
F/YR19/0123/O

Applicant: Mrs C Wood

**Agent : Mr G Edwards
Swann Edwards Architecture Limited**

Land South Of 6, Fridaybridge Road, Elm,

Erection of up to 6no dwellings (outline application with matters committed in respect of access)

Reason for Committee: Eight letters of support have been received which are at variance to the Officer recommendation.

1 EXECUTIVE SUMMARY

The application is for outline planning permission for up to six dwellings, an indicative layout plan accompanies the application which seeks to commit access and shows 6 detached dwellings.

A similar scheme was refused under delegated powers in June 2018, the only difference being that two approvals in the vicinity have been identified.

The earlier refusal identified that the development of the site would not be in keeping with the core shape and form of the settlement and would result in the loss of an important area of open land which helps retain the separate identities of the settlement of Elm and Friday Bridge. The principle of development would therefore not accord with the requirements of Local Plan Policy LP3, LP12 and LP16.

In addition it was considered that the development would result in the loss of an important area of open space which would have a detrimental impact on local distinctiveness and identity as would the provision of executive type housing in a rural area.

It was considered that this would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.

This earlier evaluation remains appropriate and the approvals highlighted do not add any weight to the appropriateness of the development of this site; conversely they reinforce the importance of the two key sites highlighted by illustrating the scarcity of open areas of land to demarcate between the settlement cores of Elm and Friday Bridge.

Accordingly the recommendation must be one of refusal as the scheme continues to be contrary to Policies LP3, LP12 and LP16 and Policy DM3 of the Protecting High Quality Environments SPD.

2 SITE DESCRIPTION

- 2.1 The application site is situated to the eastern side of Fridaybridge Road, Elm. It comprises agricultural land with open countryside beyond and features some tall mature trees along its frontage. The site is circa 0.5 metres lower than road level and there is a verge running alongside the road.
- 2.2 Opposite the site is Redmoor House, a large detached dwelling with low level outbuildings to its north and other residential properties, alongside this road frontage (on the western side of Fridaybridge Road) runs a pedestrian footway.
- 2.3 The site is within a Flood Zone 1 Location

3 PROPOSAL

- 3.1 The application is for outline planning permission for up to six dwellings. An indicative layout plan accompanies the application, this shows 6 detached dwellings of varying footprints and scales with four of the dwellings shown to have individual accesses and two of the properties to have a shared access; the application highlights that it is the intention to commit access details.
- 3.2 It is noted that the illustrative layout and access details are identical to those put forward in support of the earlier refused scheme for the site.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR18/0364/O	Erection of up to 6no dwellings (outline application with matters committed in respect of access)	Refused 14/06/2018
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5 CONSULTATIONS

- 5.1 **Parish Council** - Not yet received, anticipated 15/03.
- 5.2 **FDC Scientific Officer (Land Contamination)** - *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. I would however request that unsuspected contamination condition is imposed in the event that planning consent is granted:*
- 5.3 **Cambridgeshire County Council Highways Authority** - *A previous application was submitted and refused for the erection of 6 dwellings under application number F/YR18/0364/O. The previous application was not refused on highways grounds. I can see no highways differences between this application and that submitted under application number F/YR18/0364/O. I therefore refer to comments made under the previous application which remain applicable to this application.*

'The application is an outline application with access only committed for the erection of 6 dwellings.

A 1.8m wide footway should come forward as part of this development on the East side of Friday bridge Road along the site frontage and linking up with the existing footway to the North of the development and a link across Friday bridge Road. I justify this as it will provide a direct link to the primary school on the East side of Fridaybridge Road.

The accesses should be sealed and drained away from the highway for the first 5m. Access geometry should be detailed on the plan.

Defer for amended plans.'

- 5.4 **Local Residents/Interested Parties:** Nine letters of representation have been received in respect of the proposal one letter objecting to the scheme; and eight letters, from 7 households, offering support for the development; these may be summarised as follows:

One letter of Objection: *'primary concerns would be relating to the proposed "access and storage area for field" running directly along our properties boundary. This area currently has no access from Fridaybridge Road and is also not used for any form of storage. Any access from Fridaybridge Road would have a direct impact on our property in regard to noise disturbance, possible misuse and unauthorised access.*

Further concerns on the proposed development would be the building of properties on open countryside and the aesthetic/devaluing impact from our property, together with:

- Loss of Agricultural land
- Design/Appearance, loss of view/outlook, overlooking/loss of privacy, proximity to property, shadowing/loss of light
- Traffic or Highways
- Trees
- Visual Impact

Eight Letters of Support (from 7 households):

- *Proposed development will help enhance the overall character of the area*
- *The proposed development and type of houses is not dissimilar to many already constructed along Fridaybridge Road*
- *I believe it will not have a negative impact on the core shape of the village*
- *Over the past 10 years this road has been slowly infilled with various sized properties and I can see no reason as to why these proposed plots should not go forward maybe enabling local children to purchase them and stay local to our Villages*
- *Scale of development appears sensible and they are far enough from the road to provide parking and turning, individual accesses are preferable to a single access*
- *Overall layout and density appears sensible*
- *Precedent for this type of development has been set, some of which are far larger and less in keeping*
- *Only a minimal amount of agricultural land would be lost*
- *Drainage should not be an issue and this area does not appear to be subject to any drainage problems*
- *Retention of trees along the frontage is beneficial to the overall outlook, reducing any visual impact*

