
F/YR21/1536/O

Applicant: Mr D Hyde

**Agent : Mr George Thorpe
Swann Edwards Architecture Ltd**

Land West Of Lowlands, Colletts Bridge Lane, Elm, Cambridgeshire

Erect 1no dwelling and garage (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations received contrary to officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning permission for the erection of one dwelling and garage on an area of undeveloped land on the west side of Colletts Bridge Lane. The application is made with all matters reserved for later approval, and consequently the only issue for consideration at this time is whether or not the principle of development is acceptable in this location.
- 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. The site relates more to the large swathes of undeveloped and/or agricultural land between sporadic residential development this side and development of this parcel of land would be excluded by the definition of continuous built form as set out in Policy LP12.
- 1.3. This is supported by an earlier planning committee decision for F/YR14/0616/F which stated: "*The proposal represents unsustainable development which does not infill a continuous built up frontage and is therefore contrary to Policy LP3...*" and was further cemented by the appeal dismissal of F/YR14/0616/F (APP/D0515/W/14/3000564) which stated: "*Due to the sporadic nature of the development on the west side of the road I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage.*" Thus the proposal therefore fails to comply with Policies LP3 and LP12.
- 1.4. The proposals will see development encroach into currently undeveloped land which is open to the countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Collets Bridge Lane that would erode the existing open rural character of this side. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).
- 1.5. Thus, the proposal is considered unacceptable with regard to Policies LP3,

LP12, and LP16(d) and hence is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. Colletts Bridge is a group of approximately 30 dwellings.
- 2.2. The site is accessed via Colletts Bridge Lane, a single track road. The site is located on the west side of the lane positioned between residential dwellings known as La Chaumiere to the south and The Hazels to the north, both 2-storey detached dwellings. The land is generally open in nature, bounded by a 1.8m close boarded timber fence to its northern boundary and a 1.2m post and wire fence demarking the southern and western boundaries. An agricultural field access sits immediately to the south with open countryside beyond the site to the west.
- 2.3. The majority of dwellings along Colletts Bridge Lane sit to the eastern side of the lane, with the western side much more sparsely developed with large gaps of open countryside between the 3 existing dwellings this side.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of a single dwelling and detached garage on the land, with all matters reserved for later approval. The submitted illustrative drawing submitted shows a detached dwelling to the front of the site with separate detached garage to the southwestern corner with a parking and turning area to the south of the dwelling leading to the proposed garage and garden to northwest.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR14/0616/F	Erection of a 2-storey 4-bed dwelling with a detached garage and 1.5m (max height) front boundary fence and gates (Appeal Ref: APP/D0515/W/14/3000564)	Refused 22.09.2014 Appeal Dismissed 18.03.2015
F/YR14/0203/F	Erection of a single-storey 3-bed dwelling	Refused 01.07.2014
F/YR06/0867/O	Erection of a dwelling	Refused 04.09.2006
F/93/0453/O	Erection of a dwelling	Refused 13.10.1993 Appeal Dismissed 05.01.1994
F/0658/88/O	Erection of a dwelling	Refused 08.09.1988 Appeal Dismissed 09.08.1989
F/0537/87/O	Erection of a dwelling	Refused

5 CONSULTATIONS

5.1. Elm Parish Council

Elm Parish Council raises objection to outline plans submitted under application reference F/YR21/1536/O on the following grounds;

Colletts Bridge is defined in the 2014 Fenland Local Plan as an 'other village' where; according to Policy LP3; development would normally be restricted to infill sites located along a built up frontage. Development along the west side of Colletts Bridge Lane is actually sporadic in nature as identified by the Appeal Decision Report connected to a previous application for the site (F/YR14/0616/F).

The application also fails to meet criteria specified in Policy LP3 relating to sustainable growth. The closest shop is located over a mile away in the village of Elm and the school is further away. The lack of streetlighting and pavements, a 60mph speed limit and the poor condition of the road surface would make it extremely hazardous, particularly for pedestrians and cyclists. This is also contrary to the National Planning Policy Framework which states that patterns of growth should be managed to make use of public transport, walking and cycling, and, Local Plan Policy LP15 which encourages development to be designed to promote the use of non-car transport.

5.2. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Given the location of the development the following condition should be imposed.

UNSUSPECTED GROUND 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.

5.3. Cambridgeshire County Council Highways Authority

I note that under the previous appealed application F/YR14/0616/F the access was considered acceptable by the Inspector.

