6-bedroom dwelling adjacent to the site has established a precedent for modern executive-style housing in Rectory Road, and modest infilling of this nature is considered acceptable.

In the wider context, this proposal aligns with the Parish Council's aims to allow an appropriate level of growth to ensure the long-term sustainability of our village, as

outlined in paragraph 6.7 of the Draft Local Plan. This site is ideally suited to facilitate the level of necessary growth highlighted in the Draft Plan.

Members expressed strong support for the proposed development.

20.09.2024

The Parish Council's Planning Committee reconsidered this application at a recent meeting. They welcomed the addition of a footway as part of the proposed development and noted the clarification of the drainage plan for the site. A number of residents attending the meeting voiced their concerns regarding the potential for flooding.

The Committee resolved to support the revised application.

08.10.2024

On 2 January 2024, a culvert collapsed in a field to the north of the village. By the following morning, water had backed up into Church Lane, the Village Hall car park and the gardens of several properties. The Parish Council was informed and arranged for the collapsed culvert to be removed to allow the water to escape.

There are no other recorded flood events in this part of the village.

5.2. Lead Local Flood Authority (CCC) – 31.01.2025

We have reviewed the following documents:

- Flood Risk Assessment, Ellingham Consulting, Ref: ECL1325b, Dated: December 2024*

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objections in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of an attenuation basin before discharging via flow control at a rate of 2l/s into the existing IDB drain. More detailed drainage maintenance particularly of the package treatment plants will be provided at a later stage and will be conditioned.

We request the conditions are imposed.

5.3. CCC Highways – 23.09.2024

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

It is unclear why a footway is now proposed along the frontage of the six proposed plots. For clarity, this footway is proposed outside of the public highway and would not form part of the public highway if delivered.

As a private path, there is no guarantee that the path would be available for other highway users travelling along Rectory Road. As the path does not connect to any adjoining off-carriageway provision within the public highway, the path is not considered to contribute to demonstrating the sustainability of the site by non-car

travel modes. The management and maintenance of the new footway should be provided so that future obligations for path management and maintenance are well understood by relevant parties. This can be secured via condition.

A new kerb line will be required to accommodate the six proposed vehicular crossovers. This kerb line will consist of the dropped kerb for the crossover and associated taper and transition kerbs on either side. The overall length of kerb required to accommodate six individual crossovers will considerably reduce the ability for surface water to run-off and infiltrate into the adjacent verge. As such, as the reserved matters stage, the applicant will need to consider how Rectory Road will continue to drain sufficiently, which may require the installation of a positive drainage system.

It is unclear whether there is a ditch to the front of the site and whether this will be culverted to accommodate the private footway. If so, the consent of the Lead Local Flood Authority will be required. An informative is included below regarding watercourse management.

It is also noted that to enable the installation of the crossovers, utility covers and associated services may require lowering as part of the highway works package. The applicant will need to liaise with the relevant utility provider as to the feasibility of such works and the associated costs, which would need to be met by the applicant. Costs associated with the alteration of utilities can be significant and so the applicant is encouraged to ascertain the utility provider's requirements at the earliest opportunity

5.4. North Level Drainage Board – 11.09.2024

Please note that North Level District Internal Drainage Board have no objection in principle to the above planning application.

It should be noted that Consent to Discharge will be required by North Level District Internal Drainage Board as stated on the plans.

5.5. CCC Archaeology – 10.09.2024

Thank you for the re-consultation with regards to the amended plans. We have reviewed these and confirm that they do not alter our previously issued advice that whilst we do not object to development proceeding in this location, we consider that a programme of archaeological investigation should be secured by condition. The additional drainage elements will need to be investigated as part of the archaeological evaluation of the site as they have a subsurface impact.

5.6. Environmental Health – 06.12.2023

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality.

