
F/YR21/0337/O

Applicant: Mr S Wadsley

**Agent: Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd**

Land West Of 207 To 215, Fridaybridge Road, Elm

Erect 2no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Previously deferred by the Planning Committee for further consideration of flooding and flood risk

1. EXECUTIVE SUMMARY

- 1.1. The application has previously been considered by the Planning Committee, which deferred the determination of the application to allow for the provision of further information regarding flooding and flood risk at the site.
- 1.2. Further consultation has been undertaken following the receipt of the revised Flood Risk Assessment,
- 1.3. The original Committee report is attached as Appendix 1.
- 1.4. The additional information does not result in a change to the original recommendation of refusal in relation to the development being unacceptable in terms of flood risk.

2. BACKGROUND

- 2.1. The application was originally reported to the Planning Committee meeting on 30th June 2021. Two reasons for refusal were proposed. Members were of the view that the development did not result in a harmful impact on the character or appearance of the area, but resolved to defer the application to allow the applicant to submit further information in respect of the flood risk at the application site. That information has been submitted, and subject to consultation with the public and the relevant statutory consultees. The original report to Committee and the associated update is attached as Appendix 1.

3. FURTHER CONSULTATION RESPONSES

FDC Environmental Health

- 3.1. No further comments made

Environment Agency

- 3.2. No further comments made

Cambridgeshire County Council Highways Authority

- 3.3. No further comments made

Further Public Comments

- 3.4. Four additional responses were received from three properties adjoining the site on Fridaybridge Road, which make the following points.

- Visibility splays indicated as being required by the LHA cannot be achieved on site. (photos supplied)
- Site floods (photo supplied)
- Not in keeping with linear form of development
- Loss of views
- Dangerous access
- Impact on wildlife
- None of the supporters of this application appear to support other applications in the village
- Supporters do not appear to live near the site.
- Site isn't within the village
- Recent developments making the village far less desirable
- Take issue with the letter from the agent requesting that a number of letters of objection be disregarded

4. ASSESSMENT

- 4.1. The revised flood risk assessment is in reality a revised sequential test. It focuses on searches of national land sales websites and a search of the LPA's website, stating that no suitable sites were found. There is no indication that the test undertook to review the list of permissions granted for residential development kept by the Local Planning Authority and referenced in the original officer's report for the purposes of undertaking sequential tests, as set out in the Flood and Water SPD. That list identifies a range of permissions in Elm that would be capable of accommodating the provision of two dwellings, however no assessment of the status of those sites has been provided.
- 4.2. The document makes no attempt to provide further argument or evidence that the site will not flood due to topographical reasons, instead simply asserting (despite photographic evidence to the contrary provided by neighbouring residents) that there is no evidence that the site floods.
- 4.3. The document does note that the proposal is not required to pass the exception test due to its nature and the flood zone classification of the land. This point is correct and any reference in the original report to the scheme being required to pass the exception test should be disregarded.
- 4.4. Overall however, the revised FRA does not provide any information that would allow the Local Planning Authority to reach a different conclusion than that previously set out in its original report at Appendix 1

5. CONCLUSIONS

- 5.1. No further information has been provided that addresses the matter of the relationship of the site with the surrounding development and the impact it

has on the character of the settlement, and, notwithstanding the view expressed by Members previously, the Officer recommendation for refusal on these grounds remains.

- 5.2. The revised Flood Risk Assessment correctly identifies that the exception test is not required in this instance.
- 5.3. It fails to address however the evidence of flooding of the land, instead stating that there is no such evidence. Photographs provided of the site clearly show the land under water.
- 5.4. The FRA also fails to properly consider the full range of planning permissions granted in the relevant area for the purposes of the sequential test and therefore cannot demonstrate that there are no alternative sites suitable for accommodating the development. The second reason for refusal therefore also remains as previously recommended.

