

**F/YR18/0158/O**

**Applicant: Mr P Lattimore**

**Agent : Mr S Lemmon  
Distinct Designs UK Ltd**

**Land South Of Needham Road Cottages, Needham Bank, Friday Bridge,  
Cambridgeshire**

**Erection of up to 4 x dwellings and the formation of a new access involving the  
demolition of existing outbuildings (Outline application with all matters reserved)**

**Reason for Committee: The Parish Council indicates support to the proposal which  
is at variance to the officer recommendation.**

#### **EXECUTIVE SUMMARY**

This is an outline application for the provision of up to 4 dwellings and the formation of a new access, involving the demolition of existing outbuildings. All matters are reserved. Indicative plans have been provided.

Previous applications for residential development on this land have been refused and one dismissed at appeal.

Policy LP3 identifies Friday Bridge as a Limited Growth Village where a small amount of development will be encouraged and permitted in order to support their continued sustainability.

The site is at some distance from the main settlement core and is located in an area which, although has dwellings, is considered to be relatively rural in location. As such Policy LP12 is considered relevant for consideration.

The principal of the proposal is considered to be contrary to the Council's Spatial Strategy as it would result in the development of an area of open countryside, which would erode an important visual gap and area of separation between Needham Bank and Well End to the south west. It is considered that the development of this land for the provision of up to dwellings would erode this character and would perpetuate the ribbon development of the road. The proposal is therefore contrary to Policy LP12 and of the adopted Fenland Local Plan and the aims of the

## National Planning Policy Framework.

Whilst the lack of a 5-year land supply must be given weight it does not 'tilt the balance' to such an extent that the sustainability credentials of individual sites are no longer a consideration.

### 1.0 SITE DESCRIPTION

- 1.1 The site is located on Needham Bank, Friday Bridge and comprises garden land which is somewhat overgrown. There are existing sheds/outbuildings on the site proposed to be demolished. There is a row of dwellings to the north, a pumping station to the south and open agricultural land to the east and west. The surrounding area is rural in character and the existing houses form a small linear group. The adjacent dwellings are mainly 2-storey semi-detached dwellings. The site is within Flood Zones 1 and 2 and Needham Bank is a classified road.

### 2.0 PROPOSAL

- 2.1 This outline application is for the erection of up to 4 dwellings on land south of Needham Road Cottages, on Needham Bank, Friday Bridge. The application is an outline with all matters reserved therefore the submitted layout is indicative only. The indicative layout sees 4 dwellings located in a linear form along the site frontage, and has been detailed as two-pairs of semi detached dwellings. Each dwelling would have an area of rear private amenity space. A parking area for 8 vehicles and a turning head is indicated to the south-western boundary of the site.
- 2.2 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do? action=firstPage>

### 3.0 SITE PLANNING HISTORY

F/YR15/0194/O	Erection of 4no dwellings	Refused 06/05/2015  Dismissed at appeal. 18 Jan 2016
F/YR01/0329/O	Erection of a dwelling	Refused 25/07/2001
F/97/0483/O	Erection of a house	Refused 19/11/1997

### 4.0 CONSULTATIONS

- 4.1 **Elm Parish Council**  
Members resolved to support.

**4.2 Cambridgeshire County Council Highways Authority**

The application is an outline application with all matters reserved for the erection of up to 4 dwellings.

A previous application for 4 dwellings was submitted and refused under application number F/YR15/0194/O. An appeal was later submitted and dismissed under appeal number APP/D0515/W/15/3131642.

Whilst I disagree with the comments made by the inspector regarding the suitability of the proposed vehicle to vehicle visibility splays I cannot refuse the application based on the this information as the inspector has deemed that this level of development is suitable based on the vehicle to vehicle visibility.

The access should be sealed and drained away from the public highway. I am happy to deal with this via condition if the LPA is minded to approve this application.

**4.3 Environment Agency**

No comment to make on this application. Recommend that the mitigation measures proposed in the Flood Risk Assessment are adhered to.

