
F/YR21/1064/O

Applicant: Mr A & S Clarke

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

Land North Of Rathbone, Atkinsons Lane, Elm, Cambridgeshire

Erect up to 4 dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refusal

Reason for Committee: The number of representations received contrary to officer recommendation

1 EXECUTIVE SUMMARY

1.1 The application site is located off Atkinsons Lane, an adopted highway, approximately 240m from its junction to the east with the B1101 Main Road, just south of its junction with Begdale Road.

1.2 The application seeks outline permission for the construction of up to 4 dwellings with only the principle of development and means of access for consideration at this stage. The site comprises 0.45 hectares of part of an arable field. The site backs onto new residential development at The Oaks to the east, existing residential development fronting Begdale Road to the north, and a complex of farm buildings to the south.

1.3 Access to the site is proposed from Atkinsons Lane, a single track roadway with a roughly tarmacked surface. The position of the access proposed is on the outside bend where Atkinson's Lane turns through 90 degrees to head southwards from the east.

1.4 Elm is a Limited Growth Village in which a small amount of infill development and small extensions to the village may be considered acceptable.

1.5 Significant issues and concerns have arisen from the proposed use of Atkinsons Lane as access to the development and the issue of connectivity of the site with the facilities and services in the village.

1.6 The Highways Authority and Environmental Services have raised no objection to the scheme based on amended plans.

1.7 However, the application is recommended for refusal based on the principles of enabling sustainable forms of development as set out in the report.

2 SITE DESCRIPTION

- 2.1 The application site comprises 0.45 hectares of part of an arable field located off Atkinsons Lane, an adopted but unmade, single track access, approximately 240m west of the junction with the B1101 Main Road in the centre of the village next to the War Memorial.
- 2.2 The application site is unremarkable in appearance with a gated field access to its south-eastern corner, some flattened aggregate at its eastern side forming a coarse field entrance. Boundary treatments to the site are predominantly close-boarded fencing to the housing to the east and mix of fencing and hedges to the north.
- 2.3 To the east of the site there is new residential development off The Cedars and The Oaks served off blockwork residential estate roadways with an unmarked crossing over Atkinson's Lane roughly 70m to the east of the development access point.

3 PROPOSAL

- 3.1 The application seeks outline approval for the principle and means of access to the site only for consideration at this stage.
- 3.2 An indicative plan accompanies the proposal which shows 4 generously sized detached houses on the site served off the existing access point in the south-western corner of the site.
- 3.3 A Design and Access Statement accompanies the proposal and states that the intention, if development is granted, for the site to be serviced then plots sold off to self-builders, potentially those on the self-build register.
- 3.4 The agent has clarified this point in subsequent correspondence: It is currently the intention of the Applicant to construct one of the plots for himself and one for his son, install the infrastructure and leave the remaining two plots for self-build. Accordingly, the application stands as presently submitted, as a basic outline with only means of access for consideration to allow for flexible build arrangements.
- 3.5 It goes on to state that the proposal is considered to represent a logical and sustainable infill site within the built form of the village, presenting a low-impact development close to local amenities.
- 3.6 It states that the proposed shared access road has been designed to allow for refuse vehicles to access and turn within the site. An amended indicative plan has been submitted to show vehicle tracking arrangements and turning arrangements for such vehicles within the development.
- 3.7 Drainage details will form part of any reserved matters approval but the agent states that connection to the mains sewerage system is intended with surface water drainage via soakaways.

Full plans and associated documents for this application can be found at:
[F/YR21/1064/O | Erect up to 4 dwellings \(outline application with matters committed in respect of access\) | Land North Of Rathbone Atkinsons Lane Elm Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

None recorded.

5 CONSULTATIONS

5.1 **Elm Parish Council:** *Elm Parish Council strongly objects to outline planning application ref. F/YR21/1064/O on the following grounds;*

- 1. Atkinsons Lane regularly floods due to surface water running off the development currently under construction on the south side of the Lane. Further development in the area would increase the risk of flooding for existing neighbouring properties.*
- 2. The proposed site is agricultural farmland, if development were approved it would set a precedent and could lead to further applications being submitted on adjacent land.*
- 3. Atkinsons Lane is a single lane track, it is totally unsuitable for use as an access route to the proposed site.*

5.2 **County Highways:**
Received 08.12.2021

I note that a revised plan came in for this application which shows the tracking as requested. This is acceptable.