6. **RECOMMENDATION**

The recommendation remains for refusal however the reasons for that recommendation should be amended to read as follows:

| | |
|----|--|
| 1. | Policies LP12 and LP16 of the Fenland Local Plan (2014) require development proposals not to have an adverse impact on the character and appearance of the surrounding countryside, and to be of a scale and location that is in keeping with the core shape and form of the settlement. The proposal is in a backland location that is not in keeping with the predominantly frontage development that makes up the settlement of Friday Bridge, and the scheme is therefore contrary to policies LP12 and LP16. |
| 2. | Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework seek to direct development to land at the lowest risk of flooding, and for development in such areas to be justified through the submission of a sequential test to demonstrate that no land at lower risk of flooding is available that can accommodate the amount of development proposed. The sequential test accompanying the application fails to consider fully the list of existing planning permissions granted within the settlement capable of being implemented and accommodating the development, and as such the sequential test is not satisfactory. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework. |

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Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

7. EXECUTIVE SUMMARY

- 7.1. The proposal is for the construction of two dwellings on the application site, which is currently maintained grassland to the rear of the frontage development along Fridaybridge Road.
- 7.2. The application site is of an extensive nature in a backland location, and is located within flood zone 2. The application is not accompanied by a detailed sequential test considering the full range of sites capable of accommodating the development within the adjoining settlement, and the exception test does not identify any sustainability benefits to the settlement from the proposed development. The scheme therefore fails to accord with the requirements of policy LP14 of the Fenland Local Plan.
- 7.3. Friday Bridge is the settlement closest to the application site, and is distinctive in character due to its development in a linear form along the main highways leading to and from the village.
- 7.4. The proposal by means of being in a backland location would fail to be sympathetic to the character of Fridaybridge and would therefore be contrary to the relevant policy of the development plan.
- 7.5. The application is therefore recommended for refusal due to character issues, backland location and flood zone 2 issues as set out above.

8. SITE DESCRIPTION

- 8.1. The application site is an open piece of land at the rear of the frontage development along Fridaybridge Road, Elm. The site itself is more closely related to the settlement of Fridaybridge however and constitutes part of the open countryside located immediately to the rear of the frontage development along Fridaybridge Road.

- 8.2. The site is open grassland, with regular silver birch planting alongside the access track serving the agricultural premises beyond the site.
- 8.3. The site lies in the open countryside beyond the existing built up edge of the settlement and is located on land designated as flood zone 2. The site extends to approximately 0.89Ha.
- 8.4. With regard to the wider setting of the site, Friday Bridge is particularly distinctive within the Fenland District due to the way it has developed over time. The overriding characteristic of the village is one of frontage development along the main highways leading to and from the village, with only very limited development at depth evident within the built up area, clustered mainly around the geographical core of the village on land enclosed by existing roads along which frontage development has already taken place.

9. PROPOSAL

- 9.1. The proposal is an outline planning application for the construction of two dwellings on the land. All matters are reserved for later approval. An indicative plan showing how two dwellings could be accommodated on the site is submitted for consideration alongside the scheme.
- 9.2. Proposed development density would be 2.25 dwellings per hectare.
- 9.3. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QQTWWLHE01U00>

10. SITE PLANNING HISTORY

- 10.1. There is no specific on-site planning history.

11. CONSULTATIONS

Parish/Town Council

- 11.1. Elm Parish Council has resolved to support the application

Cambridgeshire County Council Highways Authority

- 11.2. No objections

FDC Environmental Health

- 11.3. The applicant has advised they have ceased farming related activity since 2002 but have retained the paddock and barn mainly for the storage of agricultural machinery. They further advise there has been no storage of crops or chemicals and future use of the barn remains the same as it is at this present time.
- 11.4. Our remaining observation is the proposed shared use of the access road and the storage of agricultural machinery adjacent to that of the application site.
- 11.5. On the understanding that use or movement of heavy or large agricultural equipment, that may give rise to a noise or other environmental nuisance,

shall not be undertaken on site, then we would have no further concerns to this proposal.