5.7. Local Residents/Interested Parties

Objectors

A total of 42 letters of objection were received on the application, primarily from residents of Rectory Road, Chapel Lane and High Road in Newton-in-the-isle. The objections raised the following points:

- Lack of services and facilities in Newton
- Loss of important spaces in character of the area
- Increase in domestic traffic
- Road network already used by a number of large vehicles
- Adopted and Emerging Local Plan rejected the site
- Site does not constitute infill development
- Overlooking on existing properties adjacent the site
- Development out of character with the area
- High density of development
- Public footpath does not provide any public benefit as it is be a private footpath within the site boundary
- Flood Risk
- Immediate area is always waterlogged and floods
- Lack of clarity on how the detention basin will be maintained
- Unsustainable Location
- A smaller development would be more appropriate
- Ecological impact

Supporters

A total of 7 letters of support were received from residents of Rectory Road, High Road, Mill Lane and Goodens Lane in Newton-in-the-isle. These raised the following points:

- The development will bring new families into the village and help it to grow
- Site in Flood Zone 1
- Linear development is in keeping with the rest of the village

6 STATUTORY DUTY

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) the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) 2025

Chapter 2 - Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

Context

Identity
Built Form
Nature
Homes and Buildings

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 in Fenland
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment

Delivering and Protecting High Quality Environments in Fenland SPD 2014

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

Cambridgeshire Flood and Water SPD 2016

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
LP5: Health and Wellbeing
LP7: Design
LP8: Amenity Provision
LP12: Meeting Housing Needs
LP13: Custom and Self Build
LP18: Development in the Countryside
LP20: Accessibility and Transport
LP22: Parking Provision
LP24: Natural Environment
LP25: Biodiversity Net Gain
LP28: Landscape

8 KEY ISSUES

- **Principle of Development**
- **Character and appearance**
- **Residential amenity**
- **Flood Risk and Drainage**
- **Parking Provision and Highway Safety**
- **Biodiversity Impact**

- **Biodiversity Net Gain (BNG)**

9 BACKGROUND

- 9.1. A representation was received on the 29th November 2023 from Councillor Sam Clark, declaring an interest in the above application on the basis that the application site is Councillor Clark's brother and is also adjacent to Councillor Clark's property.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 clearly identifies that Newton is a small village which is capable of residential infilling. The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings."
- 10.2. It is clear the proposed development, of up to 6 dwellings, at the site in question is not deemed as residential infill as the site presents a large undeveloped gap of approx. 105m between the existing dwellings 'High Trees' & 'Phydlers Den'. As such, it is not considered that the proposal would represent development of a limited nature. Further, it is not considered that the development along Rectory Road forms part of the main built form of the village of Newton. Rectory Road is characterised by sporadic development and parcels of undeveloped land, which transitions into greater built form along Church Lane to the North and High Road to the South. The footnote to Policy LP12 Part A of the Local Plan defines the developed footprint of the village as "the continuous built form of the settlement" excluding "groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement". It is considered that the extremity of built form along Church Lane and High Road constitutes the main built form of the settlement of Newton and as such the application site clearly lies outside of this.
- 10.3. Therefore, it is not considered that the proposal constitutes infill development within the built form of the settlement. As such, the proposal is considered to be Contrary to Policy LP3 of the Fenland Local Plan (2014) and is therefore unacceptable in principle.

Character and appearance

- 10.4. Part A of Policy LP12 states that proposals should not have an adverse impact on the character and appearance of the surrounding countryside and farmland (part c) and that proposals would not extend linear features of the settlement (part e). Policy LP16 (part d) requires proposals to make a positive contribution to the local distinctiveness and character of the area and not to have an adverse impact on the settlement pattern or the or the landscape character of the surrounding area. The site is rural in character predominantly open fields and greenfield sites in the surrounding area, with only sporadic residential development present. It is therefore considered that real and actual character harm would arise through the further development of this open part of Rectory Road.
- 10.5. The development that is seen along Rectory Road is generally more sporadic and results in a gentle transition from the open countryside into the more built up area of Newton. The proposed introduction of 6no. dwellings, likely in a formal and linear

fashion, would result in undue prominence, be visually stark, abrupt and out of character.