**4.4 FDC Scientific Officer (Land Contamination)**

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. However as the proposal involves the demolition of former out buildings the following condition should be imposed.

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.

**4.5 Wildlife Officer**

No objection to the proposal subject to the use of appropriate conditions.

**4.6 Local Residents/Interested Parties**

No representations received.

## **5.0 STATUTORY DUTY**

- 5.1 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).

## **6.0 POLICY FRAMEWORK**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraph 2: applications to be determined in accordance with the development plan, unless material considerations indicate otherwise

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core planning principles

Paragraph 18-22: Building a strong and competitive economy

Paragraph 32, 34-37, 39: Promoting sustainable transport

Paragraph 47-50: Delivering a wide choice of quality homes

Paragraph 55: Avoid isolated homes in the open countryside

Paragraph 56-61: Requiring good design

Paragraph 64: Refuse poor design

Paragraph 69-70: Promoting healthy communities

Paragraph 93-98: Meeting the challenges of climate change

Paragraph 109, 111, 118, 120-125: Conserving and enhancing the natural environment

Paragraph 203-206: Planning considerations and obligations

### **6.2 National Planning Practice Guidance (NPPG)**

Determining a planning application

Flood Risk and Coastal Change

### **6.3 Fenland Local Plan 2014**

LP1: Presumption in favour of sustainable development

LP2: Facilitation health and wellbeing of Fenland residents

LP3: Spatial strategy, settlement hierarchy and the countryside

LP4: Housing

LP5: Meeting housing need

LP12: Rural areas development policy

LP13: Supporting and managing the impact of a growing District

LP14: Managing the risk of flooding in Fenland

LP15: Sustainable transport network

LP16: Delivering and protecting high quality environments across the District  
LP19: The natural environment

## 7.0 KEY ISSUES

- Principle of Development
- Five Year Housing Land Supply
- Character and Amenity
- Risk of flooding and drainage
- Highways and infrastructure
- Biodiversity
- Sustainability
- Planning Balance

## 8.0 BACKGROUND

- 8.1 Planning permission for the residential development of this land has been refused, most recently in 2015, and dismissed at appeal in 2016 (F/YR15/0194/O refers). The Council's refusal of permission for 4 dwellings was based upon 3 reasons, as follows:

*"Policy LP12 of the Fenland Local Plan, 2014, seeks to ensure that development contributes to the sustainability of the settlement and does not extend any existing or linear features of the settlement. The proposed introduction of 4 dwellings into this remote location is considered to extend the existing linear features and which would result in an unacceptable form of development which would be unsustainable and an unacceptable encroachment into the open countryside. As such the proposal would be contrary to the provisions of Policy LP12 part e of the Fenland Local Plan, 2014.*

*Policy LP12 parts j and k seek to ensure that development would not put people in danger from identified risks and that it can be served by sustainable infrastructure including highways. By reason of the location of the site the introduction of new houses would result in a development that would be heavily reliant on the private car due to the lack of local infrastructure and footpaths to serve the development. As such the proposal is considered to be unsustainable and would be contrary to the provisions of LP12 of the Fenland Local Plan, 2014.*

*Policy LP12 seeks to ensure that development should not put people or property in danger from identified risks. The proposed development, whilst in outline form would, introduce a development which, in the absence of any data to support the application would be injurious to the safe and free flow of traffic on the public highway by reason of the inability to provide adequate visibility. For this reason the principle of development in this location is considered to be unacceptable contrary to Policy LP12 of the Fenland Local Plan, 2014."*

- 8.2 In considering the subsequent appeal, the Inspector concluded that she could not support the reasons for refusal based upon unsustainable location concerns or highway safety, but did conclude that the development of the site for 4 dwellings would erode the character of the area, stating "*Despite the small utilitarian buildings on the appeal site, visually it forms a part of this open countryside and there is a distinct rural quality to this part of the settlement. The built form of two pairs of semi-detached houses and garages on this site would erode the open character of this part of the rural countryside and perpetuate further ribbon development along the road.*"
- 8.3 The Inspector concluded that at that time that the adverse environmental impacts of the appeal proposal would significantly and demonstrably outweigh economic and social benefits, when assessed against the planning framework as a whole, and would result in significant harm to the character and appearance of the area.
- 8.4 The key changes in policy terms since this appeal decision is the current lack of a 5-year housing land supply and the requirement as a result to consider the sustainability credentials of this proposal and the planning balance. These matters are a discussed in detail below. In addition this current application is in outline with all matters reserved; the plans submitted are indicative only.