Environment Agency

- 11.6. Follow standing advice with regard to:
Surface Water Management
Access and Evacuation
Floor Levels

Local Residents/Interested Parties

- 11.7. 25 responses have been received in relation to the scheme, 9 containing objections, 14 indicating support and 2 neither objecting nor supporting the proposal (one of which is from the applicant).
- 11.8. The objections have been received from Main Road, Fridaybridge and Fridaybridge Road, Elm. They raise the following points in respect of the scheme
- Impact on wildlife
 - Increase in road traffic
 - Impact on natural light to adjacent dwellings
 - Danger to highway safety at junction
 - Concerned by the size of the site for only two proposed dwellings
 - The site is open countryside
 - The site is outside the developed footprint of the settlement
 - The proposal fails to respect the linear pattern of development in the area
 - Loss of open character, urbanisation causes unwarranted harm to the character and appearance of the area
 - Not convinced the stated visibility splays can be achieved
 - Note that 3 of the letters of support range from 1.5 to 58 miles from the application site
 - Scale of the plots is out of proportion to other local properties
 - The application site floods and is located in a flood risk zone
 - Loss of privacy
 - Noise & light pollution
 - Approval would set a precedent for backland development
 - Disconcerting to see the support for the proposal is from those who do not adjoin the site
 - Impact on views and property value
- 11.9. The letters of support have been received from Fridaybridge, Elm, Leverington, Walpole St Andrew, Outwell and Norwich. They raise the following points in respect of the scheme
- Proposals will bring more work to local tradespeople
 - Scheme allows individual flair and design in relation to the plots
 - Occupants will be able to make use of existing transport links
 - Lack of premium plots in the area
 - Would support existing facilities and amenities
 - Low density
 - The land has not been used for farming for many years
 - Backland precedent has already been set

- 11.10. The neutral letters are both from Fridaybridge Road, one of which is from the applicant. Their letter states that there is no intention to build more than two dwellings on the land.
- 11.11. The other neutral letter confirms that the author does not object to the proposal provided only two dwellings are built and no more.

12. STATUTORY DUTY

- 12.1. 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).

13. POLICY FRAMEWORK

- 13.1. **National Planning Policy Framework (NPPF)**
Para 2: NPPF is a material consideration in planning decisions.
Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development
Para 12: Conflict with an up-to-date plan should not usually be granted
Para 117: Promote effective use of land
Para 155: Development should be directed away from areas at highest risk of flooding.
Para 157: Need to apply the sequential and exceptions tests.
- 13.2. **National Planning Practice Guidance (NPPG)**
Determining a planning application
- 13.3. **National Design Guide 2019**
Context
Identity
Built Form
- 13.4. **Fenland Local Plan 2014**
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
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

14. KEY ISSUES

- **Principle of Development**
- **Vehicular Access**
- **Flood Risk**
- **Other Matters**

15.BACKGROUND

- 15.1. There is no relevant background in relation to the application.

16.ASSESSMENT

Principle of Development

- 16.1. The proposal is for the construction of two dwellings on an existing piece of undeveloped land to the west of Fridaybridge Road.
- 16.2. Fridaybridge Road itself is identified as a Limited Growth Village within the development plan, with such villages capable of accommodating a small amount of growth.
- 16.3. Policy LP12 of the Fenland Local Plan most appropriately addresses the consideration of the application site in this instance and requires development to not harm the wide open character of the countryside alongside meeting a set of 11 criteria. In considering those criteria, it is noted that the site is located adjacent to the existing developed edge of the settlement and would not result in coalescence with any neighbouring village. It would not extend any linear features of the village and would respect the existing natural boundaries of the land. The site exhibits no features of particular interest from an ecological or biodiversity point of view and does not result in the loss of any designated important open space. There are no identified dangers that would put people or property at risk.
- 16.4. The proposed application site does result in conflict with several aspects of policy LP12 however, namely:
- 16.5. (c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland
- 16.6. and
- 16.7. (d) The proposal is 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
- 16.8. Friday Bridge is particularly distinctive within the district due to the prominence of frontage development extending outwards from its core in a linear fashion. In that respect it is at odds with the majority of villages where such linear development has been restricted. This results in an almost unique relationship with the surrounding countryside due to its proximity to the vast majority of development forming part of the village, with backland development schemes being very rare within the built-up part of the settlement. Where non-frontage development has taken place it has generally been of a larger-scale than the current proposal providing a comprehensive development over several Hectares of site area.
- 16.9. On that basis, the proposed development of the application site as a backland location would be at odds with the distinctive character of the settlement and would result in harm to its character and appearance as a result. The development would result in the loss of connection between the

settlement in this location and the countryside beyond contrary to policy LP12.

