
F/YR24/0835/O

Applicant: Mr R Crofts

**Agent: Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land North Of Antwerp House, Gosmoor Lane, Elm,

Erect up to 5no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 11 December 2024

EOT in Place: Yes

EOT Expiry: 20 December 2024

Application Fee: £0

Risk Statement:

This application must be determined by 20 December 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1. The application seeks outline planning approval with all matters reserved for the erection of up to five dwellings on a triangular area of undeveloped scrubland located on the corner of the western side of Colletts Bridge Lane and the northern side of Gosmoor Lane at Colletts Bridge.</p> <p>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 and excludes undeveloped land 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>1.3. It is considered that the principle of development of this parcel of land would be in contravention of Policy LP12 (a) and (b). In addition, it could not be argued that the development represents an infill proposal and accordingly the scheme would fail to comply with the specific requirements of LP3 in so far as they relate to the form of development.</p> <p>1.4. Furthermore, the development proposed would result in an enclosure and</p> |
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urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would erode the existing open rural character both sides. As such, the proposal would be contrary to the requirements of Policies LP12 and LP16 (d).

- 1.5. Policy LP14 states that all applications for relevant developments must include a drainage strategy to demonstrate that suitable consideration has been given to surface water drainage and that appropriate arrangements for attenuating surface water run-off can be accommodated within the site. The application seeks to address concerns regarding surface water drainage through the submission of a drainage strategy, which includes, at its heart, attenuation and discharge of surface water via a newly dug drainage ditch to the west of the site. However the position of this ditch is outside the redline application boundary and can therefore not be considered as part of the application. As such, the scheme is contrary to the requirements of Policy LP14.
- 1.6. Given the above, and detailed within the below assessment, the proposed development is contrary to local planning policy and should therefore be refused.

2 SITE DESCRIPTION

- 2.1. The application site is a triangular area of undeveloped scrubland located on the corner of the western side of Colletts Bridge Lane and the northern side of Gosmoor Lane at Colletts Bridge; both lanes are single track, unclassified roads.
- 2.2. Residential development is situated to the opposite sides of the respective Lanes to the east and south. Adjacent to the site to the north is Iris Cottage, a replacement dwelling (F/YR03/0602/F). Further to the west is open agricultural land.
- 2.3. The site is located in Flood Zone 1.

3 PROPOSAL

- 3.1. The application seeks outline planning approval with all matters reserved for the erection of up to five dwellings. The submitted indicative site plan depicts five detached dwellings, denoted as 3-bed bungalows, with detached garages. Three accesses are indicated off Gosmoor Lane, one for each of the plots denoted as 2 & 3 to the south of the site, with another leading to a private roadway providing access to Plots, 1 to the east and 4 & 5 to the north of the site.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.publicaccess.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR23/0904/O	Erect up to 5no dwellings (outline application with all matters reserved)	Withdrawn 07.02.2024
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5 CONSULTATIONS

5.1. Elm Parish Council

Elm Parish Council maintains its strong objection (details as submitted for F/YR23/0904/O) to outline proposals submitted under planning application F/YR24/0835/O on the basis that they are contrary to;

Policy LP3 - development should be restricted to single dwelling infill sites.

Policy LP12(d) - development should be in-keeping with existing pattern of settlement.

Policy 16(d) - development should make a positive contribution to the character of the street scene and landscape.

Policy DM3 - requirement for character of landscape, local built environment and settlement pattern to reinforce positive features of local identity.

Policy LP12 - developments should be served by sustainable infrastructure.

In respect of the latter, Members cannot stress strongly enough, the issue of flood risk, not just at the proposed site but further along Gosmoor Lane itself (which already floods) and the wider parish.

There is clear evidence that the proposed site is a marsh area and any measures implemented to manage surface ground water will not work during periods of heavy rainfall because; the drainage system/pumping systems are already working at maximum capacity and cannot accommodate an increase in volume of water.

At a recent meeting convened by the Parish Council for the purpose of discussing flooding in Elm (with CCC Principal Flood Risk Officer in attendance), there was an admission that the current system 'could not cope' and any additional development would lead to further flooding. In simple terms; there is nowhere for the water to go.

The concerns raised by Middle Level Commissioners in respect of the previous application must not be ignored.