- *Makes the suggestions regarding plot layout and field access position*

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)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making
Chapter 4 (Paras 39 - 41) - Decision-making and Pre-application engagement and front-loading

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1 - A Presumption in Favour of Residential Development

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 in Fenland

LP16 - Delivering and Protecting High Quality Environments across the District

7.4 FDC Supplementary Planning Documents

Protecting High Quality Environments (July 2014)

DM3 - Making a Positive Contribution to Local Distinctiveness and Character of the Area

8 KEY ISSUES

- **Principle of Development**
- **Village Thresholds**
- **Character of the Area**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk**
- **Health and Wellbeing**
- **Other considerations**

9 BACKGROUND

- 9.1 This proposal is almost identical to an earlier refusal (issued 14th June 2018); the earlier refusal reasons were as follows:

- 1 *Development of the site would not be in keeping with the core shape and form of the settlement and would result in the loss of an important area of open land which helps retain the separate identities of the settlement of Elm and Friday Bridge. The principle of development would therefore not accord with the requirements of Local Plan Policy LP3, LP12 and LP16.*
- 2 *Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The loss of an important area of open space would have a detrimental impact on local distinctiveness and identity as would the provision of executive type housing in a rural area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.*

9.2 The only differences between the earlier refused scheme submission and the current application are contained within the Design and Access Statement and these differences are highlighted below:

- (a) Within the 'proposal' summary it is identified that:

The site forms part of a continuous development on this side of Fridaybridge Road which has seen a number of similar developments along it on both sides of the road.

- (b) It is highlighted in the 'background' section that there have been a 'few recent approvals opposite and nearby the proposed site which are relevant to the current proposal'

The references quoted both relate to approvals which were issued prior to the refusal of the earlier scheme with F/YR15/0004/F (on the western side of Fridaybridge Road, south of No 67) having been approved by the Planning Committee on 05.03.2015 contrary to officer recommendation as Members felt that 'the development [proposed] does not harm the character of the locality'

and:

F/YR16/1027/F (directly west of the application site at No 49) having been approved on 31.01.2107, this scheme related to the subdivision of an existing curtilage to provide one dwelling which was assessed as having no adverse harm on the character of the area.

- 9.3 It is further noted that the updated D&A continues to refer to the 2012 National Planning Policy Framework and continues to assert that the District Council is unable to demonstrate a 5-year housing land supply. It is noted that the District Council has since the publication of the Five Year Housing Land Supply Report (March 2018) been able to demonstrate a 5-year housing land supply. Furthermore the NPPF was updated in July 2018 and again in February 2019; albeit the latest iteration was not available at the time this application was validated.

10 ASSESSMENT

Principle of Development

- 10.1 As the current submission offers little more justification than originally considered in June 2018 the assessment of the scheme must similarly and consistently reiterate the earlier evaluation at that time, as follows:
- 10.2 Policy LP3 sets out the settlement hierarchy for development within the District. Elm is identified as a 'Limited Growth Village' where a small amount of development and service provision will be permitted.
- 10.3 Policy LP12 allows for new development within villages providing that the site is within or adjoining the continuous built form of the settlement.
- 10.4 The application site is within an area of land which constitutes an important open gap (one of two remaining large gaps on the eastern side of Friday Bridge Road) between the southern edge of the main built form of Elm and the sporadic and linear development in typical Fen form that links it to Friday Bridge.
- 10.5 The development of the site will result in the loss of an important area of open space which defines the hard southern edge of the built form of Elm and would lead to a danger of coalescing with Friday Bridge. The thrust of Local Plan policies is to ensure that the few remaining large areas of open space between the villages are protected in order to retain their separate identities.
- 10.6 The preamble to Local Plan Policy LP12 explains that unlike the previous Local Plan, there are no longer fixed 'development area boundaries' around each of the settlements. This is intended to provide a more flexible; criteria based approach to assessing new proposals in such settlements. To this end, Local Plan Policy LP12 supports new development in villages where amongst other things, it does not harm the wide open character of the countryside, and requires proposals to be in or adjacent to the existing developed footprint of the village, of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance. The definition of the existing developed footprint of a village excludes gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlements where the land relates more to surrounding countryside than to the built up area of the settlement.
- 10.7 The application has been submitted in outline and the proposed layout plan for 6 large executive/suburban type housing is only indicative. Massing, height, design and layout would also be important considerations for the detailed design stage. Nonetheless, the introduction of 6 dwellings (with associated gardens and hard surfaces) onto this area of open, agricultural land beyond the settlement edge would introduce an isolated built development that would appear obtrusive and encroach into the unspoilt countryside. This change would not be in keeping with the core shape and form of the settlement and would clearly have an adverse impact on the spacious rural character of this area.
- 10.8 It is therefore concluded that the proposed development would harm the character and appearance of the surrounding area and that it would consequently conflict with the aims of Policies LP3, LP12 and LP16 of the Local Plan. In addition to the requirements of LP3 and LP12, LP16 seeks, amongst other matters, to ensure that development makes a positive contribution to distinctiveness and does not adversely impact on the settlement pattern or landscape character of the surrounding area.

