
F/YR23/0904/O

Applicant: Mr R Crofts

**Agent: Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land North Of Antwerp House, Gosmoor Lane, Elm

Erect up to 5no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning approval with all matters reserved for the erection of up to five dwellings on a triangular area of undeveloped scrubland located on the corner of the western side of Colletts Bridge Lane and the northern side of Gosmoor Lane at Colletts Bridge.
- 1.2. Colletts Bridge is identified in Policy LP3 as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:
 - (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
 - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.
- 1.3. It is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b). In addition, it could not be argued that the development represents an infill proposal and accordingly the scheme would fail to comply with the specific requirements of LP3 in so far as they relate to the form of development.
- 1.4. Furthermore, the development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would erode the existing open rural character both sides. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).
- 1.5. On the basis of the consideration of the issues of this application and previous relevant planning history, conflict arises through the principle of the development of the site and the impact on the character of the area rather

than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3, LP12 and LP16.

- 1.6. As such the proposed development is contrary to local planning policy and should be refused.

2 SITE DESCRIPTION

- 2.1. The application site is a triangular area of undeveloped scrubland located on the corner of the western side of Colletts Bridge Lane and the northern side of Gosmoor Lane at Colletts Bridge; both lanes are single track, unclassified roads.
- 2.2. Residential development is situated to the opposite sides of the respective Lanes to the east and south. Adjacent to the site to the north is Iris Cottage, a replacement dwelling (F/YR03/0602/F). Further to the west is open agricultural land.
- 2.3. The site is located in Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks outline planning approval with all matters reserved for the erection of up to five dwellings. The submitted indicative site plan depicts five detached dwellings, denoted as 3-bed bungalows, with detached garages. Three accesses are indicated off Gosmoor Lane, one for each of the plots denoted as 2 & 3 to the south of the site, with another leading to a private roadway providing access to Plots, 1 to the east and 4 & 5 to the north of the site.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0904/O | Erect up to 5no dwellings \(outline application with all matters reserved\) | Land North Of Antwerp House Gosmoor Lane Elm \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0904/O)

4 SITE PLANNING HISTORY

19/0129/PREAPP	Erect 3 dwellings Land West Of Gaudino, Colletts Bridge Lane, Elm	Not Favourable 04.09.2019
F/YR03/0602/F	Erection of 4-bed detached house involving demolition of existing dwelling Iris Cottage Colletts Bridge Lane, Elm	Granted 02.07.2003

5 CONSULTATIONS

- 5.1. **Cambridgeshire County Council Highways Authority – original comments received 02.01.2024**
This application is not supported by sufficient information in order for the highways authority to make an informed decision on the safety of the vehicle access points with the highway.

In order to make an informed decision in respect of the submitted application, the following information is required:

- *Available Inter-vehicle visibility splays at the vehicle access points with the highway. These should be 2.4m x 215m in either direction for roads with a posted speed limit of 60mph. These must be entirely within the highway or over land under the control of the applicant.*

OR

- *a Traffic speed survey information demonstrating that the 85 percentile speeds are low enough to reduce the required visibility splays.*

Whilst the LHA has reservations in respect of the proposed development, in relation to the nature of the single track approach road and the intensification of Collett's Bridge Lane. Given the proposed access point location i.e. close vicinity to the junction where passing is possible and there being only two proposed, it is considered that a recommendation of refusal could not be substantiated regarded with due regard to Para 111 of the NPPF, where "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

5.2. Cambridgeshire County Council Highways Authority – revised comments received 17.01.2024

Revised plan 6837 PLO1a, shows the achievable inter-vehicle visibility splay to the west is 2.4m x 215m (over land under the control of the applicant) and 2.4m x 69m to the east (within the highway). Whilst the east splay is below the recommended standard this would be acceptable to the LHA in this specific instance only. As the junction with Outwell Road is not much further from this point and the road layout is such that vehicles would be unable to build up speed leading up to this tangent point.

Therefore, if the visibility splay to the west over the land highlighted in blue and in the ownership of the applicant can be conditioned in perpetuity I would have no further objection this application.

Recommended Conditions

Visibility Splays:

Prior to commencement of the use/or first occupation of the development hereby approved, visibility splays shall be provided on both sides of the new vehicular access and shall be maintained free from any obstruction over a height of 600 mm within an area of 2.4 metres x 215 metres to the west and 2.m metres x 69 metres measured along respectively the edge of the carriageway and over the land as shown on Drawing Number 6837 PLO1a.

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

Parking/Turning Area:

Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town

and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

5.3. Middle Level Commissioners

Further to previous correspondence with your authority and in view of the continuing and increasing problems in its District the Board has requested that the Commissioners write to your authority and advise that for the reasons listed below it wishes to express concern about both this planning application and others within the drainage sub-catchment until a suitable situation, that meets the Boards requirements, has been reached.

Having briefly reviewed the submission documents the Boards initial comments include but are not limited to the following:

A. General

The site is adjacent to Collett's Bridge a small settlement which is:

- 1. On the route of the former River Ouse and Nene channels and thus the ground conditions are extremely poor.*
- 2. In close proximity to the route of the former Wisbech Canal which following its abandonment was used as a landfill site during the early 1960's/1970's. The county boundary follows its route.*
- 3. Within a primarily agricultural rural area with little urban development. ... the immediate area primarily consisted of several orchards which benefit from a higher ground water table. Further urban development has occurred within this small settlement in subsequent years.*

B. Known Problem Areas

Following the high rainfall and flooding incidents experienced during December 2020 the Board undertook a review of the known drainage problem areas within its District and applied several designations according to the perceived risk involved.

Due to the absence of suitable long term evidence and that the Collett's Bridge area is not a recognised area of "growth" it is not currently within either an "Area of concern" or an "Acute Drainage Area". However, this could be the subject of a review.

C. Responses to Strategic Planning Documents

Collett's Bridge has limited development opportunities and because of this specific and relevant responses have not been included when providing responses to strategic planning documents.

D. Flooding in the vicinity of the site

There appears to be a history of poor drainage and localised flooding in the area most of which is unsubstantiated or has not been formally reported. However, your Council will have noted several of the Public Comments specifically referring to this issue.

A recent inspection of the site identified that the site was poorly drained and, as can be seen in the photographs below, included several areas of ponded water particularly adjacent to Gosmoor Lane.