- 10.6. Owing to the above, the proposal is considered to be contrary to Policies LP12 and LP16 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 indicative site layout plan submitted alongside the application identifies a linear form of development with each plot benefitting from private amenity space approximately 22m in depth.
- 10.9. Based on the indicative site layout, it is considered that a suitably designed Reserved Matters scheme could be provided within which the plot sizes would avoid a cramped form of development and would provide ample private amenity space provision for the dwellings, whilst also avoiding any unacceptable levels of overlooking, overshadowing or overbearing to existing properties.
- 10.10. It is therefore considered that the site is capable of accommodating the development whilst adequately providing for residential amenity, in accordance with Policies LP2 and LP16 of the Fenland Local Plan (2014).

Flood Risk and Drainage

- 10.11. The application site is located within Flood Zone 1 and is at very low risk of surface water flooding.
- 10.12. Whilst the LLFA initially objected to the proposal on the basis of an inadequate surface water drainage strategy, this objection has been resolved through the submission of a revised Flood Risk Assessment which demonstrates that surface water from the development can be managed through the use of an attenuation basin before discharging into the existing IDB drain.
- 10.13. The LLFA are satisfied that the site can manage its own surface water and have subsequently removed their objection, subject to the imposition of conditions requiring the submission of a detailed surface water drainage scheme prior to the commencement of the development. A condition has also been requested requiring the submission of a scheme to manage surface water during the construction phase.
- 10.14. Subsequently, it is considered that the proposal suitably demonstrates the capability of the site to manage flood risk, and it is therefore considered that the proposal satisfies the requirements of Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF.

Parking Provision and Highway Safety

- 10.15. The indicative site layout plan identifies that each plot will be served by an individual access with an area for parking and turning to the front.

- 10.16. The Highway Authority has considered the proposal and raised no objections to the scheme in principle. It is, however, requested that a number of conditions are imposed requiring the inclusion of suitable details at Reserved Matters stage in respect of access road details, parking/turning area, visibility splays, construction facilities, highways drainage and management of the estate footway.
- 10.17. It is noted that the proposed footpath along the site frontage falls outside of the public highway and as such offers no guarantees that it will be available for use of other highway users. Further, it does not connect to any adjoining off-carriageway provision within the public highway. As such, it is not considered that the footpath provision contributes to demonstrating the sustainability of the site by non-car travel modes, nor does it offer any wider community benefits in the planning balance. While the Highway Authority do not object from a safety perspective these comments do perhaps reinforce the conclusions elsewhere within this report concerning the location of the site relative to the main built form of the settlement and the principle of developing the site being unacceptable.
- 10.18. Notwithstanding this issue, it is however considered that the proposed development of the site for residential purposes is acceptable in principle from a road safety perspective, and that a suitable detailed scheme can be provided at Reserved Matters stage to achieve this. It is therefore considered that the proposal satisfies the requirements of Policy LP15 of the Fenland Local Plan in terms of parking provision and highway safety.

Biodiversity Impact

- 10.19. The application site is supported by a Preliminary Ecological Appraisal prepared by Arbtech. The report concludes that the development can be carried out without any significant detrimental impacts on the biodiversity of the site.
- 10.20. Various recommendations are made as within the report as to methods of construction and mitigation/enhancements that can be incorporated to offset any impacts arising from the development.
- 10.21. Overall, on the basis of the submitted ecology report, it is considered that the development of the site will offer opportunities for ecological enhancements to be provided, and these can be secured via a suitably worded condition.
- 10.22. The proposal is therefore considered to have appropriate regard to Policy LP19 of the Fenland Local Plan (2014) in this regard.