- 10.9 The approvals highlighted do not add any weight to the appropriateness of the development of this site; conversely they illustrate the importance of the two key sites highlighted by virtue of the scarcity of open areas of land to demarcate between the settlement cores of Elm and Friday Bridge. Save for the quoting of two approvals, which as highlighted above were in place when the earlier application was considered, and asserting that the 'site forms part of a continuous development on this side of Fridaybridge Road' the agent has not endeavoured to provide any real justification for the scheme nor have they engaged with the LPA prior to making the submission; as such it could be argued that they have acted unreasonably and at variance to the NPPF which strongly promotes 'pre-application engagement and frontloading' (Chapter 4, paras 39 - 41)

Village Thresholds

- 10.10 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.
- 10.11 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a small village by 10% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the relevant Parish Council.
- 10.12 The threshold for Elm has been breached with the current figures, as of 20 December 2018, allowing for 73 new dwellings and the number of dwellings built or committed being at 153, as such any application requires demonstrable community support in accordance with the Policy.
- 10.13 This application has not been the subject of pre-application community consultation and therefore contravenes Policy LP12. Whilst it would normally be expected for the scheme to be accompanied by evidence of support due regard must be given to a recent appeal decision which indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.

Character of the Area

- 10.14 Policy LP16 seeks to ensure that new development 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 local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area (part (d)).
- 10.15 The loss of an important area of open space cannot be argued to make a positive contribution to local distinctiveness and character of the area nor would it enhance local setting, improve the local built environment or reinforce local identity.

- 10.16 Although the existing neighbouring buildings limit views of the countryside to the east, the introduction of up to 6 dwellings along an approximate 100 metres gap of open countryside would have an urbanising effect in closing the gap between the existing residential development, thus preventing view and the open countryside to the rear of the site. Given the sites large and open nature, together with its prominent location along Fridaybridge Road, the site is readily visible; as such any long distance views from the countryside to the east to the site would be adversely affected and similarly views from Fridaybridge Road would be comparably afflicted.
- 10.17 In design terms, this part of Fridaybridge Road is characterized by a variety of dwelling designs and scales with little uniformity. The indicative layout shows a homogeneous layout of six executive type houses dwellings set in a linear fashion and facing the road. It is unlikely that the design and layout will contribute in a positive way to local distinctiveness and character.
- 10.18 The layout of the site itself is considered to be acceptable in terms of the spacing of the dwellings and the amount of amenity space and parking and turning areas available for the proposed dwellings. In this regard the proposal complies with part (h) of Policy LP16. In the wider context of the area however, the layout is considered to be out of keeping as it would introduce 6 dwellings in open countryside. As such, whilst the site can accommodate 6 dwellings in this location, the proposed layout is not in keeping with its surroundings and as such fails to comply with Policy LP16 part (d).

Residential Amenity

- 10.19 The proposed development would introduce 6 dwellings along Friday Bridge Road. An objection relates to impact on residential amenity. Part (e) of Policy LP16 states that new development should not adversely impact on the amenity of neighbouring users, such as through noise, light pollution, loss of privacy and loss of light.
- 10.20 There is sufficient separation distance between the proposed and existing dwellings to ensure that it is unlikely that there would be any issues with overlooking, loss of privacy or disturbance through noise and activity. However, it is acknowledged that there could be a perceived impact on the amenities dwellings through the introduction of new dwellings
- 10.21 With regard to the access to the field shown on the submitted drawings it is acknowledged that no such access exists at present and such an access which would be to a classified road would require planning permission in its own right.

Highway Safety

- 10.22 The access, highway safety and parking considerations have been assessed by the Local Highway Authority; no objections are raised to the proposed access subject to conditions being applied.
- 10.23 As such, there are no concerns in relation to highway safety and the proposal complies with the provisions of LP15 in this regard although a foot way may be required along Friday Bridge Road; however such a requirement may in itself compound the visual amenity concerns identified elsewhere in this report.

Flood Risk

10.24 Flood risk is not an issue as the site is located within Flood Zone 1.

Health and wellbeing

10.25 The proposal will introduce 6 dwellings which will be constructed to current standards and easy to warm. Each dwelling has an ample area of private amenity space and parking and turning areas. The proposal complies with Policy LP2 in this regard. There are concerns however at the impact of the proposal on the character of surrounding area, and the form of the settlement.

Other Considerations

10.26 Concerns raised by objectors in relation to loss of property values and anti-social behaviour are not material planning considerations.

10.27 The assertion that the Council is unable to demonstrate a 5-year land supply holds no weight as monitoring data has evidenced that the district does have a 5-year housing land supply. It is further noted that the recently published Housing Delivery Test data shows Fenland at 97%; above the 95% pass rate; again this is a reflection of a relatively healthy housing market. Nonetheless even if Para 11 was enacted through a shortage of housing land availability it would still be contended that the scheme would fail to constitute sustainable development, as required by para. 7 given the significant environmental harm arising from the loss of the area of land on which it is proposed to site the development.