General views of the site looking toward Colletts Bridge Lane (left)



General views of the site looking along Gosmoor Lane towards Elm

E. Current Drainage Arrangements and proposed improvements

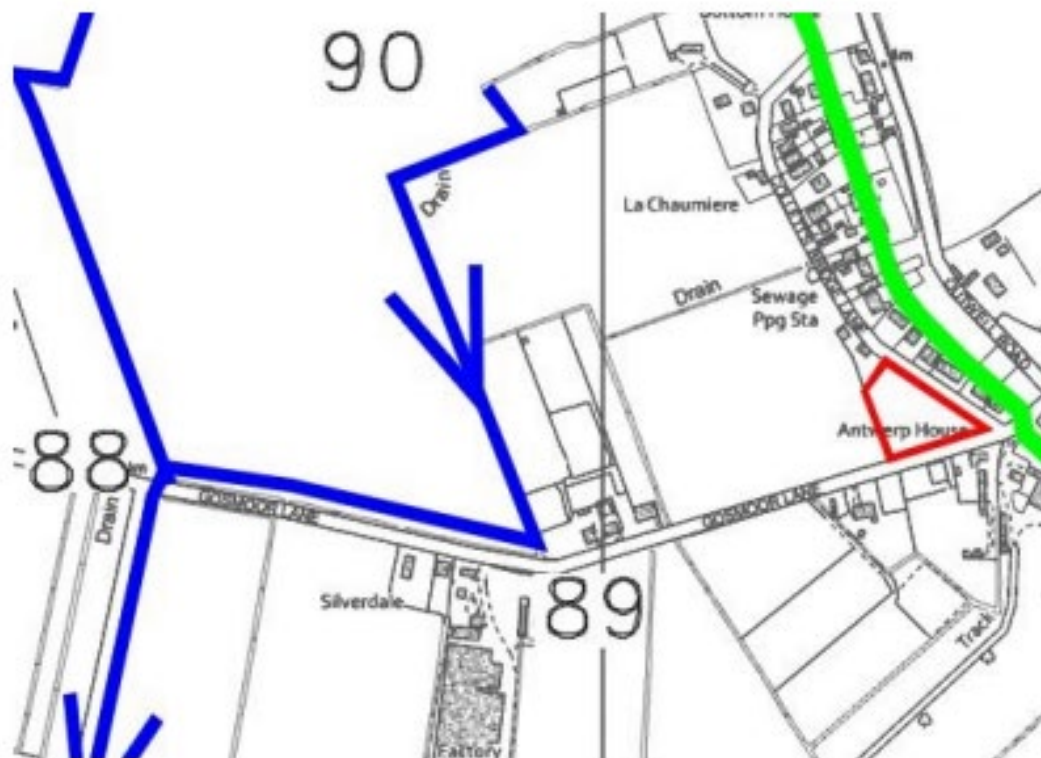
Being at the upstream end of a gravity system that discharges into the neighbouring Waldersey IDB system in excess of 6.0km to the south west, the site is within the sub-catchment served by but not directly connected to the watercourse that serves the Collett's Bridge area which discharges into the Boards District Drain between Points 89-90.

These watercourses were primarily designed to provide a Standard of Protection (SoP) to serve the needs of agriculture and not meet the requirements of the increased urban development within the sub-catchment.

Therefore, it is considered that if development of both this and other sites within the sub-catchment are permitted significant improvements, such as the provision of a new and/or enlargement and realignment of existing watercourses, pipelines and road culverts, will be required to accept the increased flows and provide a suitable SoP, to accommodate the change of the site to a more vulnerable use, and ensure that an adequate freeboard is available to prevent the surcharging of the on-site systems.

These improvement works will be at the developer's expense and this may challenge the viability of the site.

The failure to undertake these improvements will increase the risk of flooding in the area endangering local residents particularly if they are vulnerable, including adverse impacts on peoples well-being and mental health; damage to property and infrastructure; wasteful expenditure at the public's expense to undertake remedial works and/or cause unacceptable detriment to the environment.



Extract from the Boards District Plan showing the location of the site, edged red, and its proximity to the Boards System, shown blue.

F. Infiltration Devices

The local superficial geology consists predominantly of soft clay, peat and silt deposits typical of a fluvial channel, which features a high water table and a low infiltration rate, particularly during the winter or after high rainfall events such as those being experienced at the moment. The presence of a nearby land fill site may also be contributing to the problem.

Therefore, whilst the Commissioners and associated Boards generally promote the use of the drainage hierarchy, there is substantial evidence to

prove that during such events the local ground water table can rise close to the ground surface thus precluding the use of infiltration devices including soakaway based systems.

Infiltration devices can be time consuming; difficult and expensive to install correctly; require a significant footprint, thus affecting the density of the site; and may restrict further extensions or other on site development. There are also long term maintenance issues.

The Board is concerned to note the use of infiltration devices as past experience has proven it is extremely unlikely that infiltration systems will provide a viable solution for appropriate water level and flood risk management that meets current design standards or the Boards requirements; could be constructed and maintained for the lifetime of the development, with no material prejudice to the Board's operations or the local water level management system, water or built environment.

The Board also considers that the approval of poorly designed and installed devices and their subsequent failure is contributing to the increased flooding being experienced in its District.

If such devices are used it is considered that traditional systems are unlikely to meet current design and the Boards minimum standards i.e. the worst case 1% AEP (1 in 100 year) event plus an allowance for climate change.

Your Council is referred to the County Councils guidance on the use of infiltration devices which includes the requirement for the provision of suitable evidence that the infiltration rate that is better than the minimum coefficient of permeability of $5 \times 10^{-5} \text{m/s}$ and seasonally high ground water levels are 1.2m below the base of the infiltration structure. These will both be difficult to achieve at this location.

In view of the above it is considered that an alternative means of surface water disposal is utilised at this site.

G. Maintenance and Management

- 1. There is an expectation that maintenance arrangements for SuDS are secured through the use of planning conditions and may be subject to the SuDS Approval Body (SAB) when they are introduced.*
- 2. The Board require further detail on how both the on and off site water level and flood risk management systems serving the site will be maintained.*
- 3. In view of the importance to these systems it is considered appropriate to recommend that appropriate access is provided and measures undertaken to ensure that unhindered entry is readily available to carry out both routine maintenance and in case of emergency.*
- 4. In order to alleviate any adverse impact upon the respective systems; the Boards; the Councils' ratepayers and the natural, built and aquatic environment; it is considered appropriate that the Board ensures that*

adequate arrangements are made for the long-term ownership, funding, management and maintenance arrangements for the upkeep of any environmental, water level and flood risk management systems, whether on or off site, in perpetuity. These requirements may be in addition to those imposed by planning conditions or required by the LLFA and that details of the works to be carried out by the occupier/land owner, adopting authority, the "Management Company" or other responsible person/authority, together with the costs attached, are included in the "Owners/Residents Pack" and any Deed of Sale.

5. *This will be required as part of any consenting/approval process.*

H. General Comment

Increasing concern is being raised about the piecemeal development being proposed in the local area which is resulting in many small and isolated systems which will be difficult to maintain and will be a future liability for the parties concerned, the failure of which could potentially increase flood risk. Both the Commissioners and the Hundred of Wisbech IDB prefer and encourage more holistic solutions which could enable further development in the area.

In view of the above, the applicant is urged to discuss the relevant issues via the post-application consultation procedure. Upon the receipt of a formal application further discussion can commence.