(i) It would not result in the loss of high-grade agricultural land

- 16.10. It is accepted that a large proportion of land within the District is classified within the grades qualifying as the 'Best and Most Versatile' agricultural land and that development on such land within the district may be necessary in order to meet its housing targets. Consequently, it is not considered that the application could be reasonably refused on such grounds

Vehicular Access

- 16.11. Concerns have been raised by members of the public during the application process with regard to the proposed access to the site and the use of that access for vehicular traffic given the nature of the road onto which access is gained and the visibility available at the access point where it joins Fridaybridge Road.
- 16.12. Detailed consideration of access geometry is reserved at this point in the application process, but would need to be considered at the reserved matters stage if outline permission is granted.
- 16.13. The proposed vehicular access into the site from Fridaybridge Road is an existing one, currently serving the agricultural building to the south west of the application site. Consequently the principle of allowing a vehicular access at this location is not material to the proposal, and instead it is the increase in intensity of the use of that access that requires consideration. It is noted that in this regard, the Local Highways Authority has not raised any objection to the scheme on the basis of the numbers of dwellings proposed.

Flood Risk

- 16.14. The application is located on land largely within flood zone 2, the zone of medium flood risk. As such, the proposal is required to undertake and pass sequential and exceptions tests in order for the development to be justified in flood risk terms.
- 16.15. The sequential test is intended to direct development to areas of the lowest flood risk in the first instance, and only develop those areas at higher risk if no preferable sites can be developed.
- 16.16. The sequential test should be taken independent of land ownership and should consider only the potential for the amount of development proposed to be undertaken elsewhere. It is not sufficient to state that the applicant owns no other developable land and therefore the site is sequentially acceptable. Similarly the sequential test should be undertaken on the basis of the total number of dwellings for which permission is sought, and sites should not be discounted from the test simply because they fulfil only part of the requirement.
- 16.17. Planning applications subject to a sequential test should be accompanied by a document detailing all the alternative sites considered, their flood risk status and their availability for development purposes. Just because a site is not actively marketed does not mean that it is not available for development and does not exclude it from consideration as part of a sequential test. To this end, the Local Planning Authority maintains a database of permissions

granted within the various settlements within Fenland District to identify available sites relevant to a sequential test.

- 16.18. The application is accompanied by a Flood Risk Assessment document, which includes a section on the Sequential and Exceptions tests. It states that a search for available land was carried out but no such areas were located. The information provided however does not appear to consider any land on which planning permission has been granted, as the search in question relates to an online search for land for sale. On that basis, the proposal is considered to fail the sequential test.
- 16.19. The exception test requires that the application demonstrates that the site provides wider sustainability benefits to the community that outweigh any flood risk, and that the development will be safe from flooding for its anticipated lifetime without increasing flood risk elsewhere.
- 16.20. No indication is made within the application as to what the sustainability benefits of the proposal are and therefore the proposal fails the exception test.

Other Matters

- 16.21. Several other matters are raised in relation to the scheme and are addressed as follows.
- 16.22. The application is currently maintained grassland with no features of particular merit with regard to biodiversity habitats.
- 16.23. The impact of a scheme on private views and property values are not material to the consideration of planning applications. The location of those making comments on an application is not material to its acceptability. The granting of permission would not set a precedent 'per-se' for the approval of any or all future backland proposals in the vicinity, although it could be referenced in the context of the principle of backland development not harming the established character and distinctiveness of the settlement and may therefore require future proposals to rely more heavily on specific impacts on adjacent properties and street scene.
- 16.24. Detailed matters concerning privacy impacts, design and scale of dwellings etc are currently reserved for later approval and therefore should not influence the determination of the outline application except where such impacts would be an inevitable consequence of the development of the site for the number of dwellings indicated.

17. CONCLUSIONS

- 17.1. The application site is a backland location in relation to the settlement of Friday Bridge, which is distinctive within the Fenland Landscape due to its particular characteristic of being dominated by frontage development along its roads. The proposal would therefore be out of character with the settlement, causing harm to its local distinctiveness and the character and setting of the countryside in this location. It is therefore contrary to policies LP12 and LP16 of the Fenland Local Plan.