11 CONCLUSIONS

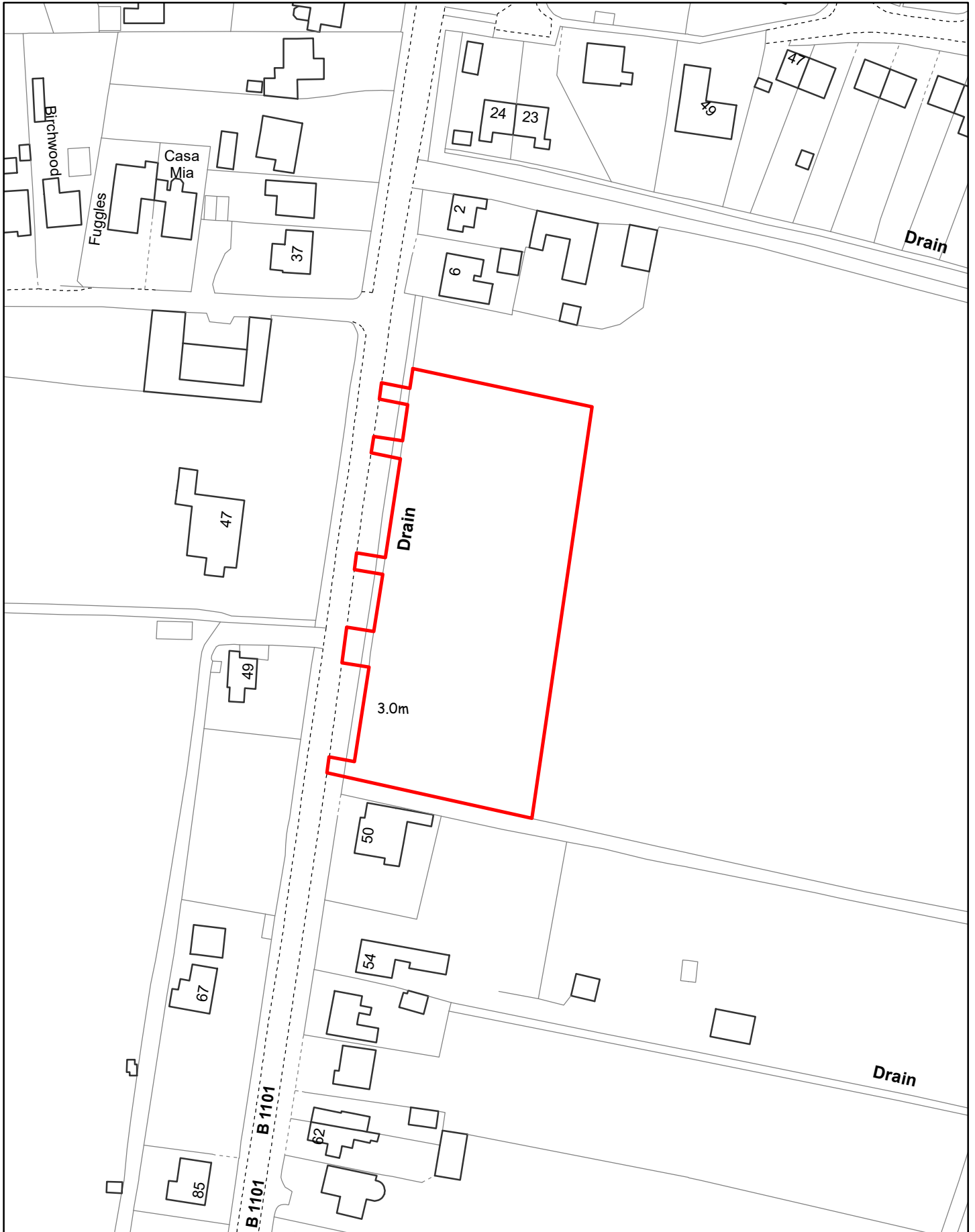
11.1 The proposal fails to comply with the provisions of Policies LP3, LP12 and LP16 in relation to the principle of residential development in this location.

12 RECOMMENDATION: REFUSE

1 Development of the site would not be in keeping with the core shape and form of the settlement and would result in the loss of an important area of open land which helps retain the separate identities of the settlement of Elm and Friday Bridge. The principle of development would therefore not accord with the requirements of Local Plan Policy LP3, LP12 and LP16.

2. Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The loss of an important area of open space would have a detrimental impact on local distinctiveness and identity as would the provision of executive type housing in a rural area. This would result in an incongruous development and is therefore

contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.