5.4. Elm Parish Council

Elm Parish Council strongly objects to proposals submitted under planning application ref. F/YR23/0904/O on the grounds that they are;

Contrary to Fenland Local Plan (FLP) (2014) Policy LP3 which states that in 'other villages' (Collett's Bridge is classed as such), growth should normally be restricted to single dwelling infill sites.

Contrary to FLP Policy LP5 which states that for sites of five dwellings, one should be affordable.

Contrary to FLP Policy 12(d) which states that development should be in-keeping with the core shape of the existing pattern of settlement.

Contrary to FLP Policy 12(k) which states that development should be served by sustainable infrastructure provision for example;

- (i) Surface and waste water drainage - the site is a marshy area, largely covered in reeds and neighbouring properties already suffer from sewage 'back-up' into their properties during periods of wet weather. Anglian Water states that drainage systems cannot cope with the volume of surface water in Autumn and Winter.*
- (ii) Highways - the exit from Colletts Bridge Lane into Gosmoor Lane is extremely hazardous. Heavy Goods Vehicles entering Gosmoor Lane from the A1101 in order to access the Fenmarc site often cut the corner; increasing vehicle movements in close proximity to this junction would*

increase the hazard. Gosmoor Lane is single track with no central white line or passing places.

Cambridgeshire Highways has already set precedent relating to its view on safety issues at this location; please refer to Highways' response to the refused (appeal subsequently dismissed) planning application reference F/YR22/1239/O.

Contrary to FLP Policy 16(d) which states that developments are required to make a positive contribution to the character of the street scene development pattern and landscape of the area.

Contrary to Policy DM3 of the Delivery and Protection of High Quality Environments in Fenland and Supplementary Planning Document (2014) which requires the character of landscape, local built environment and settlement pattern to be considered in order to reinforce positive features of local identity.

Finally, the site is located some distance from services and facilities and it is not accessible via public transport. There are no pavements, streetlights or cycle lanes and Gosmoor Lane is primarily subject to the national 60mph speed limit. In addition, the presence of numerous potholes and undefined edge to the highway further exacerbate the danger presented to pedestrians and cyclists.

5.5. Ward Councillor D Roy

Having examined the application I note that there is no affordable housing made available in this application. I also note that no reference has been made to make a contribution to the community (section 106).

There are currently no amenities available in this location, an essential part of the Local Plan. I would also like to add that in a recent meeting of the IDB that the current drainage system is already strained and may cause further issues should this go ahead.

I would also like to add that the access road near to this planned development is in a dangerous position and I would advise a site visit.

As there are a number of issues here that do not meet the Local Plan, I would object to this application.

5.6. Ward Councillor M Summers

I object to the above for the following reasons:

LP2 - Proposal does not promote high levels of residential amenity

LP3 - Although the address is given as Elm, this would be in Collett's Bridge which is a small village where growth would "normally be restricted to single dwelling infill sites".

LP5 - Sites with 5 dwellings should include 1 affordable but this is proposed as all market.

LP12d - Not in keeping with core shape of existing settlement

LP12i - Would result in loss of high grade agricultural land

LP12k - Neighbour evidences suggests that it would strain existing drainage provisions. Please consult the relevant IDB.

LP13b - No contributions to community proposed.

5.7. **Environment & Health Services (FDC)**

The Environmental Health Team have 'No Objections' to the proposed development although it is noted that the development lies within 250m of the site of the former canal, but not on the canal itself. The former Wisbech Canal is a closed landfill site and was infilled in the 1960's with a mix of agricultural and domestic wastes. The site is monitored for landfill gases in a number of locations by Kings Lynn and West Norfolk Council and has been investigated under Part IIA of the Environmental Protection Act 1990 and found not to be of concern. The results showed that although there were some chemicals present these were only found in low levels and buried deep in the waste and not outside of the canal area. Tests showed that they are not travelling out of the waste. This means that there is no evidence to show significant risk of harm to the environment, people, property, crops, or livestock. As long as the structure of the canal continues to contain the waste there is no evidence to demonstrate that there will be a pathway to receptors beyond the boundary of the landfill site. No further investigation is proposed for the canal area.

Notwithstanding the above findings and given close proximity to noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted;

UNSUSPECTED CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

NOISE CONSTRUCTION HOURS

CONDITION: No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of the nearby residential properties.

5.8. **Local Residents/Interested Parties**

Objectors

The Council has received 13 letters of objection to the scheme, from 11 address points including eight addresses on Colletts Bridge Lane, two addresses on Gosmoor Lane, and one from Henry Warby Avenue, Elm.

Reasons for objection to the scheme can be summarised as:

- Concerns over highway safety;

- Development would restrict potential for future road widening;
- Concerns over flooding/drainage;
- The site is not infill;
- Concerns of the impact of development to the countryside character;
- Wildlife impacts;
- Lack of justification for proposal;
- Unsustainable location, lack of services, facilities etc;
- Residential amenity impacts – light and noise pollution;
- Would set precedent for additional development;
- Recent appeal decision on Colletts Bridge Lane.

Supporters

Six letters of support have been received via the agent for the application, from six address points including two from Fridaybridge Road (Elm), two from Main Road (Elm), one from Colletts Bridge Farm (Gosmoor Lane), and one from The Wroe (Emneth).

Reasons for supporting the scheme can be summarised as:

- Improvement of unkempt land;
- Would not spoil the countryside character;
- No concerns over wildlife;
- A lack of services and facilities would be accepted by any future occupier;
- Other planning approvals along Gosmoor Lane;
- Sustainable development;
- Development of bungalows welcomed;
- Would address housing need;
- Would increase natural surveillance and deter anti-social behaviour.

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).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) Dec 2023

Para. 2 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 11 - Presumption in favour of sustainable development.

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 83 - In rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para. 135 - Planning policies and decisions should ensure high quality development.

Para. 180 - Planning policies and decisions should contribute to and enhance the natural and local environment.

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

Resources

Lifespan

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

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

LP19 – The Natural Environment

7.5. 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 48 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

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP59 – Residential site allocations in Christchurch

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

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

8 **KEY ISSUES**

- **Principle of Development**
- **Impact on the Character and Appearance of the area**
- **Access and Highway Safety**
- **Flooding and Drainage**
- **Residential Amenity**
- **Sustainability**
- **Biodiversity**
- **Other Considerations**

9 **BACKGROUND**

- 9.1. In 2019, the applicant sought pre-application advice for the erection of 3 dwellings, two situated on the current application site fronting Gosmoor Lane, with a third proposed to the north of Iris Cottage fronting Colletts Bridge Lane. The officer returned a non-favourable response, outlining that the proposed development would likely be considered unacceptable in respect of the principle of development (LP3) and rural area character and appearance impact (LP12).