I also note that there has been a photo of the refuse vehicle that serves the lane. I take it that this will be able to continue so notwithstanding my general concerns as mentioned in my previous comments (attached) I have no objections to planning permission being granted and recommend the following conditions:

- 1. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.*

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

- 2. Prior to the first occupation of the development the proposed on-site parking area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 3. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.*

Reason: To prevent surface water discharging to the highway.

It's not usually necessary for highways to recommend a CEMP but the site does have access issues so in the interests of safety you may wish to add one. The issues are going to be how longer vehicles will be able to deliver and turn their vehicles, parking for contractors, control of mud / dirt, verge damage and vehicle routing. It's possible that some verge damage will be outside highway limits but the verges will no doubt hold value for local residents.

Further clarification has been sought from the Highway Authority regarding the suitability of Atkinsons Lane with the following comments provided:

Received 09.05.2022

Unable to object to this application based on the submitted details. The applicant has demonstrated refuse access capability, the 5m width access connecting to a highway, turning head and low speed design within proposal.

However, Highways have concerns about Atkinson's Lane's width and its condition. The increase of traffic will undoubtedly increase the deterioration of the highway. The width unfortunately cannot be increased due to the verges being privately owned land.

Received 14.06.2022

We note that Atkinson's Lane will further deteriorate with the addition of this development and such request improvement works on the lane. The improvement works is for at the entrance to Atkinson Lane from The Oaks and at the corner of Atkinson Lane (the access to the development).

- 5.3 **FDC Environmental Services:** *If we were to enter and turn on site we would need indemnity (assuming private road), from the plans it looks like this would be achievable. Alternatively turning in the entrance with shared bin collection point at the top where development meets public highway.*

What did concern me was the condition and width of Atkinsons Lane from The Oaks to the proposed development. I have attached pictures showing the condition, at the junction with The Oaks the width is approx. 2.4m , near the development it is approx. 2.5m. our 2.53m wide vehicle going down is going to damage the verge and cause issues with the road surface

- 5.4 **Environmental Health:** *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 and the noise climate. Our records indicate there is unlikely to be a presence of contamination at the application site, however I would expect this service to request that the following condition is imposed to any planning consent granted in the event that for full application follows this outline version;*

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.

5.4 **Third party representations**

Objectors: Eight letters objecting to the proposal (three from residents of The Oaks, three from Begdale Lane and one each from Grove Gardens and high Street, Wisbech on the following grounds:-

- Arable farmland should not be built on
- Access via Atkinsons Lane is unsuitable: Very narrow dirt road, no footpath and no passing places – Only used for access to farm/stables and dog-walkers
- Too much land in the area being developed: The site should be left undeveloped. Elm does not need more housing

- Overlooking of adjoining properties: Loss of privacy
- Potential flooding of adjoining properties and Atkinsons Lane as recently experienced from elevated new estate
- Overdevelopment
- Devaluation of existing properties
- Loss of view/outlook
- Loss of light/overshadowing
- Visual impact
- Adverse effect on wildlife
- Potential archaeological interest of site
- Potential for further development of this field: Precedent
- This is not 'infill' development
- Effect on the character of the area
- Further disruption from more development
- Loss of open space
- Additional use of Atkinsons Lane from development would be a risk to existing users: No pavement
- Further development would exacerbate existing water pressure and sewerage problems in the local area

Supporters: Nine letters supporting the proposal (three from residents of Begdale Road, three from Friday Bridge Road, two from Main Road and one from Halfpenny Lane). These support the proposal on the following grounds:-

- Elm needs these types of properties
- Applicant is a local high-quality builder
- Would provide local employment
- Would create a nice small bespoke estate of a realistic scale
- Suitable for self-build plots
- Ongoing supply of individual quality homes: Appears a well-considered scheme
- Would support local businesses
- 4 executive properties are appropriate to the site and location and are natural infill
- Extra traffic on hardly-used Atkinsons Lane would be minimal
- Elm is an ideal, sustainable location for such a development
- Would enhance the village and provide a nice setting for residents: More suitable scale than recently built estates
- Local infrastructure such as roads could cope with this scale of development
- Site has been used for fly-tipping and neglected previously
- Elm needs some larger family homes with generous gardens
- Atkinsons Lane is suitable for access by refuse vehicles and emergency vehicles if necessary

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2019

Context
Identity
Built Form
Movement
Nature
Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP4 – Housing
LP5 – Meeting Housing Need
LP7 – Urban Extensions
LP12 – Rural Areas Development Policy
LP13 – Supporting and Managing the Impact of a Growing District
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Visual amenity**
- **Residential amenity**
- **Highway Issues / Access**
- **Drainage**
- **Other**

9 BACKGROUND

- 9.1 There is no planning history relating to the application site. However, significant recent residential development has taken place off Grove Gardens which has a junction with Main Road 250m to the Southeast of this site. Grove Gardens serves Cedar Way and The Oaks and forms part of an overall mixed residential development of varying sized units and styles.