- 17.2. The scheme has failed to provide an adequate sequential test justifying the site location in flood zone 2. The application is also not accompanied by any detail indicating how the scheme is to bring wider sustainability benefits to the settlement and therefore fails the exception test. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework.
- 17.3. The proposal to use the existing access to the site to serve the proposed development is confirmed as being acceptable to the Local Highways Authority in principle, and therefore subject to an acceptable design at the reserved matters stage, does not justify refusal of the scheme.

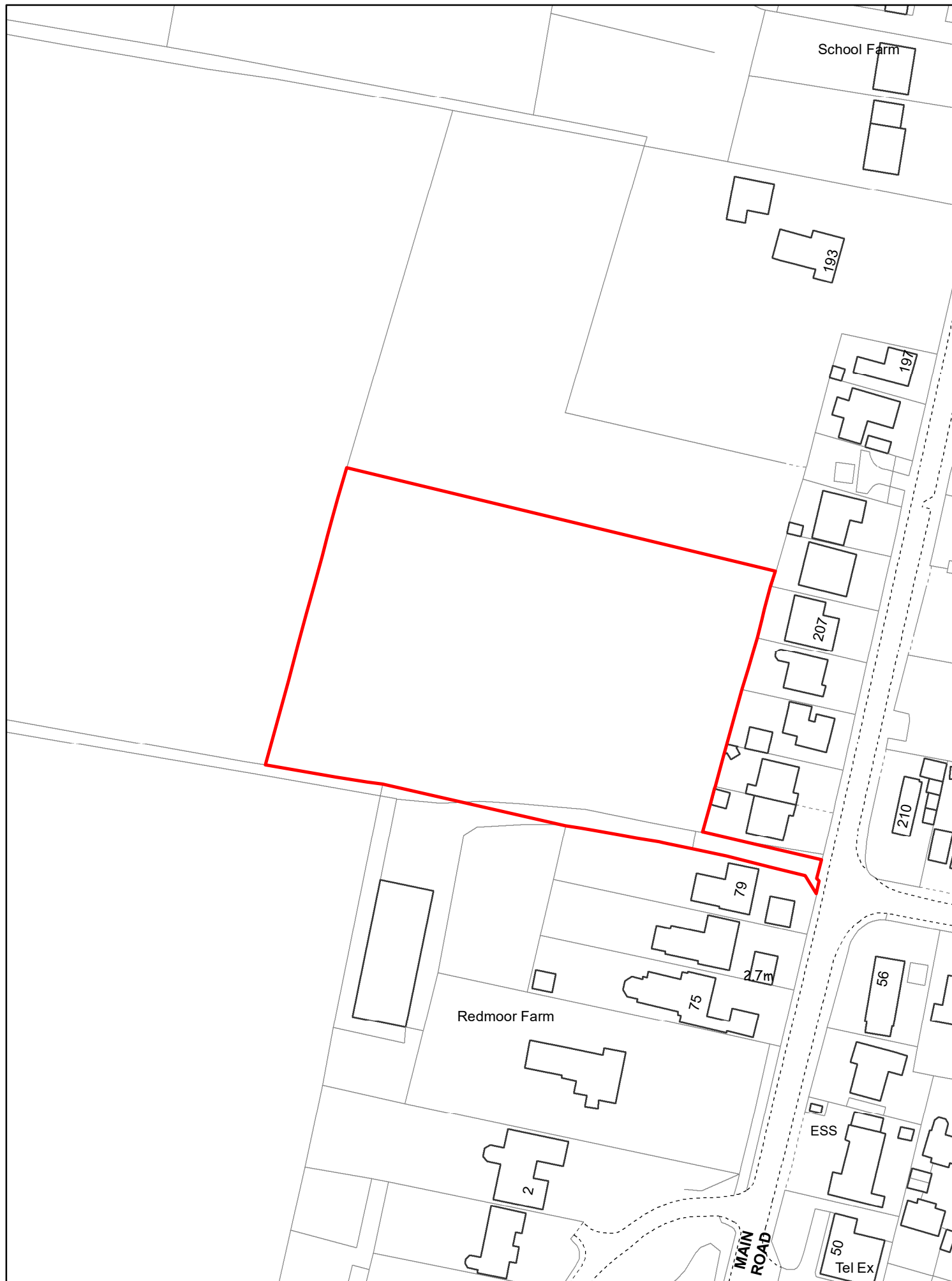
18. RECOMMENDATION

Refuse

The proposed reasons for refusal are as follows;