Concerning Highways, the issues previously raised are now magnified due to increased HGV activity along Gosmoor Lane, connected to operations at the Fenmarc site. Vehicles entering Gosmoor Lane from the A1101 have to negotiate a blind bend which creates significant hazard for motorists wishing to pull out from Collett's Bridge Lane.

In respect of evidence submitted by Highways, we request that assertions made in respect of traffic speed are reconsidered and a traffic speed survey

should be requested from the applicant. Additionally, the claims concerning visibility at the Collett's Bridge Lane junction are spurious as the splay includes a tall dense hedge, the maintenance of which is not under the applicant's control.

Finally, Gosmoor Lane is a peat soil affected roadway, prone to potholes and subsidence, it has a soft verge with no footpath or streetlighting making it unsuitable for pedestrians and cyclists.

The Parish Council urges the Planning Committee to;

- re-visit the reasons provided for unanimously refusing the previous application (F/YR23/0904/O) and;*
- maintain this refusal for the current application.*

5.2. Councillor D Roy

After looking through this application it looks suspiciously like a previous application that was withdrawn, F/YR23/0904/O. My understanding is that when committee members refused this application it was withdrawn - not a practice that sits well with me.

I note that there are a list of reasons that were, considered in the last application and rather than me list them all here, I suggest that the previous notes be given to planning members to consider from the previous application.

I therefore strongly object to this application.

5.3. Councillor M Summers

I strenuously object to this application because it is not materially different to the previous application ref F/YR23/0904/O where officers recommended its refusal and the committee agreed. The applicant withdrew their application before the refusal notice was issued which I find to be questionable practice. Most of, if not all of the grounds for refusal still exist in this application (of which there were many). I shall not repeat them here but instead ask that officers include their previous report and the previous committee report in their pack for this application.

5.4. Cambridgeshire County Council Highways Authority

Recommendation

On the basis of the information submitted, from the perspective of the Local Highway Authority, I consider the proposed development is acceptable.

Comments

The proposed development seeks the construction of 5 residential dwellings with access to be achieved via Gosmoor Lane, as per the previous planning scheme (planning ref. F/YR23/0904/O) which was withdrawn. As part of the previous planning application, the principal of the development was considered acceptable to the Local Highway Authority.

In the event that the LPA are mindful to approve the application, please append the following Condition to any consent granted:

Conditions

Prior to the commencement of the development full details (in the form of scaled plans and/or written specifications) shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a) The layout of the site, including roads, buildings, parking provision and surface water drainage.*
- b) The siting of the building(s) and means of access thereto.*
- c) Visibility splays*
- d) Turning and parking provision*

5.5. Environment & Health Services (FDC)

This is a simple lift of comments made for the previous application F/YR23/0904/O.

The Environmental Health Team have 'No Objections' to the proposed development although it is noted that the development lies within 250m of the site of the former canal, but not on the canal itself. The former Wisbech Canal is a closed landfill site and was infilled in the 1960's with a mix of agricultural and domestic wastes. The site is monitored for landfill gases in a number of locations by Kings Lynn and West Norfolk Council and has been investigated under Part IIA of the Environmental Protection Act 1990 and found not to be of concern. The results showed that although there were some chemicals present these were only found in low levels and buried deep in the waste and not outside of the canal area. Tests showed that they are not travelling out of the waste. This means that there is no evidence to show significant risk of harm to the environment, people, property, crops, or livestock. As long as the structure of the canal continues to contain the waste there is no evidence to demonstrate that there will be a pathway to receptors beyond the boundary of the landfill site. No further investigation is proposed for the canal area.

Notwithstanding the above findings and given close proximity to noise sensitive dwellings, the following conditions should be imposed in the event that planning permission is granted;

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.

NOISE CONSTRUCTION HOURS

CONDITION: No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

REASON: To protect the amenities of the nearby residential properties.

5.6. Middle Level Commissioners

Many thanks for your e-mail dated 12th November advising that a revised planning application has recently been submitted for the above site.

As a point of clarification this response is made on behalf of the Hundred of Wisbech IDB to which the Middle Level Commissioners provide a planning consultancy service.

Together with the adjacent Waldersey IDB, the Hundred of Wisbech IDB are currently undertaking a Catchment Study which includes hydraulic modelling of its network of District Drains. In the absence of the resultant hydraulic modelling, which it is anticipated will be available in March/April 2025, it is difficult to be conclusive at this time.