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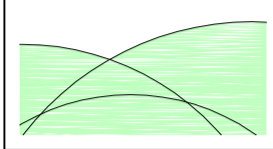
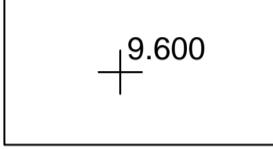
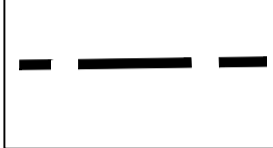
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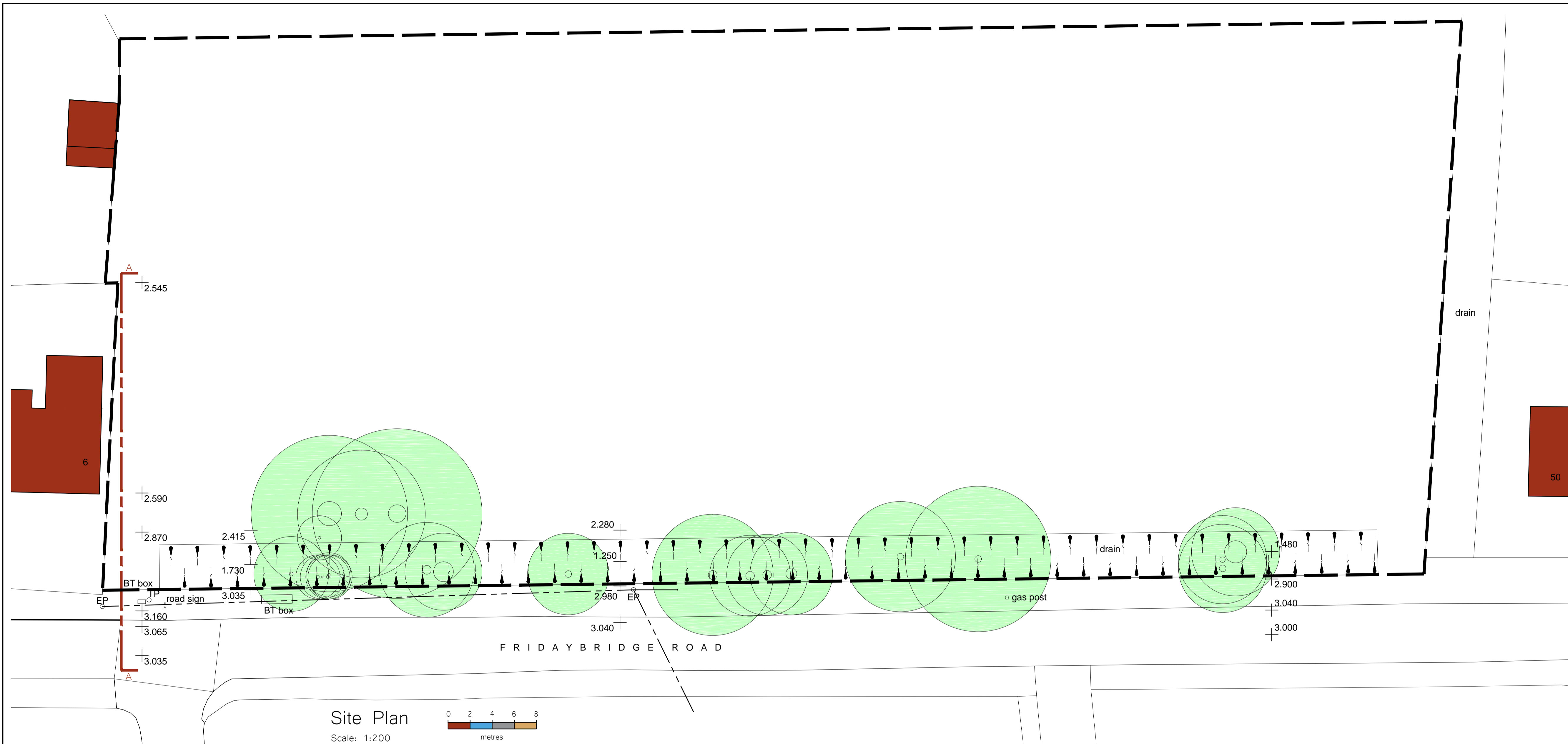
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- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
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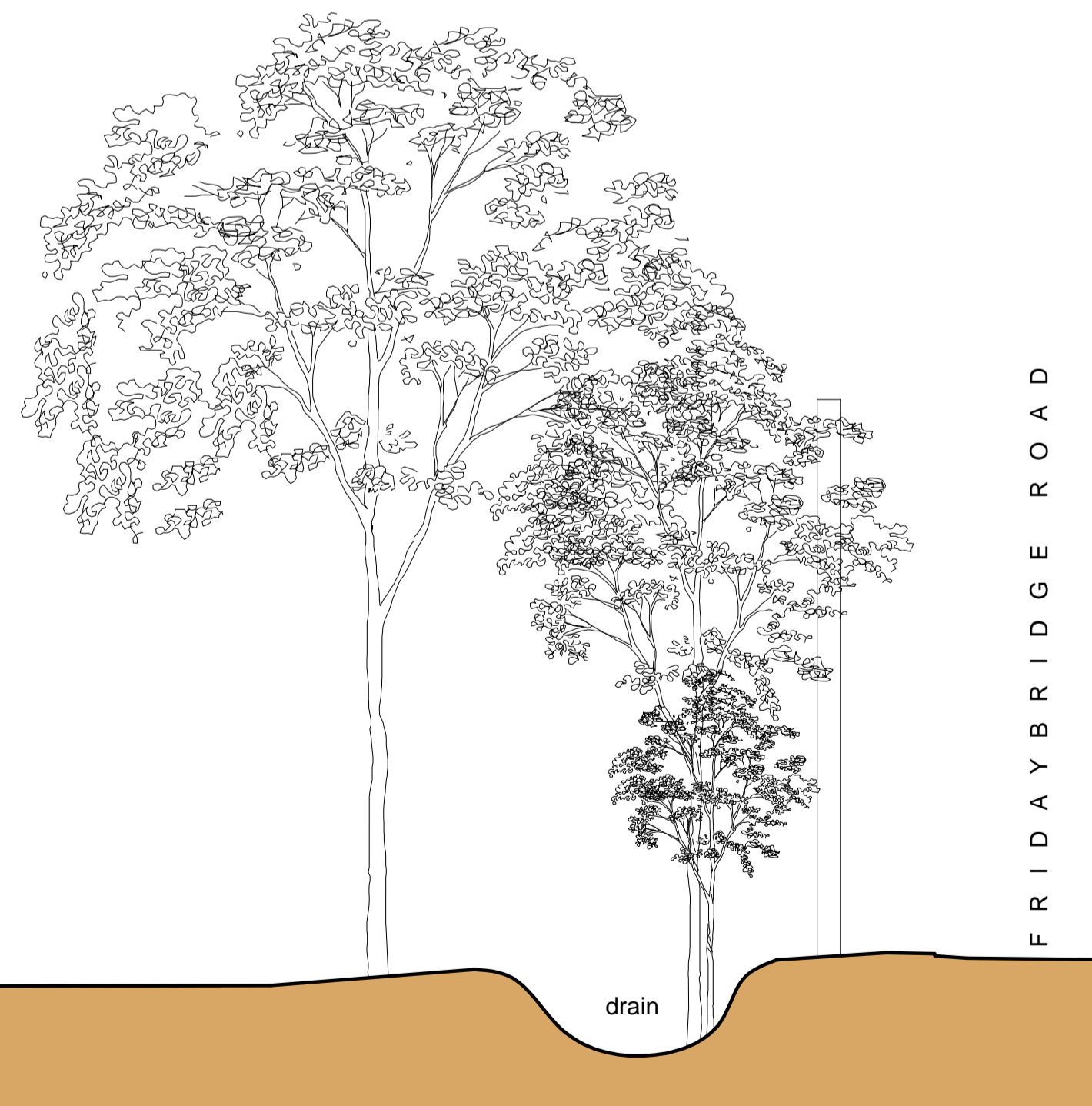
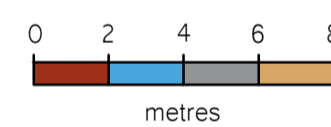
SITE PLAN KEY