10 **ASSESSMENT**

Principle of Development

- 10.1. Notwithstanding the site address of Gosmoor Lane, the site is located on the junction of Gosmoor Lane and Colletts Bridge Lane, is divorced from the main settlement of Elm and accordingly relates more to Colletts Bridge than Elm.
- 10.2. Colletts Bridge is identified in Policy LP3 as an 'Other Village' where residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:
- (c) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and
 - (d) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.
- 10.3. Earlier Appeal decisions relating to development in the locality, F/YR14/0616/F and F/YR22/1239/, and the Committee decision relating to F/YR21/1494/F are considered particularly relevant in this case. The committee decision F/YR21/1494/F is discussed in more detail in 'Other Considerations' below. Notwithstanding, in the first instance, it is noted that the planning Appeal decisions clearly identify that:

The eastern side of the road [Colletts Bridge Lane] constitutes a built up frontage, with continuous development located on it. On the western side, development is more sporadic; there is one property, Iris Cottage, at the southern end and two more properties towards the northern end, La Chaumiere, and The Hazels. (Para 6, Appeal Decision, F/YR14/0616/F)

While the east side of CBL (Colletts Bridge Lane) has a continuous built frontage, the west side is predominantly open to the surrounding countryside with a handful of sporadic dwellings. Open fields run directly up to the highway for much of its length. (Para 5, Appeal Decision, F/YR22/1239/O).

- 10.4. There are only 3 dwellings on the west side of Colletts Bridge Lane and it is not considered that these dwellings in isolation form part of a continuous built form on this side of the lane, as any dwellings are separated by large swathes of undeveloped and/or agricultural land, of which the application site is part.
- 10.5. Similarly, development on the north side of Gosmoor Lane is also sporadic in nature. With the nearest dwelling on the northern side of Gosmoor Lane being approximately 260m to the west separated by a significant track of agricultural land. Accordingly, the application site forms a soft frontage to the existing development along both rural lanes.
- 10.6. Thus, having due regard to the descriptions of the area within the aforementioned Appeal decisions, it is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b) above. In addition, it could not be argued that the development represents an infill proposal and as such even if the earlier appeal decisions were not in place the scheme would fail to comply with the specific requirements of LP3 in so far as they relate to the form of development.

Impact on the Character and Appearance of the area

- 10.7. There were no indicative elevations provided with this outline application, with matters relating to the specific appearance, layout and scale to be committed at Reserved Matters stage.
- 10.8. Notwithstanding, the development proposed would encroach into undeveloped land that is characteristic of the intermittent nature of development in the area and contributes the openness to the west of Colletts Bridge Lane and north of Gosmoor Lane.
- 10.9. In addition, whilst it is acknowledged that details of access and layout are not committed within this outline application, the revised indicative site plan indicates three access points from Gosmoor Lane leading to a private roadway serving three of the proposed plots (discussed in more detail below). It can therefore be reasonably assumed that any development of the site would have to be laid out in such a form which would result in the development appearing similar to a small 'estate' type development that is entirely alien to the nature of the frontage built form in the vicinity.
- 10.10. Accordingly, the development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The indicated layout utilising a private roadway

would appear distinctly uncharacteristic of the local development pattern. In addition, the development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would further erode the existing open rural character both sides. As such, the proposal is contrary to the requirements of Policies LP12 and LP16 (d).

Access and Highway Safety

- 10.11. Originally the indicative site plan included five separate accesses to serve each individual dwelling, three on Gosmoor Lane and two on Colletts Bridge Lane. Comments in respect of highway safety from representations received from members of the public and most notably from the initial comments by the Highways Authority were noted by the applicant. To address these concerns, the applicant submitted a revised indicative site plan, reducing the total number of accesses to three by utilising a private roadway to serve three of the intended plots. In addition, visibility splays were justified and confirmed on the revised site plan.
- 10.12. Revised comments from the Highways Authority were sought, and concluded that, given that the proposal was outline only with all matters reserved, the revised detail submitted satisfactorily addressed that the *principle* of the intended accesses off Gosmoor Lane were acceptable, subject to conditions.
- 10.13. Accordingly, any remaining concerns in respect of highway safety are not considered to result in an unacceptable impacts, nor are the residual cumulative impacts on the road network considered severe. Thus, refusal on the grounds of highway safety is not justified in this case (NPPF Para 115). Notwithstanding, this does not outweigh the character harm that the proposed development (and uncharacteristic access layout) would inflict on the area contrary to Policies LP12 and LP16 as considered above.

Flooding and Drainage

- 10.14. The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of flood mitigation measures.
- 10.15. However, concerns relating to the poor drainage potential of the site from representations received from the public along with, most notably, extensive comments received from the Middle Level Commissioners (MLC) in respect of the potential drainage concerns at the site that should be given weight.
- 10.16. The application form suggests that surface water drainage from the site will utilise soakaways as the intended means of surface water drainage. Comments from MLC outline that the site is poorly drained and includes a high water table. Accordingly, they consider that an alternative means of surface water disposal should be implemented, noting specifically that:

The Board is concerned to note the use of infiltration devices as past experience has proven it is extremely unlikely that infiltration systems will provide a viable solution for appropriate water level and flood risk management that meets current design standards or the Boards requirements; could be constructed and maintained for the lifetime of the development, with no material prejudice to the Board's operations

or the local water level management system, water or built environment.

- 10.17. MLC have also stipulated that significant improvement works within the sub-catchment will need to be implemented to accept the increased flows, to accommodate the change of the site to a more vulnerable use, and ensure that an adequate freeboard is available to prevent the surcharging of the on-site systems; these works would be at the developer's expense, potentially challenging the viability of the site.
- 10.18. It is noted that MLC suggest that localised flooding in the area may not have been formally reported and the Environment Agency's Flood Risk Maps do not depict any extent of known surface water flooding at the site. As such, the Council are unable to ascertain the level of risk from surface water flooding at the site (i.e. high – low) and are therefore unable to confirm if there are any sequentially preferable sites (with respect to surface water flooding) to justify a reason for refusal on the grounds of flood risk in this case. However, the concerns and evidence provided by MLC should be considered as pertinent to the acceptability of the site for residential development as a matter of principle.
- 10.19. Ultimately, matters of foul and surface water drainage could be conditioned to ensure details are appropriately addressed at Reserved Matters stage. In addition, in the event of any consent, the IDB may include additional stipulations to ensure that adequate arrangements are made for the long-term ownership, funding, management and maintenance arrangements for the upkeep of any environmental, water level and flood risk management systems, whether on or off site, in perpetuity. Accordingly, should outline consent be approved, the applicant is urged to discuss matters of drainage with MLC prior to submitting any Reserved Matters application.

Residential Amenity

- 10.20. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking, overshadowing or overbearing, as such it is likely that the scheme could be compliant with Policy LP16 (e), subject to acceptable details of appearance, landscaping, layout, and scale to be submitted at Reserved Matters stage.
- 10.21. The Environmental Health team do not object to the development in principle, recommending that matters of amenity safeguarding are ensured through the imposition of conditions, should outline consent be approved.

Sustainability

- 10.22. A number of residents consider that the scheme should be resisted on the grounds of sustainability (owing to the lack of suitable footpaths and street lighting).
- 10.23. In terms of the site's sustainability credentials, the occupiers of the site would be wholly reliant on car-based transport for all services and facilities within the wider local area as there are no such facilities in the immediate area of the site. Accordingly, the development of the site for residential use would fail to meet with the Government's environmental and sustainability objectives.