With the current application the access is shown off set from the centre of the access and this could compromise the achievable visibility splays and the submitted plans do not include a visibility splay plan. However, given this is an all matters reserved application then a central location for the access can be provided at the reserved matters stage (or another location subject to supporting information) and consequently I have no objections to planning permission being granted.

5.4. **Environment Agency**

We have reviewed the above application and it is considered that there are no Agency related issues in respect of this application and therefore we have no comment to make.

5.5. **Local Residents/Interested Parties**

5.6. **Objectors**

The LPA have received 11 letters of objection from 11 address points from residents of the surrounding Colletts Bridge Lane.

Reasons for objection can be summarised as follows:

- The principle of development was not accepted from earlier decisions;
- The proposal contradicts policy LP1: The local facilities are distant, and inaccessible other than by motor vehicles given the unsafe nature of the journey by other means; and highlighted Planning Inspector's previous assessments of the site stating the Inspector "*did not feel that it represented sustainable development*"
- The proposal contradicts policy LP2: would be in an unsustainable location and contradicts policy LP3;
- The proposal contradicts policy LP3: quoted earlier Committee decision notices "*the proposal represents unsustainable development which does not infill a continuous built up frontage and is therefore contrary to Policy LP3*"; quoted earlier appeal decisions in which the Inspector concluded "*I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage*"; considers the lack of continuous development on the western side of Colletts Bridge Lane.
- The proposal contradicts policy LP12: does not contribute to the sustainability of the settlement and will "*irrevocably destroy*" the countryside vista.
- The proposal contradicts policy LP15: does not satisfy the policy as all journeys to local facilities must be made by motor vehicle.
- The proposal contradicts policy LP16: the site has been cleared of hedgerow and fails to meet LP16 parts (b), (c), (d), (e) and (m).
- The proposal contradicts policy LP17: there is no continuous footpath or street lighting and the road is subject to a 60mph limit (in parts) and would impact community safety through increased density.
- Refutes claims within the Design and Access statement and the use of the applicant's consideration of Appeal APP/D0515/W/20/3262885 relating to F/YR20/0635/F for the development of Erect 1 x dwelling (single-storey, 3-bed) at Land South West Of 32 Eastwood End as a comparable site and "*reject the comparison and assert that no aspect of that appeal decision applies to this application, nor can any precedent be inferred from that appeal decision.*"

5.7. **Supporters**

Further to this, the LPA have received 13 letters of support from 13 address points. Of these 13:

- 1 should be discounted as separate contact was made from the alleged supporter claiming they could not "*recall ever writing to yourselves concerning this matter*";

- 3 were from outside the ward boundary (but within an adjacent ward) yet outside FDC's District Boundary;
- 7 were from within the ward boundary but are located some distance from Colletts Bridge Lane at address points within Elm; and only
- 2 were from address points within Colletts Bridge Lane itself.

Two of the letters of support received were blank, with no reasons stated. However, other reasons for support can be summarised as follows:

- Development would be a welcome addition to the area.
- Development would 'tidy up' waste land and improve the overall appearance of Colletts Bridge Lane.
- A dwelling will not encroach on neighbouring privacy.

5.8. *Representations*

The LPA received 1 letter neither supporting nor objecting to the scheme.

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) July 2021**

Para 2 – Applications be determined in accordance with development plan;
 Para 11 – Presumption in favour of sustainable development;
 Para 80 – Development within the countryside;
 Para 110 – 112 – Promoting sustainable transport;
 Para 130 – Creation of high quality buildings;

7.2. **National Planning Practice Guidance (NPPG)**

7.3. **National Design Guide**

Context
 Built Form

7.4. **Fenland Local Plan 2014**

LP1 - A presumption in favour of sustainable development
 LP2 - Facilitating health and wellbeing of Fenland residents
 LP3 - Spatial strategy, the settlement hierarchy and the countryside
 LP4 - Housing
 LP12 - Rural area development policy
 LP14 - Responding to climate change and managing the risk of flooding
 LP15 - Facilitating the creation of a more sustainable transport network
 LP16 - Delivering and protecting high quality environments across the district

8 KEY ISSUES

- **Principle of Development**
- **Design and impact on character**

- **Residential amenity**
- **Access and sustainability**
- **Flood risk**
- **Other matters**