-  Un-surveyed OS buildings
-  Existing trees
-  Existing site levels
-  Site boundary



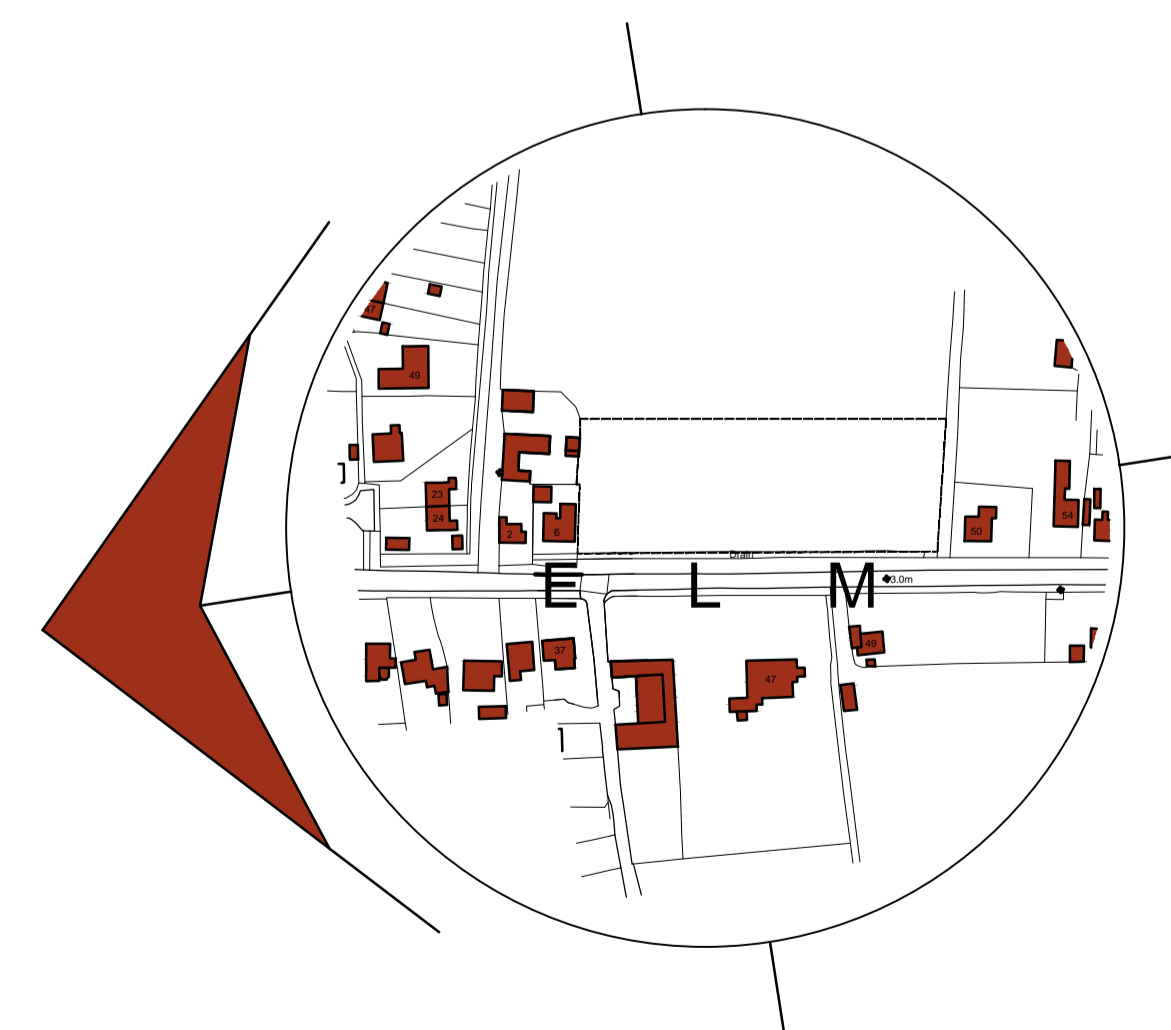
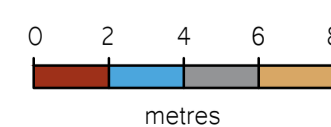
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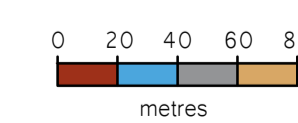
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Location Plan