## **9.0 ASSESSMENT**

### **Principle of Development**

- 9.1 Policy LP3 identifies Friday Bridge as a Limited Growth Village where a small amount of development will be encouraged and permitted in order to support their continued sustainability.
- 9.2 The site is at some distance from the main settlement core and is located in an area which, although has dwellings, is considered to be relatively rural in location. As such Policy LP12 is considered relevant for consideration. Policy LP12 states that development will be supported where it contributes to the sustainability of the settlement and should be in or adjacent the existing developed footprint, would not extend the existing linear features or result in ribbon development, would not put people or property in danger from identified risks and can be served by sustainable infrastructure including highways.
- 9.3 The site is located on land which sits alongside a small group of dwellings which are some distance from the main settlement core of Friday Bridge. The site is approximately 0.84km from the main settlement to the south west and if travelling north, is approximately 0.3km from the main area of housing and 0.87km to the main core of Friday Bridge. The proposal would extend the linear features of this part of Friday Bridge which is becoming more rural in this location. As such the proposal is considered to be contrary to the provisions of LP12 part e.

## Five Year Housing Land Supply

- 9.4 Under the NPPF, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 6 dwellings on land south west of Syringa House, Upwell Road, Christchurch (reference No. F/YR16/0399/O). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is approximately 4.93 years).
- 9.5 The Inspector concluded that applications must be determined in accordance with the National Planning Policy Framework (NPPF). Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited* (2017) which was considered in the Supreme Court.
- 9.6 In summary this decision concluded that only those local plan policies relating to housing distribution and numbers are out of date and all other local plan policies remain relevant.
- 9.7 Whilst initially in response to this appeal decision the LPA took the view that Policies LP3, LP4 and LP12 were policies that influenced the supply of housing and as such were rendered out of date this view has been revisited given the outcome of an appeal decision which comes after the Syringa House decision. This most recent decision in respect of 2 no dwellings at land north-east of Golden View, North Brink, Wisbech (reference No. F/YR16/1014/F) clearly highlights that whilst LP3 and LP12 may have an effect on the supply of housing they are primarily concerned with directing most forms of development, including housing, to the most sustainable locations and limited development in the countryside for its protection and on this basis neither is a policy for the supply of housing.

Based on the above, there are no relevant policies which influence the supply of housing in this case.

- 9.8 When a Local Planning Authority cannot provide a 5 year supply of housing it must trigger the 'Tilted balance' of a presumption of sustainable development. It still remains to assess the application against existing up-to-date policies. However, the weight given to these policies is a matter for the decision-maker subject to the degree of conformity with the NPPF and the degree of shortfall of the land supply.

### **Character and Amenity**

- 9.9 The character of this part of the settlement is sporadic linear development, leading in to open countryside. The character of the site, being effectively a side garden, has the visual character of open countryside, and is part of the swathe of open countryside between Needham Cottages and Well End to the south west. It is considered that the development of this land for the provision of dwellings would erode this character and would perpetuate the ribbon development of the road.

### **Risk of flooding and drainage**

- 9.10 The site is within Flood Zones 1 and 2 and is considered not to be adversely impacted.

### **Highways and infrastructure**

- 9.11 The site is located on an area of the road that has adequate visibility. The site is located some 300 metres from the village, where there are no pavement or street lights. The Inspector concluded in 2016 that although this is the case, she believed that there are safe and suitable routes to access facilities and services in the village.