10 ASSESSMENT

Principle of Development

- 10.1 The site is located adjacent to the existing settlement, defined in the Local Plan as a Limited Growth Village according to the District's settlement hierarchy, in which a small amount of development will be encouraged and permitted in order to support their continued sustainability, and may be appropriate as a small village extension (Policy LP3).
- 10.2 Whilst the site forms part of an existing former arable field, now grazing paddock, the site is surrounded on three sides by existing built development: Dwellings fronting Begdale Road to the north, the recent development at The Oaks to the east, and the farm/equestrian buildings and Rathbone to the south, with the most recent part of the Grove Gardens estate diagonally to the south-east of the site.

- 10.3 In policy terms, especially Policy LP12, it is considered that the site lies immediately adjacent to the existing built form of this part of Elm and could be deemed to represent a natural edge-of-settlement location for new development, demarcating the village edge from more open and less developed countryside beyond.
- 10.4 The broad principle of development of the site may therefore be seen to be in accordance with the relevant policies of the Local Plan, LP3 and LP12, in relation to the location of development.

Visual Amenity

- 10.5 As the application is in outline form with only means of access for consideration at this stage, the form and appearance that the development might take in due course is not for consideration.
- 10.6 However, given that up to 4 dwellings are proposed on a total site area of 0.45ha, it is recognised that the proposed density of new development on this site will be lower than that of the new development to the east and south-east, with each proposed plot being roughly 0.09ha in area (once the private access/roadway and turning facilities within the site have been subtracted from the overall area of the site).
- 10.7 In due course, this would allow for the submission of relatively generously proportioned new dwellings on each of the plots and good-sized gardens within a spacious setting.
- 10.8 Whilst visual amenity at this stage cannot be specifically addressed, the application assumes the construction of up to 4 detached dwellings and a private roadway serving them on land which is currently used as part of a larger area of grazing paddock. The site is slightly elevated above the properties on Begdale Road but is generally devoid of any notable features of interest.
- 10.9 However, it would only be possible to specifically assess the visual impact of the overall development when the details of each plot submission are made at the subsequent reserved matters stage, if outline permission was granted.

Residential Amenity

- 10.10 Similarly, with the impact of development on the residential amenities of neighbouring residents, this is difficult to assess at this stage, as the details of the individual properties and their potential for overlooking would need to be assessed at the reserved matters stage. Scaling from the indicative plans, each of the dwellings can satisfactorily accommodate 15m rear garden depths where they back onto the housing fronting Begdale Road and there is between 10-12m distances indicated between the sides of the plots closest to the new housing on The Oaks.
- 10.11 Whilst the submitted layout plan is indicative only, the approximate siting of the dwellings are established by virtue of the position of the private roadway serving the site and submitted for consideration at this stage. Issues of overlooking/potential loss of privacy and potential for overshadowing of adjoining occupiers will need to be assessed at the reserved matters stage if outline permission was forthcoming.

- 10.12 All that can be surmised from the area of the site, position of the access and roadway, and the scale of the plots, is that there is sufficient space to each plot to allow for detriment to others' amenity to be kept to a minimum given the space afforded to each potential unit and would need to be assessed subsequently on its merits.