9 ASSESSMENT

Principle of Development

- 9.1. 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.
- 9.2. 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 the dwellings are separated by large swathes of undeveloped and/or agricultural land. Thus, it is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b) above. This is supported by an earlier planning committee decision for F/YR14/0616/F in which Members included the following as one reason for refusal:
- 9.3. *“The proposal represents unsustainable development which does not infill a continuous built up frontage and is therefore contrary to Policy LP3 and the National Planning Policy Framework.”*
- 9.4. This observation was further cemented by the appeal dismissal of F/YR14/0616/F (APP/D0515/W/14/3000564) in which the Inspector stated:
- 9.5. *“Due to the sporadic nature of the development on the west side of the road I do not consider that the appeal site constitutes a single dwelling infill site within an otherwise built up frontage.”* (Para 6.)
- 9.6. Therefore, given the above, principle of development of the site for residential use is not supported.
- ### **Design and impact on character**
- 9.7. 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.
- 9.8. Notwithstanding, the development proposed would encroach into previously undeveloped land that is characteristic of the intermittent nature of

development on this side of Colletts Bridge Lane that retains the openness of the agricultural land to the west.

- 9.9. The development proposed would enclose this side to Colletts Bridge Lane into the open countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Colletts Bridge Lane that would erode the existing open rural character this side. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).

Residential amenity

- 9.10. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwelling, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 9.11. The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan.

Access and sustainability

- 9.12. Access to the site will be directly off Colletts Bridge Lane.
- 9.13. Whilst highway safety and sustainability (owing to the lack of suitable footpaths and street lighting) has been contested by local residents, the professional advice of the Highway Authority raises no such concern in relation to Policy LP15, as per the consultation response highlighted in the relevant section of this report.
- 9.14. Notwithstanding, this does not preclude any issues relating to the specific details for access, parking, turning or highways safety arising at Reserved Matters Stage, should Outline permission be granted.

Flood risk

- 9.15. The site lies within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations; accordingly there are no issues to address with regard to Policy LP14.

Other matters

- 9.16. The submitted design and access statement attempts to draw parallels with F/YR20/0635/F, for the erection of 1 dwelling at Land South West Of 32 Eastwood End, Wimblington. This application was allowed on appeal under APP/D0515/W/20/3262885.
- 9.17. A key principle of the planning system is that each application will be determined in accordance with the development plan. Whilst some parallels may be drawn between Colletts Bridge and Eastwood End in terms of development proposals, it must be recognised that the Local Plan defines Colletts Bridge as an 'Other Village', this being in variance to the status of Eastwood End, which in consideration of the application F/YR20/0635/F was defined by the Case Officer as an 'Elsewhere' location.

- 9.18. Notwithstanding, in consideration of the Eastwood End appeal, the Inspector concluded that Eastwood End had an evidential functional relationship with Wimblington rather than as a separate settlement, which would therefore follow that Eastwood End should instead be considered as part of Wimblington, and thus as a 'Growth Village', where development of a limited scale may be supported and thus the appeal was allowed on the basis of small scale development within a growth village.
- 9.19. However, as Colletts Bridge Lane has been established as an 'Other Village' and thus subject to more stringent policy considerations, it follows that the circumstances surrounding the Eastwood End application (and its subsequent approval at appeal) do not apply to the application herein owing to the distinct hierarchical difference between the settlements involved.