### **Biodiversity**

- 9.12 The applicant has provided a Biodiversity Checklist but has not surveyed the site. If this development were considered to be acceptable, this could be dealt with via conditions.

### **Sustainability**

- 9.13 For the sake of completeness the scheme has also been assessed against Paragraph 7 of the NPPF. Paragraph 7 states:

*There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right



*places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

● **a social role** – *supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

● **an environmental role** – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to Improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

In respect of this proposal the development of this site will further the sustainability objectives as follows:

- 9.14 **Economic:** The provision of housing, especially in light of the current deficiency in supply would contribute to the economic success of the District. It is recognised that the construction of the development would provide some employment for the duration of the work contributing to a strong responsive and competitive economy and it may also be argued that there may be some potential for increased expenditure with regard to local facilities
- 9.15 **Social Role:** There would be limited opportunities for community cohesion in the wider locality of the settlement. The proposal has a benefit of 4 houses towards the 5 year supply offering the opportunity for residents to settle in the locality.
- 9.16 **Environmental:** It is considered that the proposal will result in an unacceptable incursion into the open countryside rather than small scale infilling. It is considered that the development of this land for the provision of dwellings would erode this character and would perpetuate the ribbon development of the road.

### **Planning Balance**

- 9.17 As indicated above the scheme has limited sustainability credentials over and above a limited economic benefit during the construction phase in terms of goods and services and in terms of sustaining village services and facilities. Its social credentials whilst positive are not so convincing as to overcome the significant concerns highlighted with regard the character of the area and to this end the tilted balance afforded by the lack of housing land supply whilst giving some further weight to the case for supporting this scheme does not tilt it to an extent where the balance renders the scheme acceptable.
- 9.18 There is a direct correlation between the aims of the FLP and a clear planning argument to continue to resist this development as unsustainable. Whilst the scheme would deliver 4 additional dwellings and would therefore contribute in part to

addressing the 5-year land supply deficit the weight which can be given to this is not so convincing as to override the shortcomings of the proposal.