Biodiversity

- 10.24. Several resident representations raised concerns over implications for wildlife and biodiversity at the site being detrimentally impacted by the proposed development.
- 10.25. The site is a marshy area of scrubland, with no significant trees or hedgerow. In addition, there are no watercourses within the immediate vicinity of the site. Accordingly, the submitted Biodiversity Checklist, and subsequent on-site inspection by the Case Officer, did not highlight any areas of concern with respect to priority habitats or species. Thus, there was no requirement for an ecology survey to be undertaken in respect of the proposals.
- 10.26. Notwithstanding, should outline consent be approved, ecological enhancements could be conditioned to be included within the development to limit impacts to local wildlife.

Other Considerations

- 10.27. Comments from Elm Parish Council and Local Ward Councillors are noted. Where these comments have not been addressed above, the Council would respond as follows:
- *Contrary to FLP Policy LP5 which states that for sites of five dwellings, one should be affordable.* – Policy LP5 part a) has been superseded by a Ministerial Letter in recent years and the NPPF 2023 at Para. 65 sets out that affordable housing provision is only required for major developments i.e. 10 or more dwellings. Accordingly, a lack of provision of affordable housing is not contrary to policy in this case.
 - *No reference has been made to make a contribution to the community (section 106). & LP13b - No contributions to community proposed.* – The proposed development does not meet the required threshold to impose the requirement for community contributions.
 - *LP12i - Would result in loss of high grade agricultural land* – A large proportion of agricultural land in Fenland District is best and most versatile land. The development site, whilst part of a wider parcel of agricultural land, is not currently in use as arable farmland and is instead an area of disused scrubland. It is therefore considered unreasonable to justify a reason for refusal on this basis.
- 10.28. Two of the letters of support received made claims that the development site is “*unkempt*” and “*eye-sore derelict*”, further claiming that “*the proposed dwellings would increase natural surveillance of the area and would deter anti-social behaviour.*” The Environmental Health team made no mention of substantiated complaints received over the “*unkempt*” nature of this land and as such it can be concluded that there are no known environmental health concerns about the existing scrubland that this land currently comprises. Furthermore the case officer observed no evidence of fly-tipping or dereliction to substantiate these claims when visiting the site. Whilst it is acknowledged that additional properties may offer increased natural surveillance to the area, there is no evidence of anti-social behaviour concerns within the vicinity of the site. Notwithstanding, any potential benefit brought about by development of this land would not outweigh the fundamental locational issues and character harm that would result, as discussed above.

- 10.29. Local planning history, specifically, the Committee's approval of F/YR21/1494/F, may be considered as justification to approve of the current application as argued by the applicant. F/YR21/1494/F was for the erection of a 3/4-bed 2-storey dwelling with detached double garage on Land West Of Antwerp House, Gosmoor Lane, Elm (on the opposite side of Gosmoor Lane from the current application site). Officers recommended refusal of the application as the site was considered to be in an unsustainable location, concluding that the development would be considered unacceptable under Policies LP3 and LP12. On reviewing the minutes from the 9 March 2022 Committee meeting, Members considered that the application site could be considered infill as there was established development either side and that connectivity issues should not preclude rural area growth, as such the scheme was subsequently approved by Members contrary to Officer recommendation.
- 10.30. The current application site would result in similar connectivity issues. However, and most notably in this case, the application site cannot be considered infill development as its location relates more to open countryside. Accordingly it is in direct contravention of Policies LP3 and LP12 as discussed above. Thus, Officers do not consider the applicant's position that this application can be directly compared with F/YR21/1494/F is correct, as the scale, location, and characters of both schemes are notably different.
- 10.31. Therefore, notwithstanding decision reached by Members when considering F/YR21/1494/F, the current application should be considered on its own merits and there are no material considerations that justify a departure from applying the relevant local and national planning policies in determining the current application.

11 CONCLUSIONS

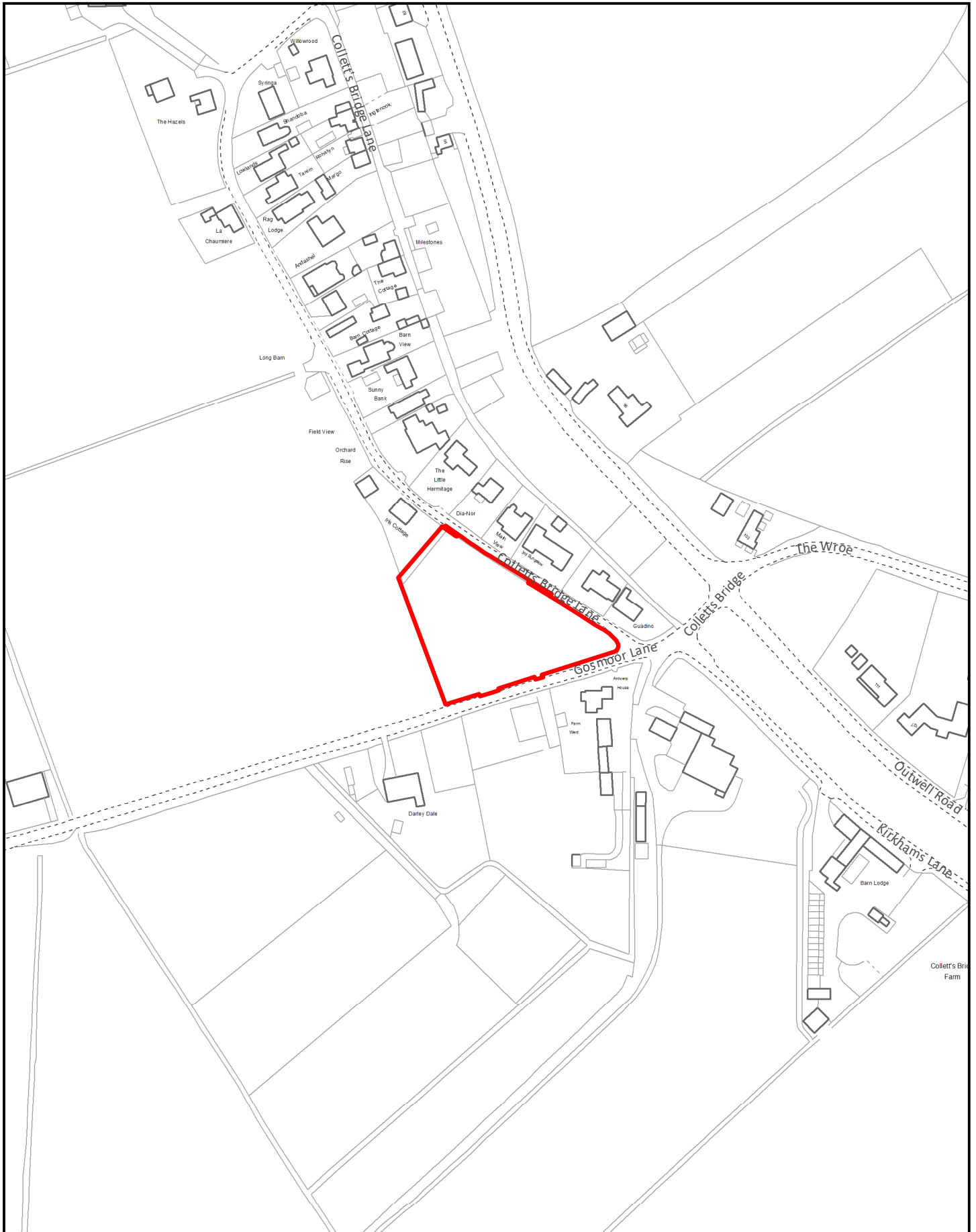
- 11.1. The application site was subject to an earlier pre-application enquiry for a similar scheme, which garnered a likely unfavourable response in respect of the possible contraventions of the current Fenland Local Plan.
- 11.2. On the basis of the consideration of the issues of this application and previous relevant planning history, conflict arises through the principle of the development of the site and the impact on the character of the area rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3, LP12 and LP16.
- 11.3. As such the proposed development is contrary to local planning policy and should be refused.