Biodiversity Net Gain (BNG)

- 10.23. 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.
- 10.24. There are statutory exemptions, transitional arrangements and requirements relating to irreplaceable habitat which mean that the biodiversity gain condition does not always apply. In this instance, one or more of the exemptions / transitional arrangements are considered to apply and a Biodiversity Gain Condition is not required to be approved before development is begun because the application was submitted prior to the requirement for statutory net gain coming into force.

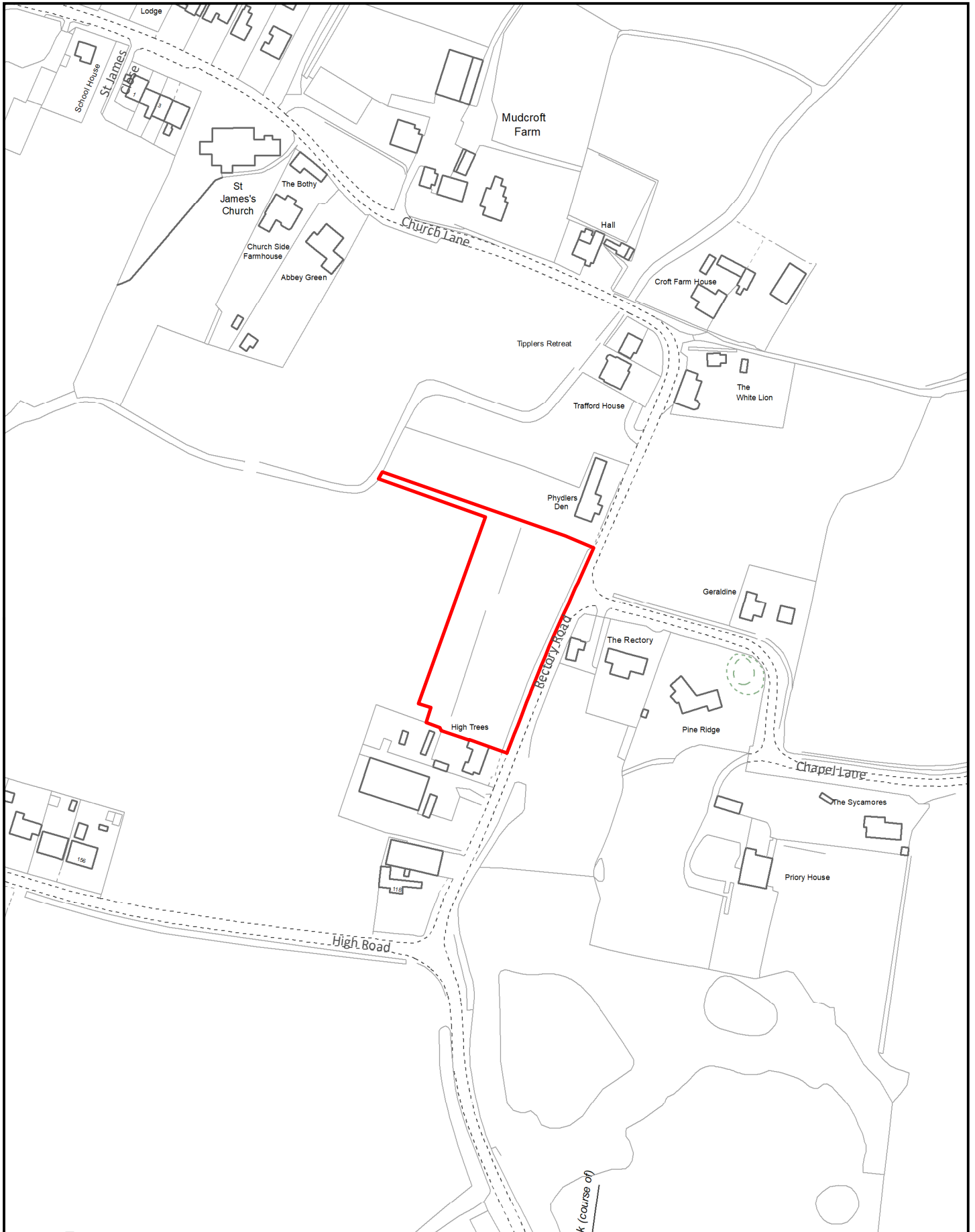
11 CONCLUSIONS

- 11.1 The application seeks outline planning permission for the erection of up to 6no. dwellings on Rectory Road, Newton-in-the-Isle.
- 11.2 It is acknowledged that the application is acceptable in terms of residential amenity, flood risk and drainage, highway safety, and biodiversity impact.
- 11.3 Notwithstanding this, it is considered that the proposal is unacceptable in principle and in terms of its character impact by virtue of the site neither being within the main built form of the settlement nor constituting limited infill development, contrary to Policies LP3 and LP12.
- 11.4 Further to this, the site is rural in character predominantly open fields and greenfield sites in the surrounding area, with only sporadic residential development present. It is therefore considered that real and actual character harm would arise through the further development of this open part of Rectory Road, contrary to policies LP12 and LP16 of the Fenland Local Plan (2014).
- 11.5 It is not considered that the development would deliver any wider sustainability benefits to the community given the issues raised by the Highway Authority in respect of the footway along the site frontage and any benefits arising from the delivery of six additional dwellings are not considered to outweigh the clear conflict with the spatial policies of the Local Plan and the harm identified.
- 11.6 Subsequently, it is considered that the proposal is unacceptable in planning terms and is accordingly recommended for refusal.

12 RECOMMENDATION

Refuse; for the following reasons:

1.	The application site is outside the developed footprint of the village as defined in Policy LP12 Part A of the Fenland Local Plan (2014), nor is the development of six dwellings on a site with a frontage width of 105m considered to constitute infill of a limited nature. As such the development is considered to be unjustified development in the countryside, contrary in principle to the spatial strategy set out in Policies LP3 and LP12 of the Local Plan.
2.	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. The proposal is for the construction of six linear dwellings on a greenfield site in an area characterised by open fields with only sporadic residential development present. It is therefore considered that real and actual character harm would arise through the further development of this open part of Rectory Road, contrary to Policies LP12 and LP16 of the Fenland Local Plan (2014).