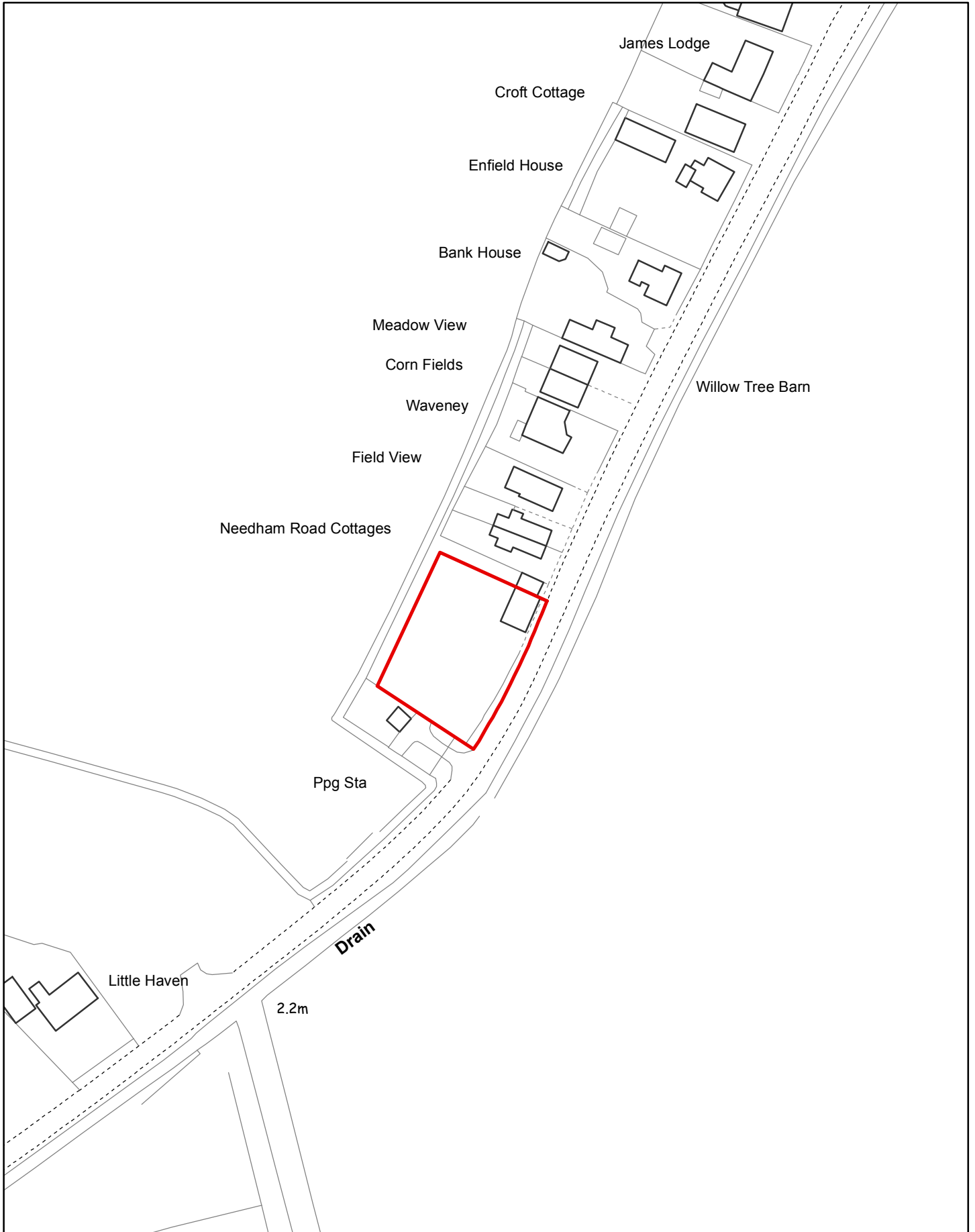
## **10 CONCLUSIONS**

- 10.1 The proposal is considered to be contrary to the Council's Spatial Strategy that would result in the development of an area of open countryside , which would erode this character and would perpetuate the ribbon development of the road. The proposal is therefore contrary to the Council's Spatial Strategy, Policy LP12 of the adopted Fenland Local Plan.
- 10.2 Whilst the lack of a 5-year land supply must be given weight it does not 'tilt the balance' to such an extent that the sustainability credentials of individual sites are no longer a consideration.

## **RECOMMENDATION**

### **Refuse**

Policy LP12 of the Fenland Local Plan, 2014, seeks to ensure that development contributes to the sustainability of the settlement and does not extend any existing or linear features of the settlement. The proposed introduction of up to 4 dwellings into this location is considered to extend the existing linear features and which would result in an unacceptable form of development which would be an unacceptable encroachment into the open countryside, which would also erode this character perpetuating the ribbon development of the road. As such the proposal would be contrary to the provisions of Policy LP12 part e of the Fenland Local Plan, 2014 and the aims of the National Planning Policy Framework



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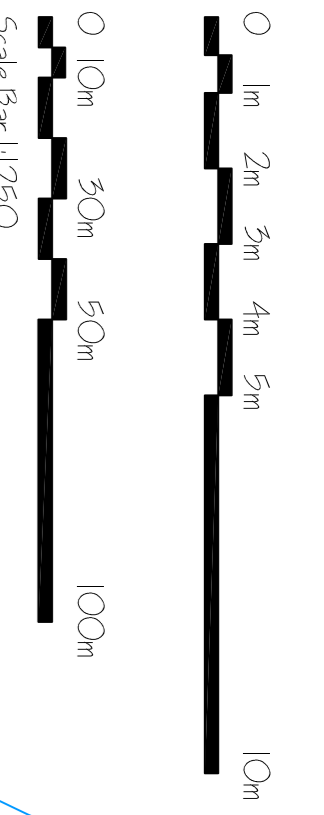
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**F/YR18/0158/O**