Policies LP12 and LP16 of the Fenland Local Plan (2014) require development proposals not to have an adverse impact on the character and appearance of the surrounding countryside, and to be of a scale and location that is in keeping with the core shape and form of the settlement. The proposal is in a backland location that is not in keeping with the predominantly frontage development that makes up the settlement of Friday Bridge, and the scheme is therefore contrary to policies LP12 and LP16.

Policy LP14 of the Fenland Local Plan (2014) and Chapter 14 of the National Planning Policy Framework seek to direct development to land at the lowest risk of flooding, and for development in such areas to be justified through the submission of sequential and exceptions tests to demonstrate that no land at lower risk of flooding is available and that there are wider sustainability benefits to the area to outweigh the harm from developing the site. The sequential test accompanying the application fails to consider the potential for accommodating the development on sites with existing planning permissions, and the application identifies no wider sustainability benefits accruing from its development. The scheme is therefore contrary to policy LP14 and chapter 14 of the National Planning Policy Framework.



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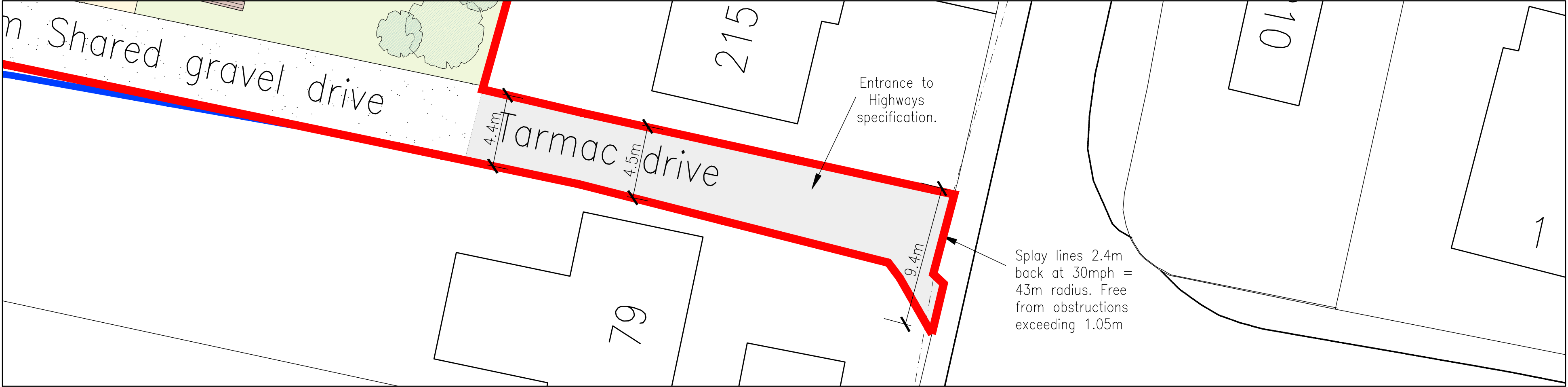
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Indicative Site Plan 1:500



Indicative Site access 1:200



Location Plan 1:1000

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
RESIDENTIAL DEVELOPMENT OF
2no. CUSTOM SELF BUILD PLOTS.
SITE
LAND SOUTH-WEST OF 193
FRIDAYBRIDGE ROAD
ELM
WISBECH
PE14 0AU
DRAWING
SITE PLAN AND LOCATION PLAN.
CLIENT
Mr S WADSLEY
DATE March 2021 SCALE As Shown at A1 JOB No. 6208/PL01E

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Building
Design Awards
Building Excellence in East Angles
Category Winner 2010
Overall Winner 2012