10 CONCLUSIONS

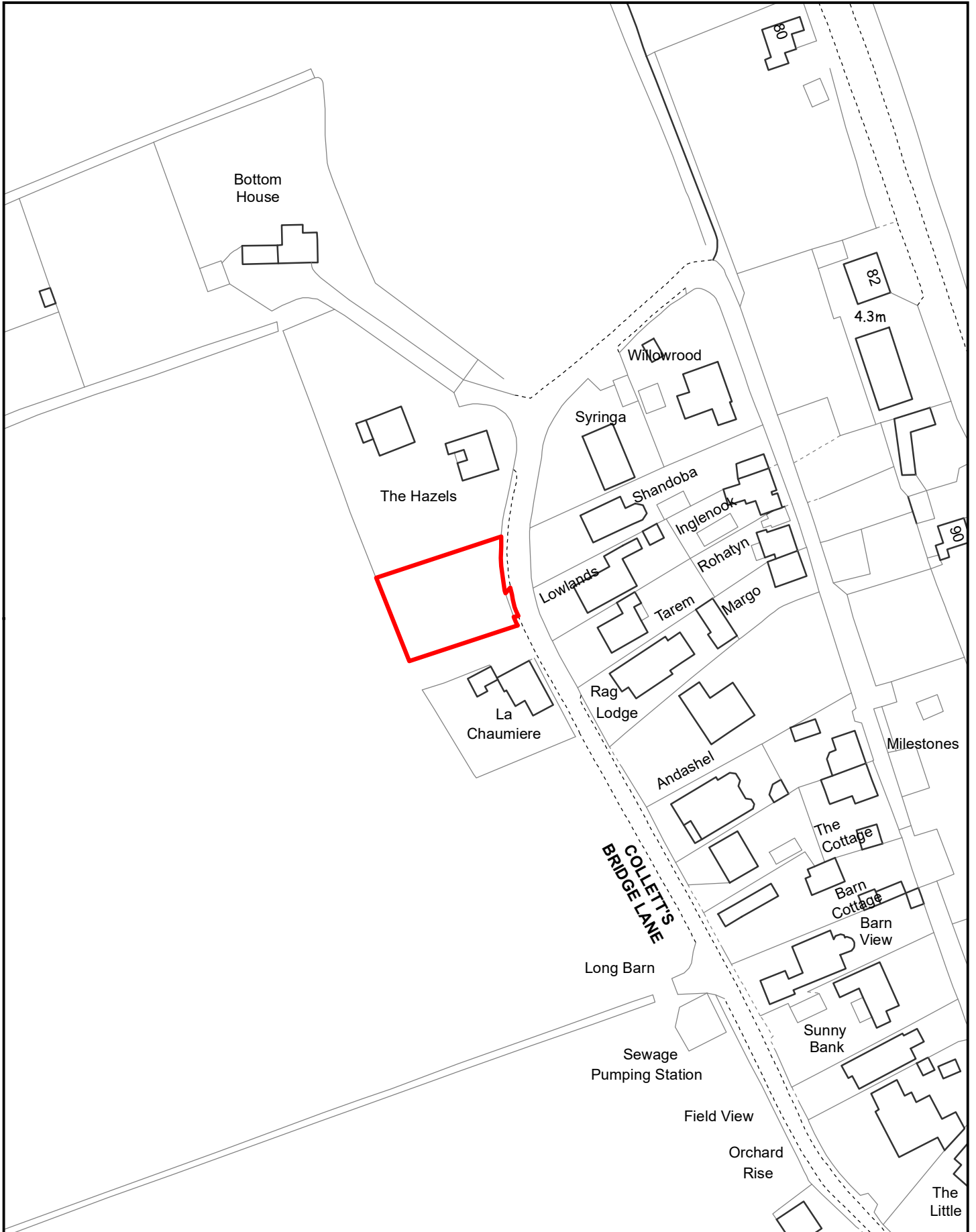
- 10.1. On the basis of the consideration of the issues of this application and previous relevant planning history, conflict arises through the principle of the development of the site rather than as a result of matters that could be addressed at the design stage, and as such it is concluded that the application is contrary to the relevant planning policies of the development plan, LP3 and LP12.
- 10.2. As such the proposed development is contrary to local planning policy and should be refused.

11 RECOMMENDATION

Refuse, for the following reasons;

1	<p>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 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> <p>(a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement; and</p> <p>(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> <p>The existing dwellings along the western side of Colletts Bridge 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 this side and development of this parcel of land would be excluded by (a) and (b) above. Thus the</p>
---	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.
2	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 enclose this side to Collets Bridge Lane into the open countryside beyond to the detriment of the character and appearance of the area and would arguably create a precedent for further development on the western side of Collets Bridge Lane that would erode the existing open rural character this side. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).



Created on: 20/01/2022

© Crown Copyright and database
rights 2022 Ordnance Survey 10023778

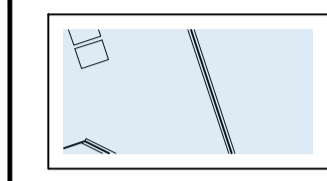
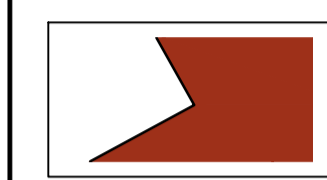
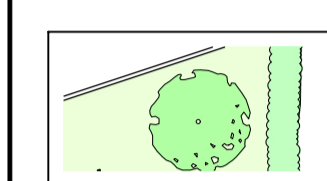
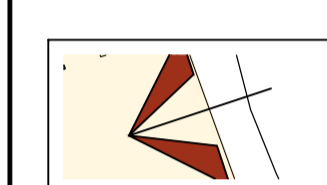
F/YR21/1536/O