Highway Issues / Access

- 10.13 The main area of concern relating to this development arises from the proposed use of Atkinsons Lane to serve the proposed development. This is an issue raised by the Parish Council and a number of local residents.
- 10.14 Atkinsons Lane is an adopted, but single-carriageway, unclassified road and is currently roughly tarmacked but has no street lighting or separate footway for most of its length apart from intermittent grassed verges along its route. At present the road serves the dwelling at Rathbone and the adjacent agricultural/equestrian buildings only.
- 10.15 The recent housing development off Grove Gardens is served by purpose-constructed block-paved residential estate roads/cul-de-sacs and which crosses Atkinsons Lane where it leads into The Oaks. From a site visit Officers observed vehicle movements along Atkinsons Lane to access The Oaks and also several pedestrian movements
- 10.16 At present the roadway is only used for vehicular access to Rathbone. Refuse vehicles cannot access the lane to provide waste disposal services to Rathbone, and only use the lane to access to the rear of properties fronting The Oaks.
- 10.17 The Highways Authority has raised no objection to the proposed development, albeit they have expressed concerns regarding the increase in traffic and the impact on the condition of the road. They have also confirmed that the road width cannot be increased as the verges are privately owned. However, the proposed development would make provision for the turning of such vehicles at the access point to the development site in its south-eastern corner and within the site itself.
- 10.18 The proposed access road within the site would provide a 5m wide shared access driveway with a 5m wide access into the site, tarmacked for the first 5m into the site and constructed to meet highway specification.
- 10.19 The Parish have objected to the proposal on highway grounds stating that Atkinsons Lane regularly floods due to surface water run-off from the new elevated development to the south of the lane, and the fact that Atkinsons Lane is considered to be completely unsuitable to serve the proposed development.
- 10.20 With regard to surface water drainage, the Highway Authority has requested that the access is constructed to prevent surface water run-off onto the adjacent public highway. This can be addressed by the use of interceptor drains to the access. With regard to the remainder of the application site, the development proposed is of a density that there is a significant space available for large scale soakaway runs within the site to prevent significant surface water run-off or flooding of adjoining property. In the event that planning permission was granted, details of surface water could be included to be submitted at any reserved matters stage.

- 10.21 Additionally, concern has been raised about any construction phase of potential future development, with HGVs requiring access to the site on a regular basis. Although this stage would be transient in nature, it is considered advisable that, if permission was to be granted, that details of a construction and environment management plan could be required to ensure that the impact of such construction vehicles and work vehicles are minimised in terms of impact on the existing roadway/verges.
- 10.22 However, notwithstanding the lack of technical objection from the Highway Authority to the use of Atkinsons Lane to serve the development, there are concerns over the suitability of this to serve the development in terms of the quality of connectivity it would provide for future residents and therefore the quality of the overall residential environment which would be created for these residents. Policy LP2 of the Local Plan sets out the Council's aims of promoting high levels of residential amenity, promoting and facilitating healthy lifestyles and providing and maintaining effective and sustainable transport networks. Policies LP15 and LP16 reinforce these aims, which are reflective of the requirements of Sections 8, 9 and 12 of the National Planning Policy Framework
- 10.23 Due to the limited carriageway width of Atkinsons Lane, the lack of any separate pedestrian facilities or streetlighting and its approximately 240m length, combined with increased vehicle movements arising from the development it is not considered that this would encourage residents of the development to use walking or cycling as a means of accessing the village services and facilities and which consequently would result in a reliance on car use to do so. Overall, this would not create a high quality living environment with an associated sub-standard level of amenity. This would be contrary to the aims and objectives of the national and local policies quoted above.
- 10.24 The Highways Authority have recommended improvement works to the condition of the road however, no details of what these works would entail have been provided. Members will be provided with further clarification on this matter at time of the meeting. Nevertheless, these works would not overcome the lack of connectivity identified and associated amenity concerns.

Flooding/ Drainage

- 10.25 Most of the issues relating to surface water drainage have been addressed above.
- 10.26 The site is located within Flood Zone 1 and is therefore at a low risk of flooding. However, it is acknowledged that some adjacent dwellings, such as those fronting Begdale Road are at a slightly lower level than the site. This reinforces the need to impose a condition in the event that permission was granted to ensure that the development properly and appropriately addressed issues relating to surface water drainage and to prevent potential run-off affecting adjoining property and roadways.

Other Considerations

- 10.27 A significant number of third party/local residents' representations have been received in response to the application as will be noted from the Consultation section earlier in this report with strong views both opposing and supporting the application.

- 10.28 With regard to the principle of development under consideration, with means of access for consideration at this stage, a number of issues such as overlooking, overshadowing, appearance and design cannot be addressed at this stage.
- 10.29 With regard to principle, the development plan indicates support for such forms of development in this area and there is a legal requirement under the Act to determine applications in accordance with the provisions of the development plan. The proposal represents a low density residential development at the edge of the village and surrounded on three sides by existing built form. In this respect the development is considered compliant with generic planning policy.
- 10.30 The Parish Council and a number of objectors have referred to the issue of precedent if the current application was to be approved, particularly in respect of the remainder of the field which extends westwards from the site.
- 10.31 This would represent different characteristics to those currently being considered and as Members will be fully aware, each application falls to be assessed on its own merits and on a case-by-case basis.
- 10.32 Other issues raised within the third party representations could be addressed through the imposition of conditions requiring the necessary works/details to be submitted at the reserved matters stage and for thorough assessment/analysis in due course.