12 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district, and Policy LP12 details a range of criteria against which development within the District will be assessed. Colletts Bridge site is categorised as an 'Other Village' where
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	<p>residential development will be considered on its merits and will normally be restricted to single dwelling infill sites situated within an otherwise built up frontage. Policy LP12 defines the developed footprint of a village as the continuous built form of the settlement and excludes:</p> <ul style="list-style-type: none"> (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement. <p>The existing dwellings along the western side of Colletts Bridge Lane and northern side of Gosmoor Lane do not form part of a continuous built frontage and as such the site cannot be considered as an infill site. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development on both lanes and development of this parcel of land would be excluded by (a) and (b) above. The site is located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities. Thus the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>Policy LP12 seeks to support development that does not harm the character of the countryside. Policy LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) requires development to deliver and protect high quality environments through, amongst other things, making a positive contribution to the local distinctiveness and character of the area. The development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would erode the existing open rural character both sides. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>



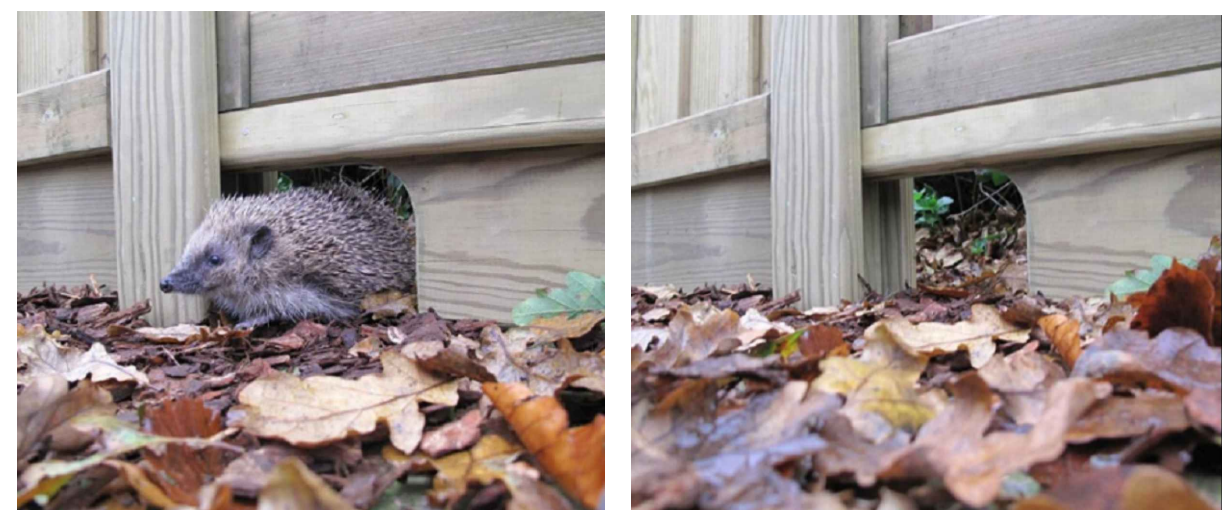
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F/YR23/0904/O

Scale = 1:2,500





Boundary fence to have 1 hedgehog gravel board to each boundary



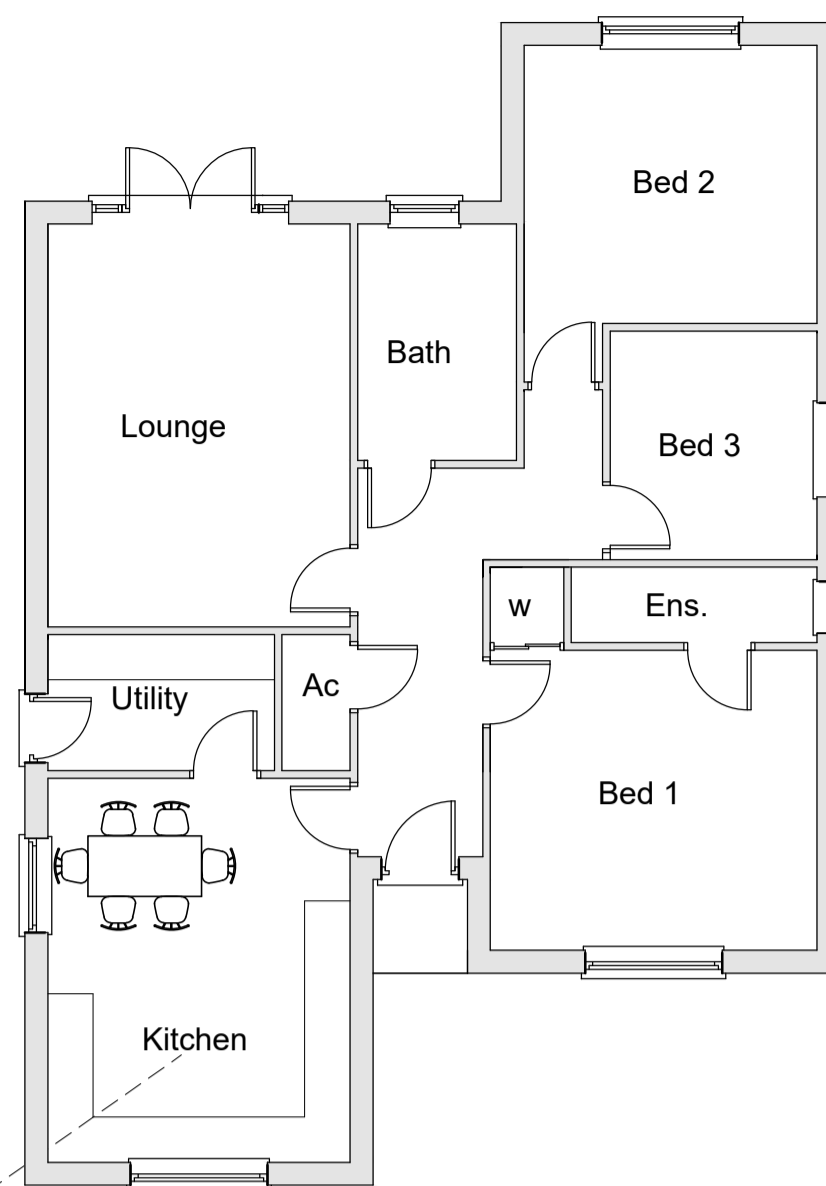
Schwegler triple cavity swift box
1 to each East elevation plots 1,2 and 3