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# PROPOSED NEW RESIDENTIAL DEVELOPMENT NEEDHAM BANK, FRIDAY BRIDGE, CAMBRIDGESHIRE. PE14 0LA

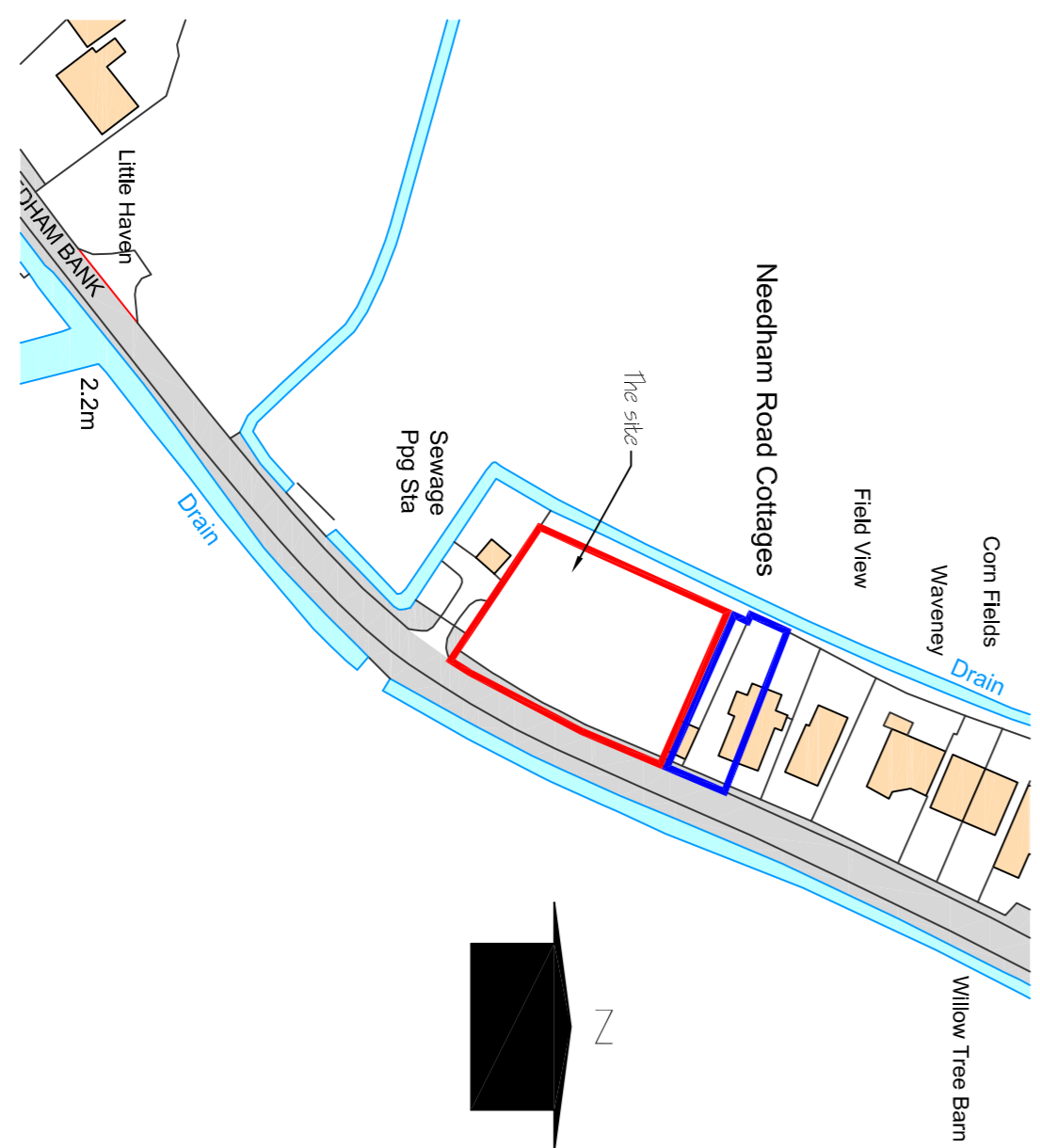


SKETCH SCHEME SITE PLAN LAYOUT