11 CONCLUSIONS

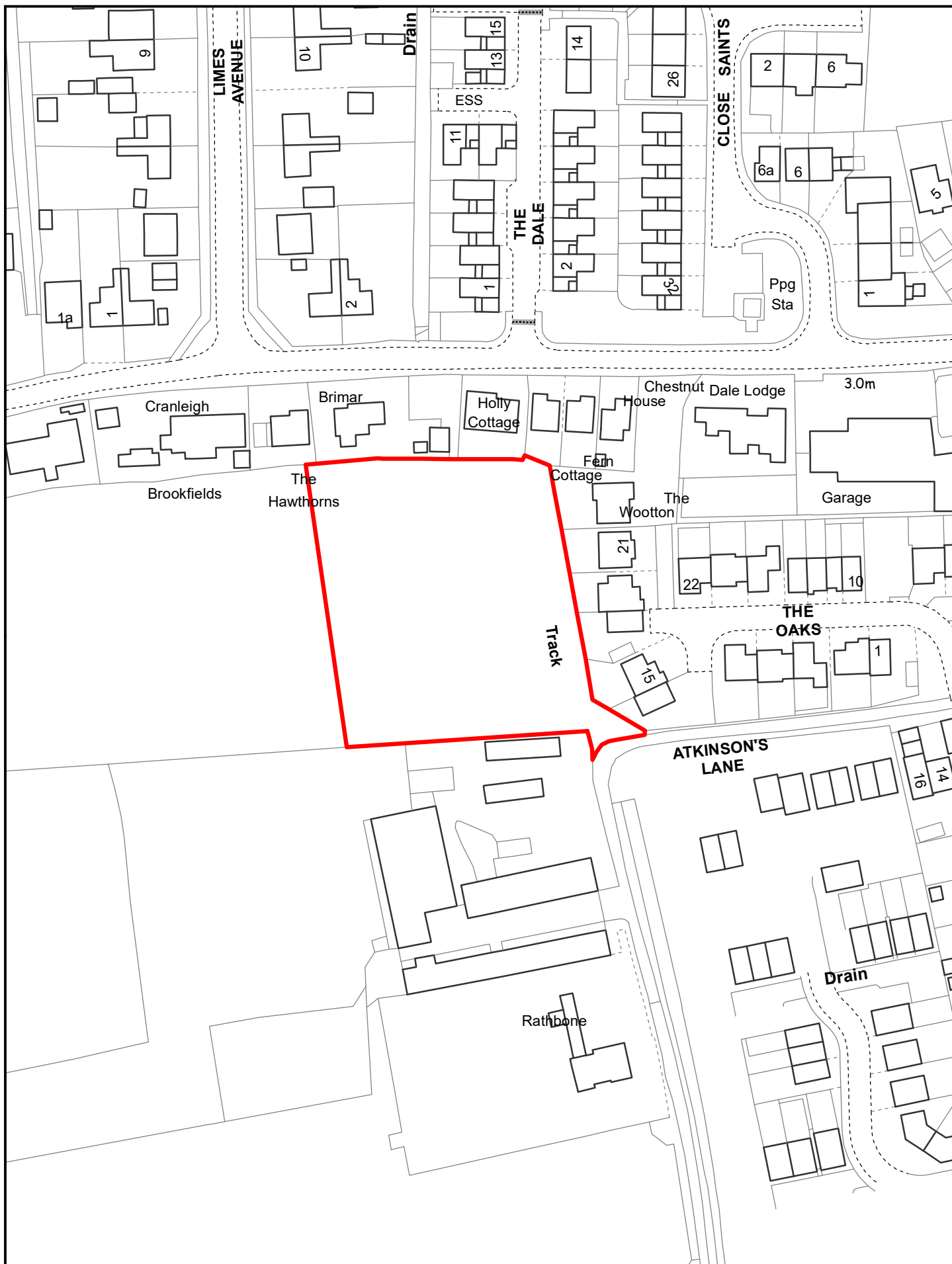
- 11.1 Whilst strong representations have been received both objecting to and supporting the development, it is considered that on balance, any further residential development served off Atkinsons Lane would fail to accord with the principles of sustainable development as espoused in the NPPF and reinforced by the adopted development plan. The proposal would make a limited contribution to local housing need and the occupiers of the proposed new dwellings would be reliant upon the private motor car to access local facilities and services with the associated lack of appropriate infrastructure.