Eco House Martin nest
1 to each East elevation plots 4,5



NHBS Habitat bat box
One on each South Elevation plots 4 and 5



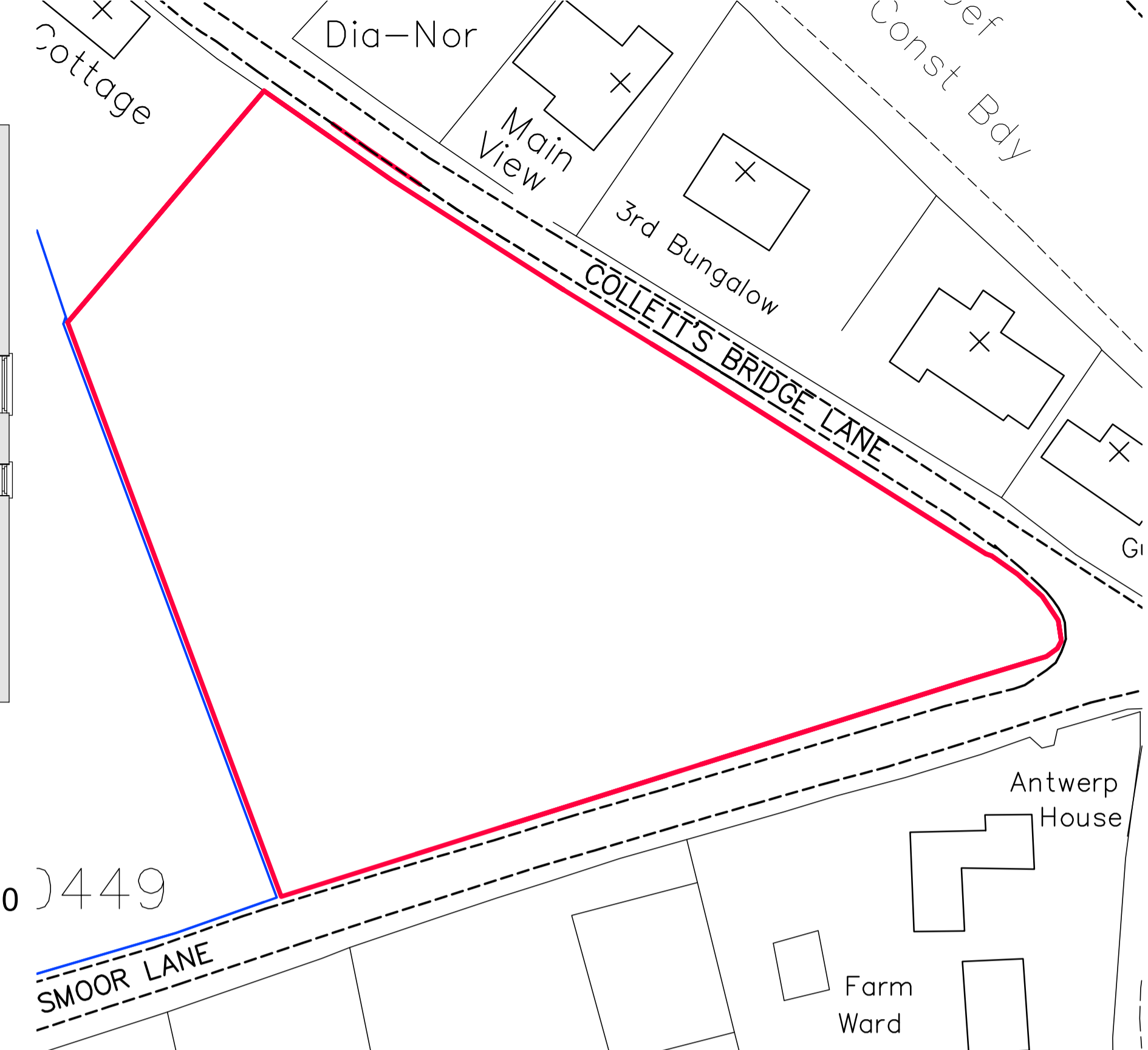
Indicative bungalow layout only 1:100 10449