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Status

FOR APPROVAL


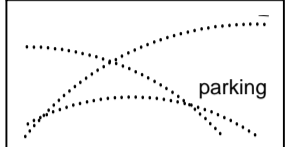
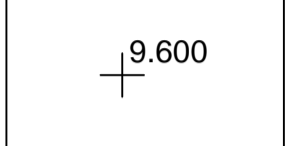
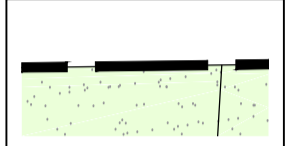
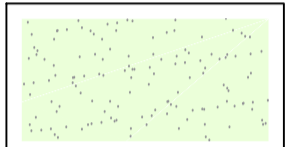
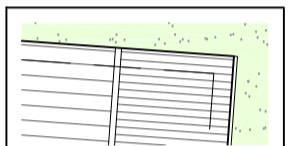
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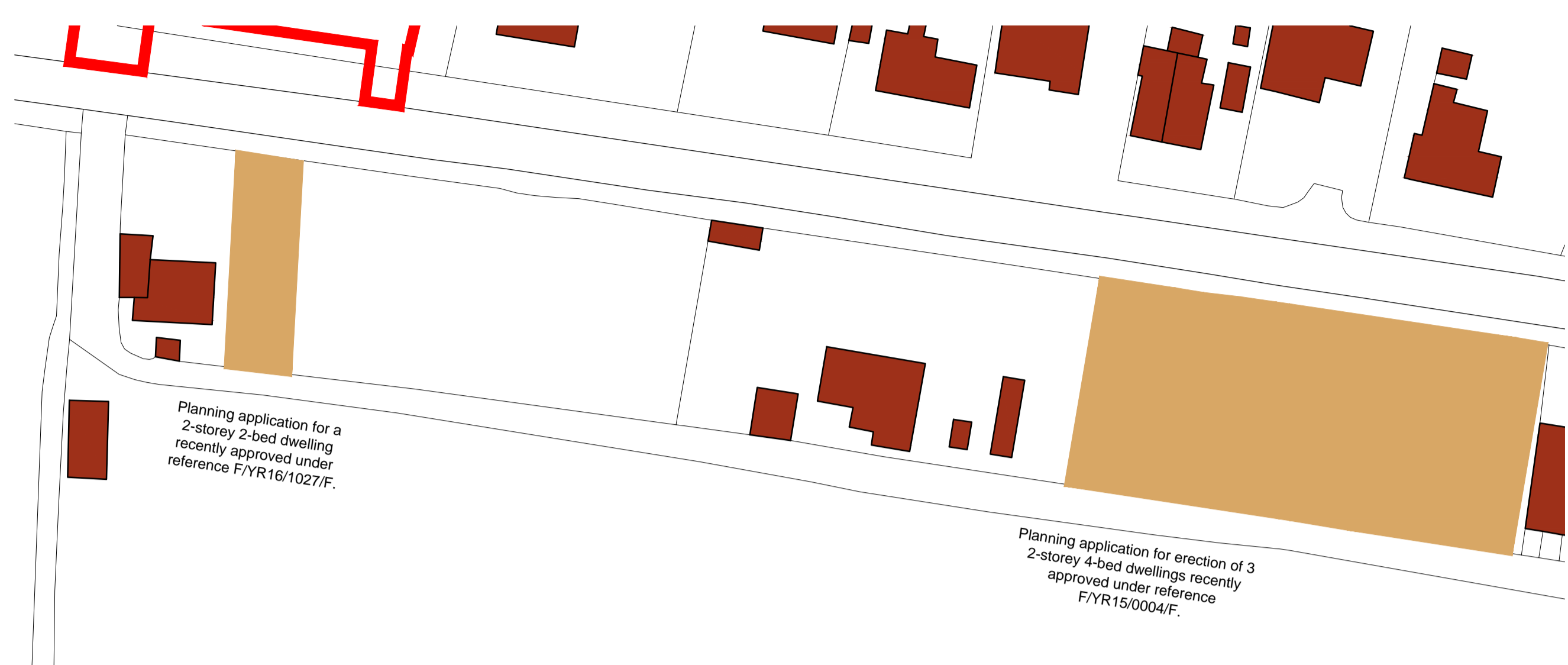
Swann Edwards Architecture Limited, Fen Road,
Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Dwellings Fridaybridge Road, Elm	Date April 2018	Scale As Shown Sheet Size A1
For Mrs C Wood	Drawing Title Survey Drawing	Job No. SE-965
	Dwg No. 01	Drawn by CR
		Revision