12 RECOMMENDATION

REFUSE; for the following reason;

1.	<p>Policy LP2 of the Local Plan sets out the Council's aims of promoting high levels of residential amenity, promoting and facilitating healthy lifestyles and providing and maintaining effective and sustainable transport networks. Policies LP15 and LP16 reinforce these aims, which are reflective of the requirements of Sections 8, 9 and 12 of the National Planning Policy Framework.</p> <p>The development proposed would be accessed via Atkinson's Lane, a single carriageway road with no separate pedestrian or cycle facilities or streetlighting.</p> <p>It is considered that the increased vehicle movements arising from the development, combined with these physical limitations, would result in an environment which would not be conducive to pedestrian or cycle usage of</p>
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	<p>Atkinson's Lane by residents of the development, and which would, instead, result in a reliance on the motor car for residents to access local services and facilities and which overall would not result in the creation of a high quality residential environment with high levels of amenity for residents. The development would therefore be contrary to the principles of achieving sustainable development as espoused under the aforementioned national and local policies.</p>
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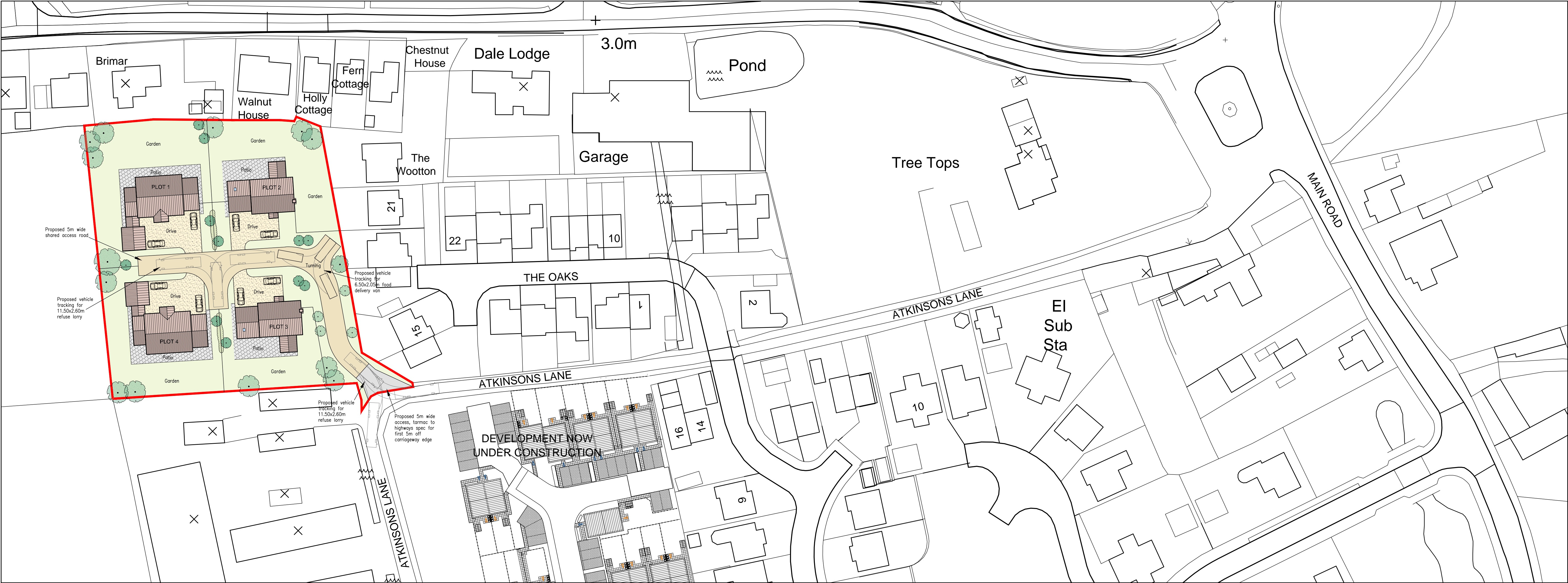
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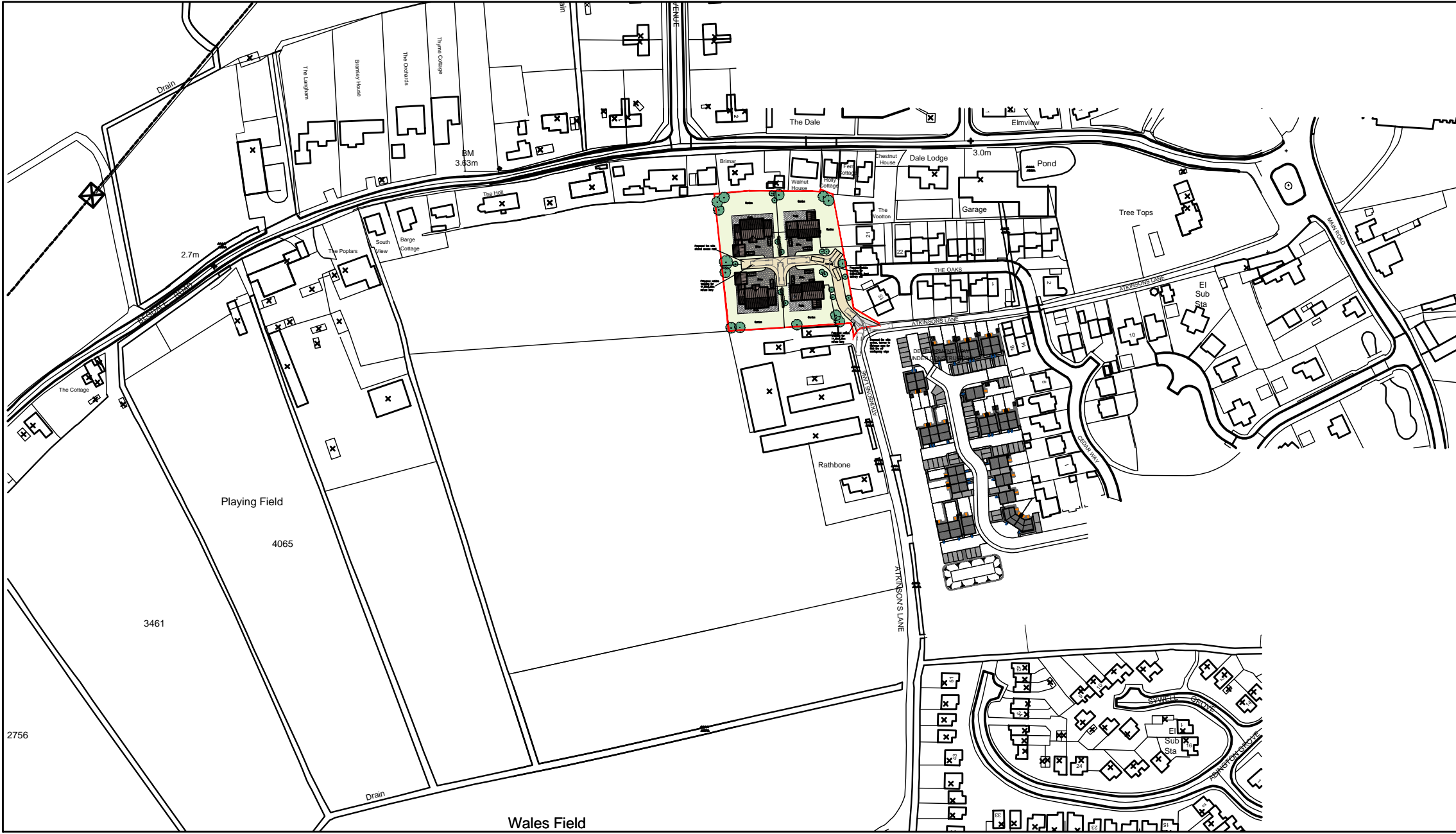
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Proposed Site Plan 1:500 (Indicative layout shown)



Location Plan 1:2500

A1
REVISIONS



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CLIENT
MR A & S CLARKE

PROJECT
PROPOSED 4No. DWELLINGS/PLOTS

SITE
LAND NORTH OF RATHBONE
ATKINSONS LANE
ELM
WISBECH
CAMBS

DRAWING
PL01

JOB NO. 6372/01C	PAPER SIZE A1	DATE JULY 2021
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