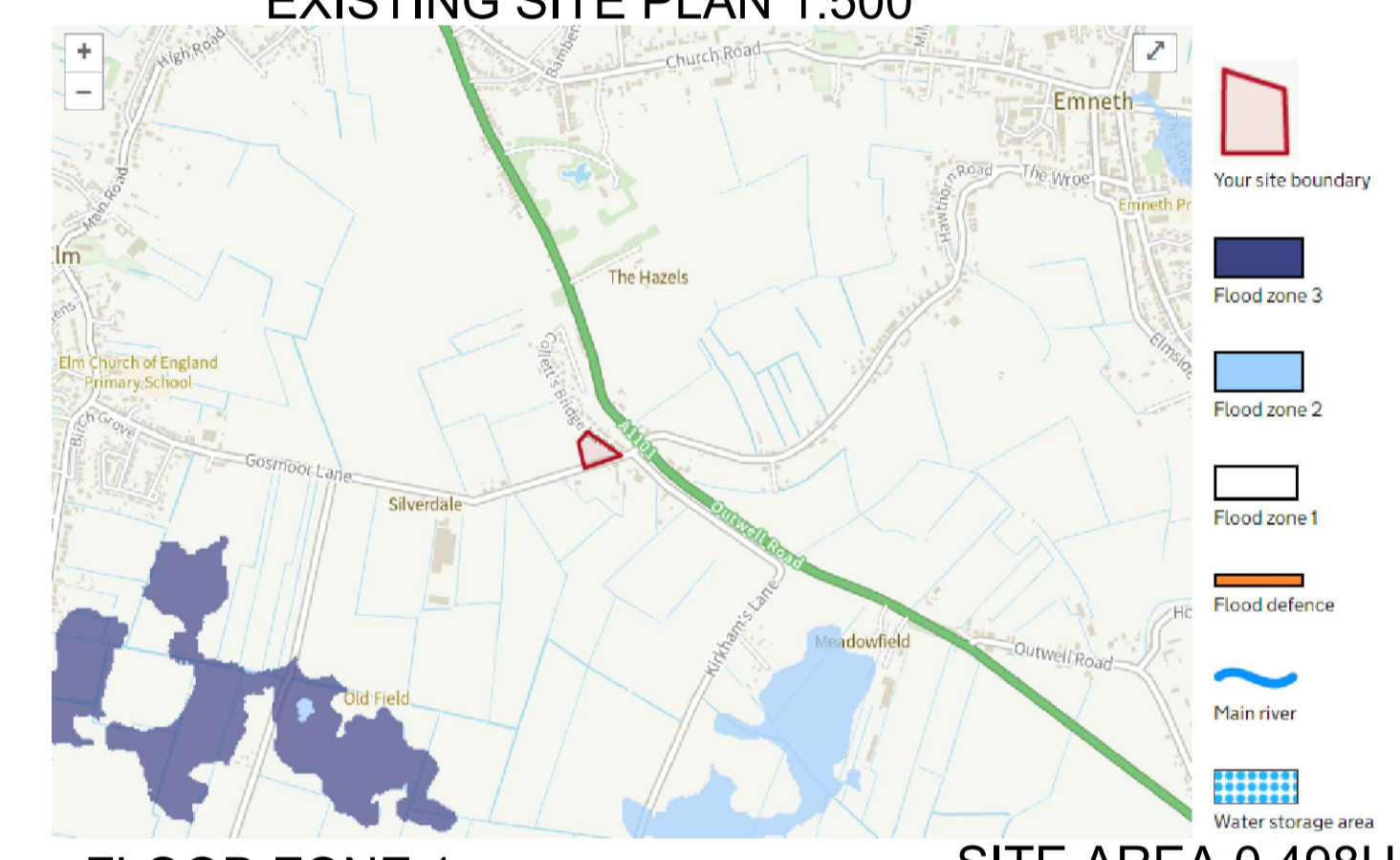
SITE PLAN 1:500
Indicative layout only

License Number 100020449

Dwelling approved
F/YR21/1494/F

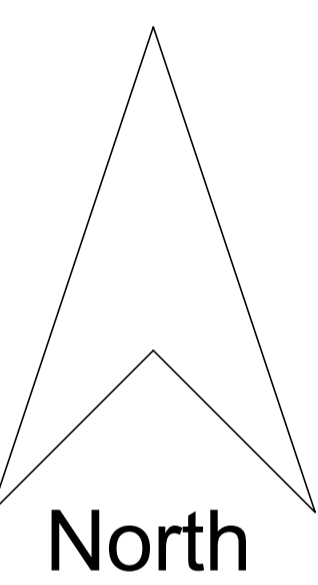


EXISTING SITE PLAN 1:500

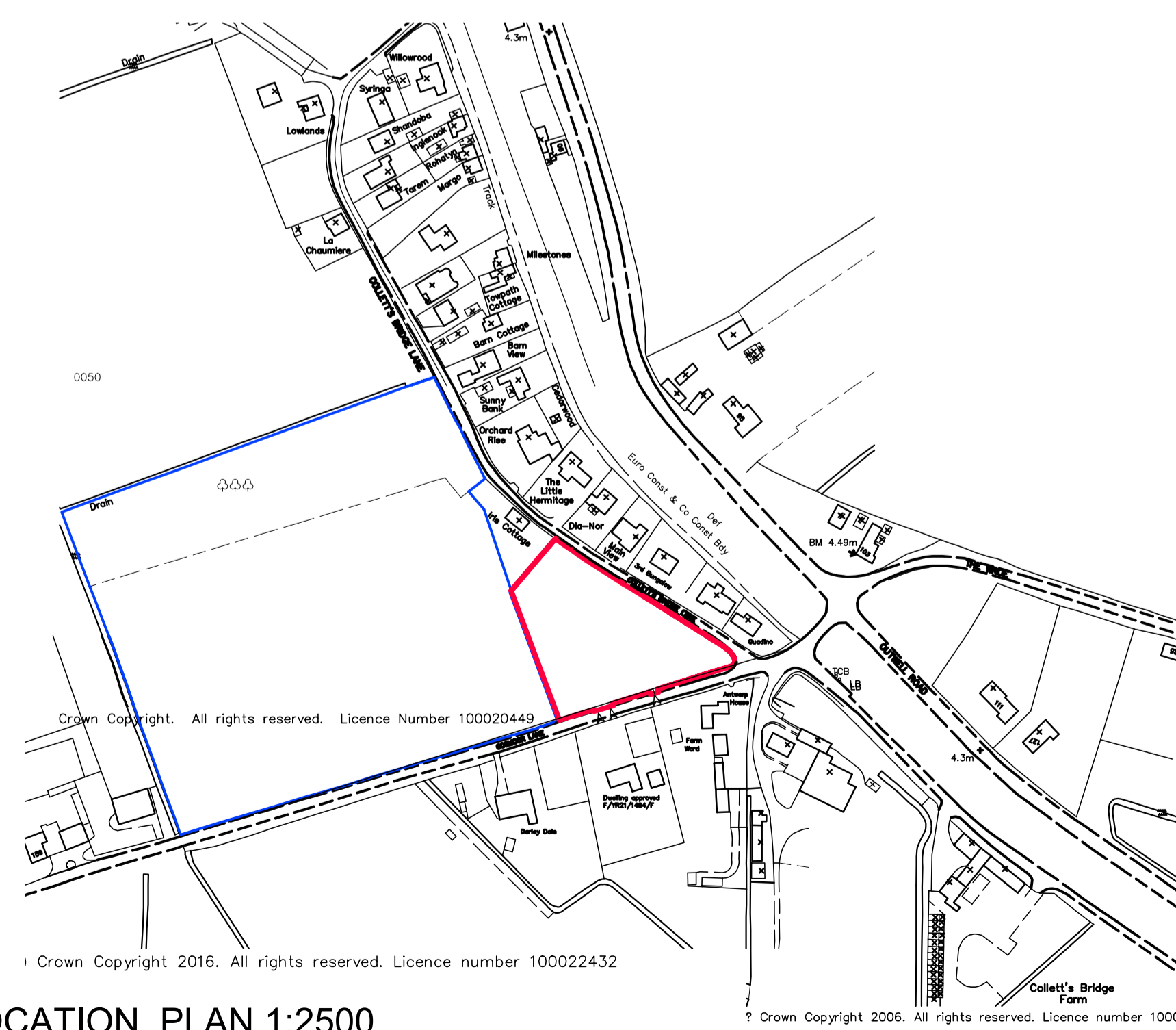


FLOOD ZONE 1

SITE AREA 0.498Ha.



North



LOCATION PLAN 1:2500

REVISIONS



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CLIENT
MR CROFTS

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
**PROPOSED DEVELOPMENT
COLLETT'S BRIDGE LANE
/GOSMOOR LANE
COLLETT'S BRIDGE
ELM, Nr WISBECH
PE14 0EE**

DRAWING
6857 PL01a

JOB NO. 6857	PAPER SIZE A1	DATE 27/09/2023
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