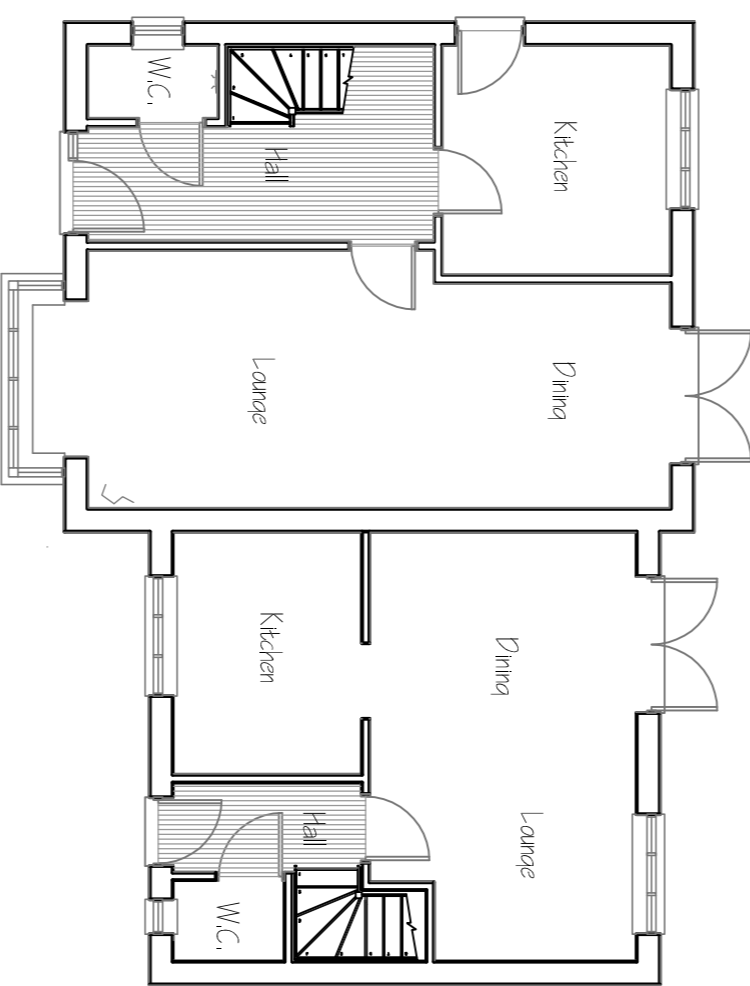


NOTE:  
THE SITE PLAN LAYOUT, FLOOR PLANS AND ELEVATIONS ARE INDICATIVE ONLY AND FOR THE PURPOSES OF AN OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED.