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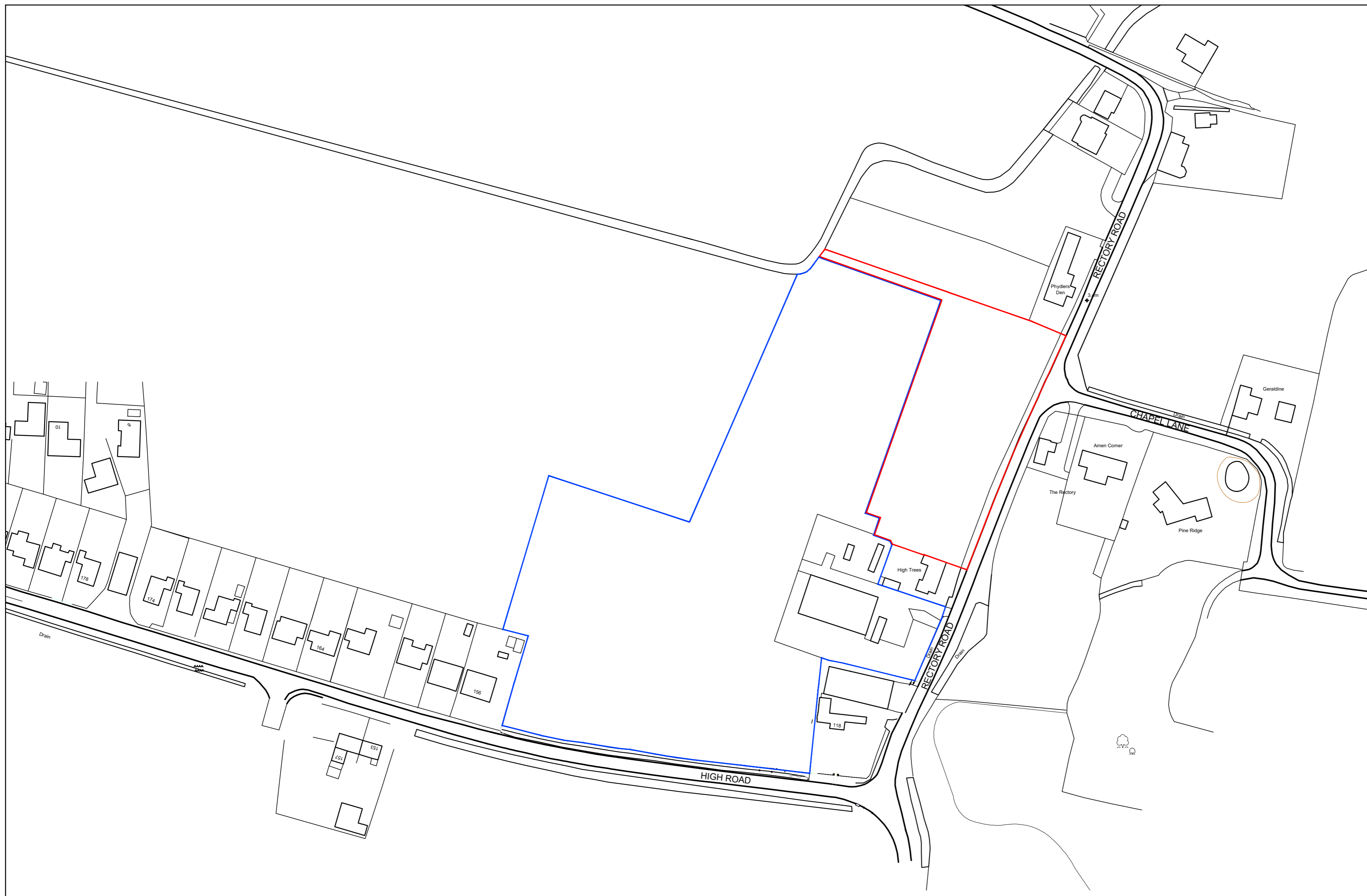
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 **Fenland**
CAMBRIDGESHIRE
Fenland District Council