Scale = 1:1,250



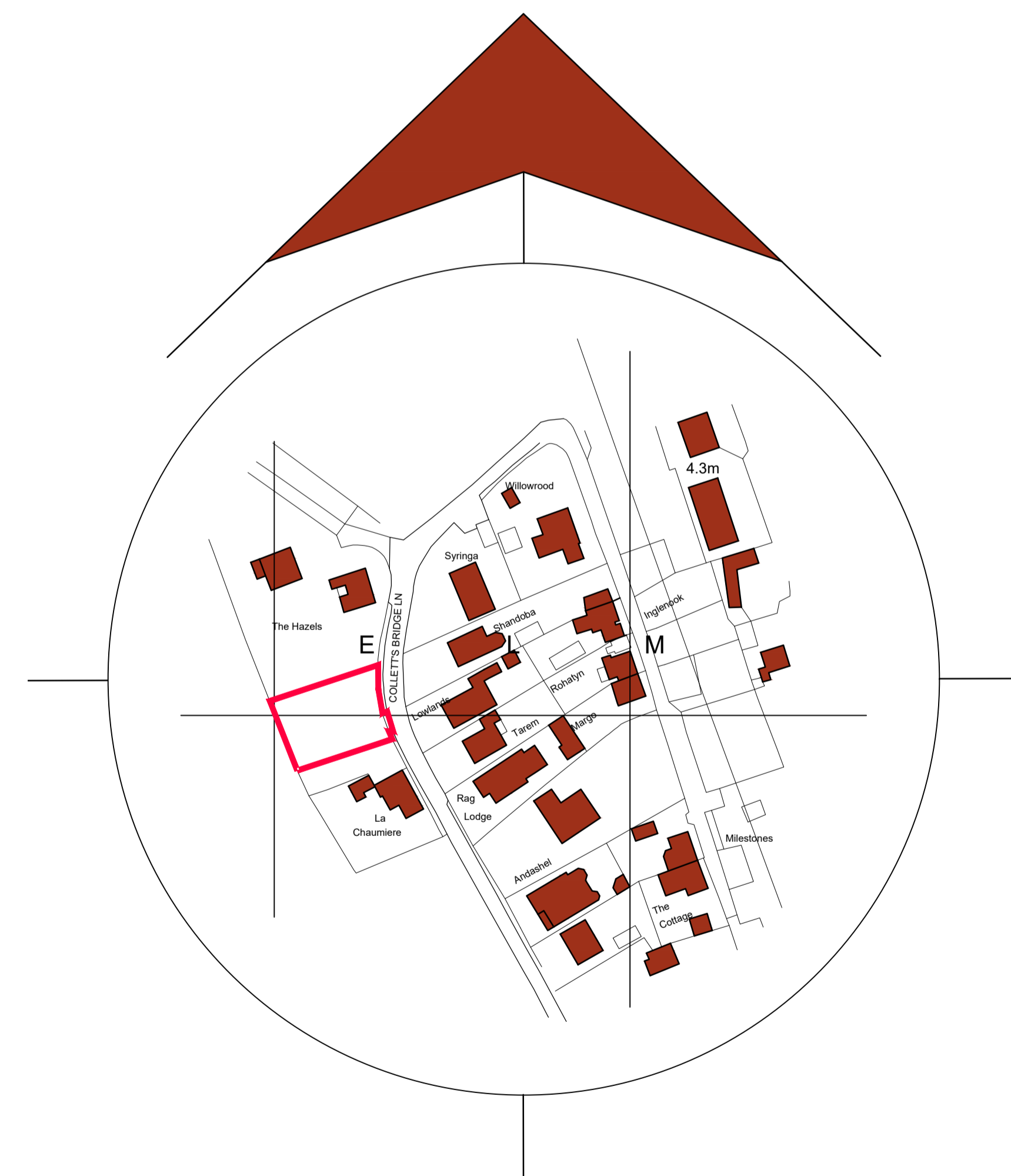
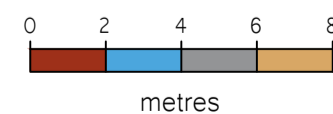
- General Notes
1. All dimensions are shown in 'mm' unless otherwise stated.
 2. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 3. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 4. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

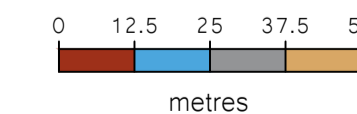
-  Indicates indicative position of proposed dwelling
-  Indicates existing position buildings taken from OS Map
-  Indicates indicative position of proposed vegetation
-  Indicates indicative position of proposed access



Indicative Site Plan
Scale: 1:200



Location Plan
Scale: 1:1250



Status
FOR APPROVAL



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450504 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Dwelling Land to the South of The Hazels, Collett's Bridge, Elm For: Mr. D. Hyde	Date December 2021	Drawn by GT
Checked by JB	Job No. SE-1748	Sheet Size A1
Drawing Title Planning Drawing Location Plan, Indicative Site Plan & Indicative Front Elevation	Dwg No. PP1000	Revision