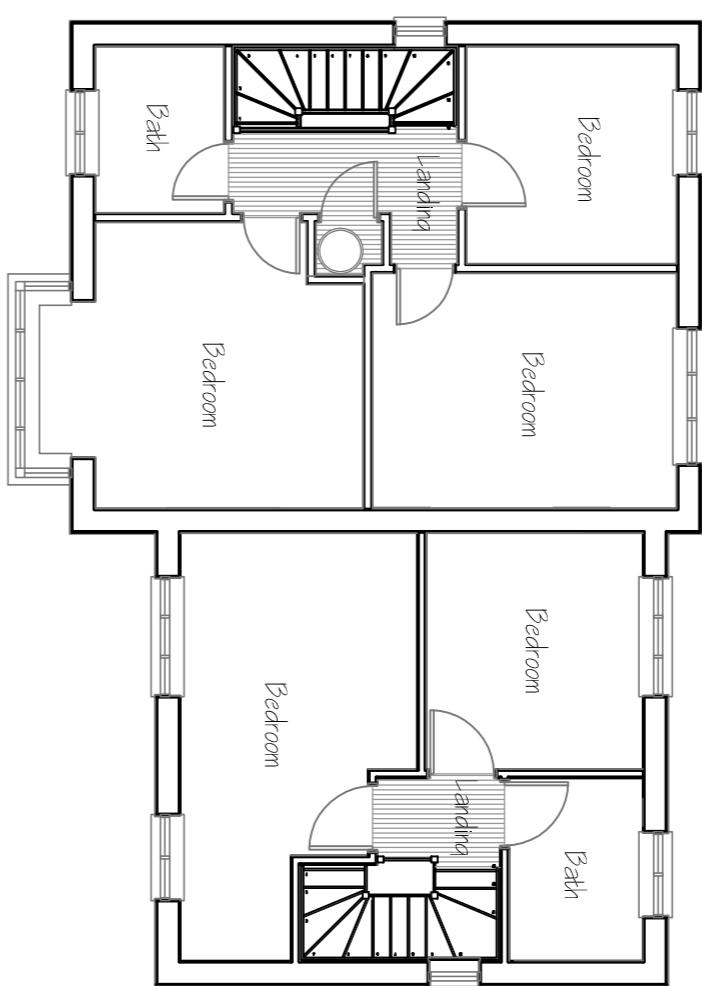
LOCATION PLAN LAYOUT



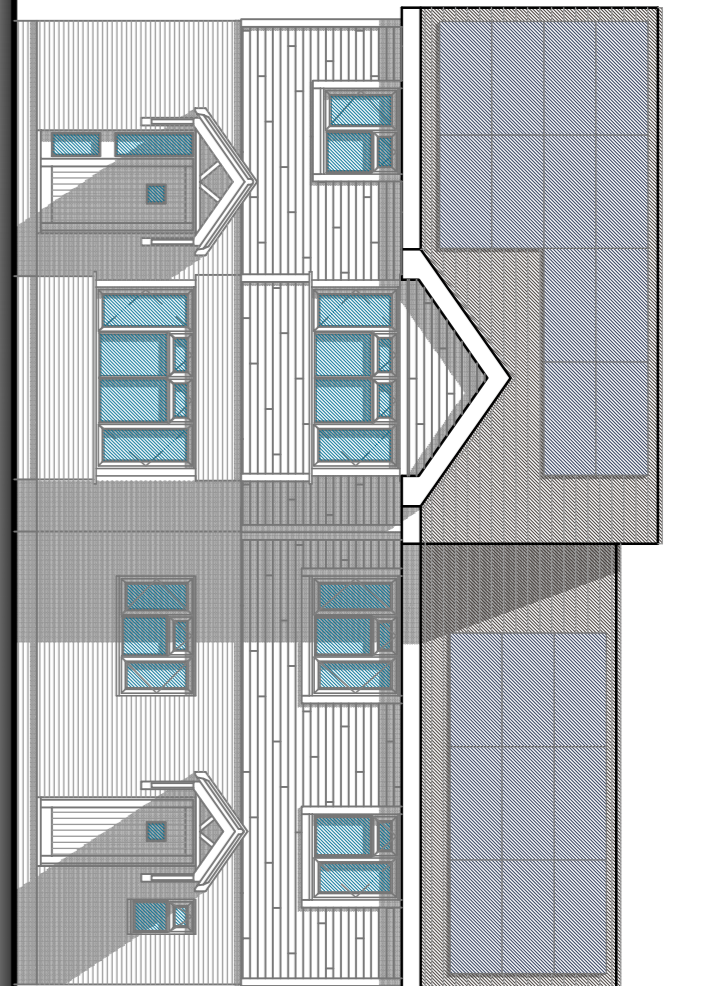
SKETCH SCHEME GROUND FLOOR PLAN



SKETCH SCHEME FIRST FLOOR PLAN



SKETCH SCHEME FRONT ELEVATION



NOTE:  
THE SITE PLAN LAYOUT, FLOOR PLANS AND ELEVATIONS ARE INDICATIVE ONLY AND FOR THE PURPOSES OF AN OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED.

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