LOCATION PLAN 1:1250

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REVISIONS



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CLIENT
ANDREW CLARK

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND NORTH OF 'HIGH TREES'
RECTORY ROAD
NEWTON
CAMBS
PE13 5EU

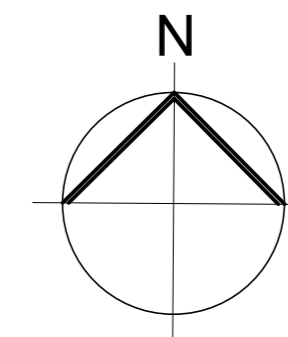
DRAWING
PLANNING DRAWING 3

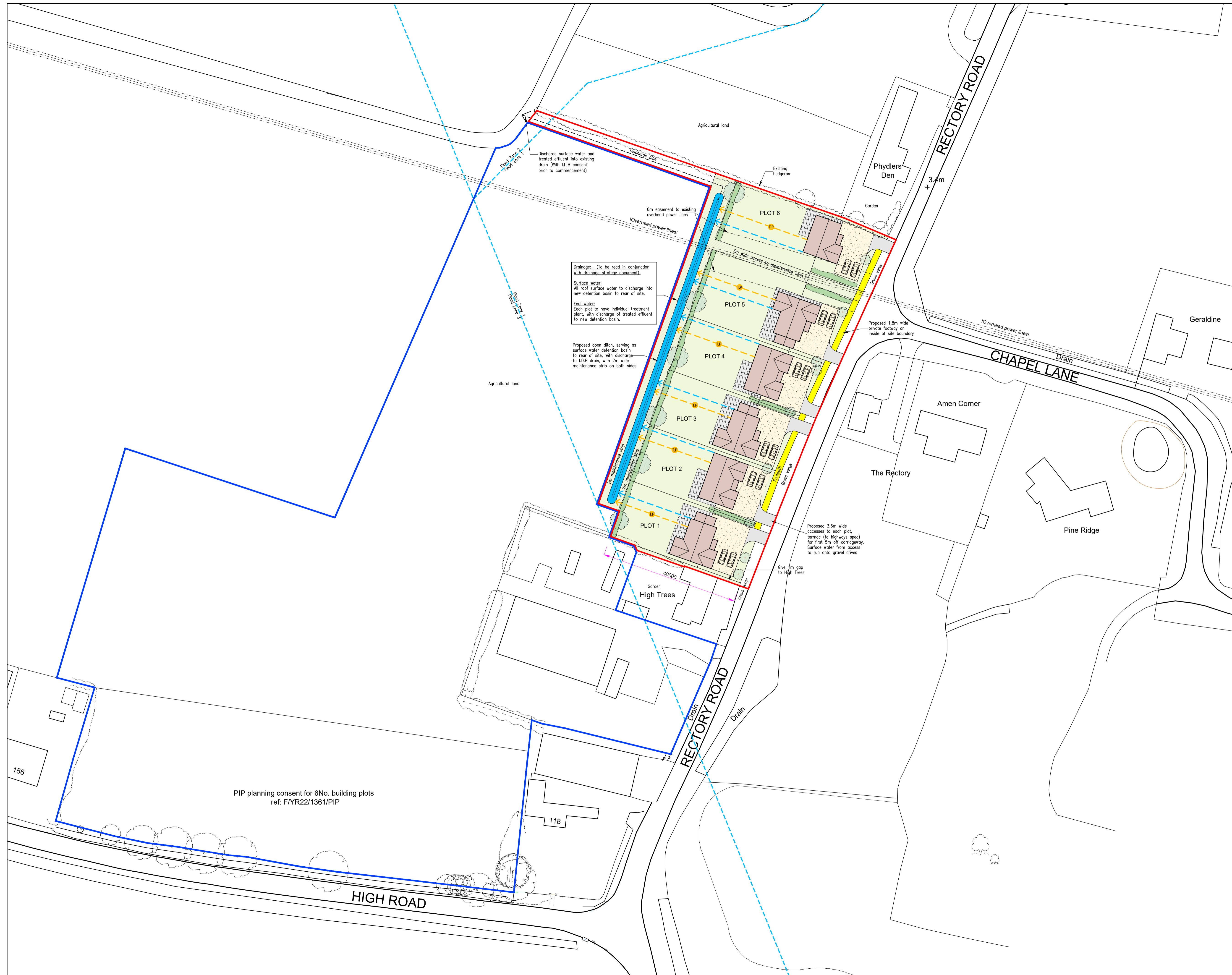
JOB NO.	PAPER SIZE	DATE
6860/03B	A2	OCT 2023

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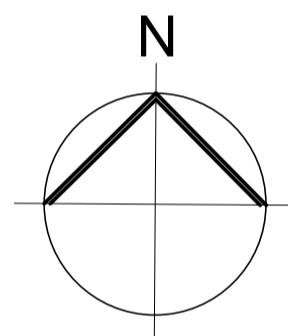




Drainage:- (To be read in conjunction with drainage strategy document).

Surface water:
All roof surface water to discharge into new detention basin to rear of site.

Foul water:
Each plot to have individual treatment plant, with discharge of treated effluent to new detention basin.



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CLIENT
ANDREW CLARK

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND NORTH OF 'HIGH TREES'
RECTORY ROAD
NEWTON
CAMBS
PE13 5EU

DRAWING
PLANNING DRAWING 2

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PROPOSED SITE PLAN 1:500 (INDICATIVE LAYOUT SHOWN)