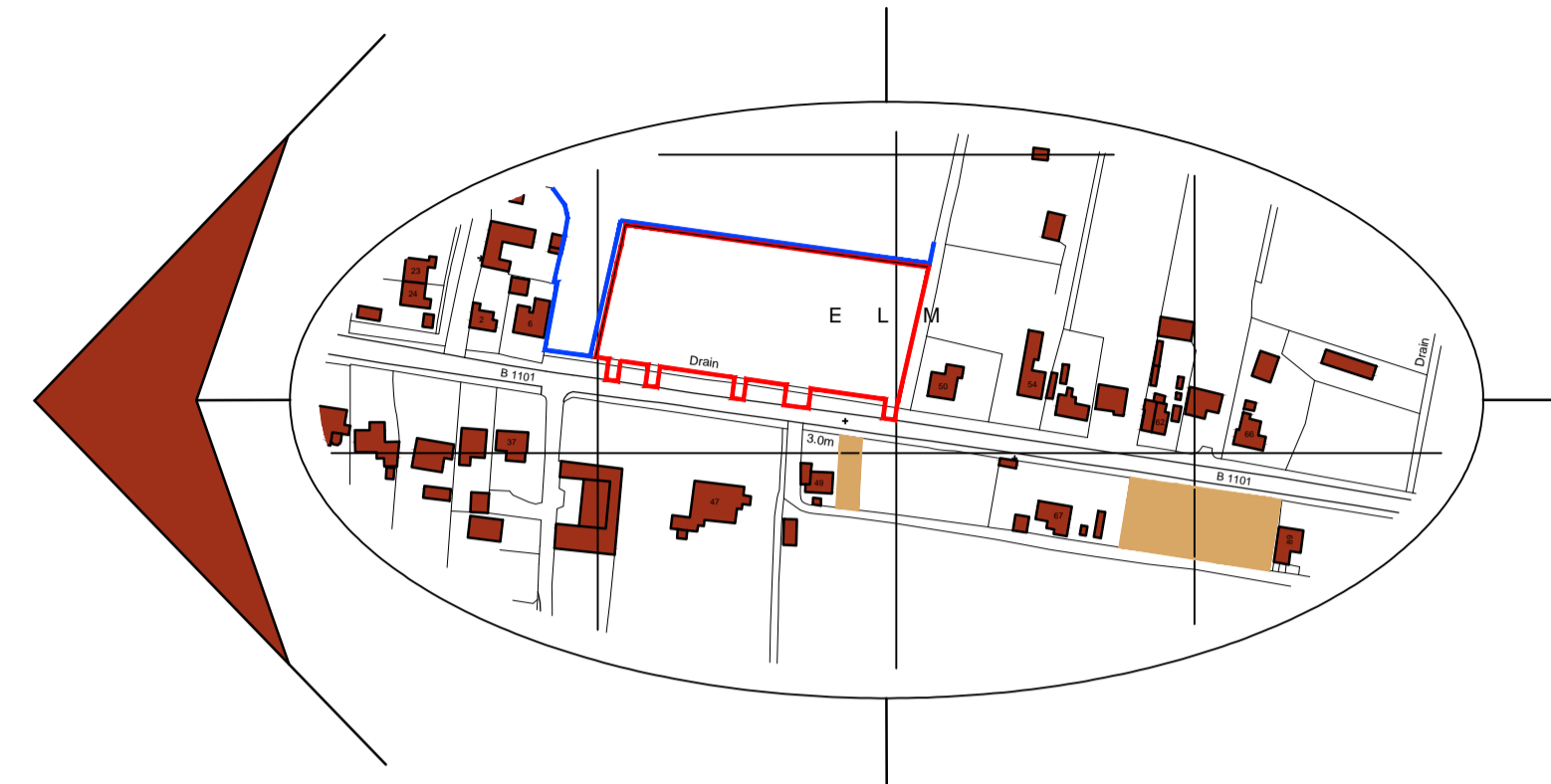
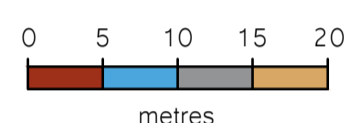
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SITE PLAN KEY

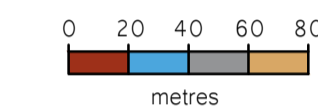
-  Un-surveyed OS buildings
-  Existing trees to be removed
-  Existing site levels
-  Site boundary
-  Grass
-  Proposed indicative dwelling



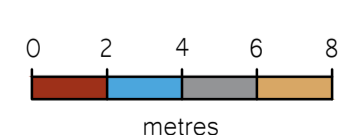
Plan of Recent Approvals Adjacent to Site
Scale: 1:500



Location Plan
Scale: 1:2500



Indicative Site Plan
Scale: 1:200



Revisions		
A	April 2018	Indicative Added
B	Jan 2019	Planning Amendments

Status
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ARCHITECTURE

Swann Edwards Architecture Limited, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Job Title Proposed Dwellings Fridaybridge Road, Elm	Date April 2018	Scale As Shown Sheet Size A1
For Mrs C Wood	Drawing Title Outline Planning Drawing	Job No. SE-965
	Dwg No. 02	Drawn by G.E.
		Revision B