Having reviewed the relevant submission documents the contents of Environmental Health's e-mail dated 11th November about the former Wisbech Canal are noted.

Further to the Boards previous correspondence, it appears that the applicant has made considerable effort in trying to resolve the drainage and flood risk issues raised previously including the formation of a new open channel to serve the proposed development. If dealt with correctly this watercourse may have wider benefits by lowering the water level within the hamlet and providing a positive point of discharge for future development.

The Board believes "that our drain point 90 to 88 is in very good condition, and quite capable of taking this water" but this cannot be confirmed until the above mentioned hydraulic modelling has been completed.

The Board has a duty to conserve and enhance the natural environment, and must therefore consider the environmental implications of any proposal and will require a statement outlining the environmental impact of the proposals, identifying all likely effects on the environment, including opportunities for improvement. The provision of a Preliminary Ecology Appraisal (PEA) (also known as a Phase 1 habitat survey) may suffice.

Therefore, the Board seeks appropriate reassurance perhaps in the form of an "agreed strategy" or similar on how the site will be established, developed and maintained during its lifetime. This will include but will not be limited to the provision of further detail of the proposed watercourse and those that connect to the Boards District Drain, including any potential improvement works and installation of relevant infrastructure; design, construction and long term maintenance arrangements of the water disposal systems used including relevant open watercourses; ecological protection and enhancement of open watercourses; etc.

The Board would be pleased to continue discussions with the applicant and his agents/consultants as part of a Detailed Post-Application Consultation.

5.7. **Local Residents/Interested Parties**

Objectors

The Council has received 11 letters of objection from the scheme, from 10 address points including seven addresses on Colletts Bridge Lane, two addresses on Gosmoor Lane, and one from Short Lane in Elm.

Many letters reiterated concerns raised with respect to a previous planning application on the site.

Reasons for objection to the scheme can be summarised as:

- Concerns over highway safety;
- Development would restrict potential for future road widening;
- Concerns over flooding/drainage;
- The site is not infill;
- Concerns of the impact of development to the countryside character;
- Wildlife impacts;
- Lack of justification for proposal;
- Unsustainable location, lack of services, facilities etc;
- Residential amenity impacts – light and noise pollution;
- Would set precedent for additional development;
- Recent appeal decision on Colletts Bridge Lane.

Supporters

Seven letters of support have been received via the agent for the application, from seven address points including, two from Fridaybridge Road (Elm), three from Main Road (Elm), one from Colletts Bridge Farm (Gosmoor Lane), and one from The Wroe (Emneth).

All but one of the letters were previously submitted with respect to a previous planning application on the site, but were redated and noted their continued support for the current application reference.

Reasons for supporting the scheme can be summarised as:

- Improvement of unkempt land;
- Would not spoil the countryside character;
- No concerns over wildlife;
- A lack of services and facilities would be accepted by any future occupier;
- Other planning approvals along Gosmoor Lane;
- Sustainable development;
- Development of bungalows welcomed;
- Would address housing need;
- Would increase natural surveillance and deter anti-social behaviour.

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) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed and beautiful places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

Context

Identity

Built Form

Movement

Nature

Homes and Buildings

Resources

Lifespan

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

LP12 – Rural Areas 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

LP19 – The Natural Environment

7.5. Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021

Policy 5 – Mineral Safeguarding Areas

Policy 14 – Waste management needs arising from residential and commercial development

Policy 16 – Consultation Areas (CAS)

7.6. Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

7.7. Cambridgeshire Flood and Water SPD 2016

7.8. **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy

LP2 – Spatial Strategy for the Location of Residential Development

LP7 – Design

LP8 – Amenity Provision

LP18 – Development in the Countryside

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP24 – Natural Environment

LP28 – Landscape

LP65 – Residential site allocations in Colletts Bridge

8 **KEY ISSUES**

- **Principle of Development**
- **Impact on the Character and Appearance of the area**
- **Access and Highway Safety**
- **Flooding and Drainage**
- **Residential Amenity**
- **Sustainability**
- **Biodiversity & Biodiversity Net Gain (BNG)**

9 **BACKGROUND**

9.1. In 2019, the applicant sought pre-application advice for the erection of 3 dwellings, two situated on the current application site fronting Gosmoor Lane, with a third proposed to the north of Iris Cottage fronting Colletts Bridge Lane. The Officer returned a non-favourable response, outlining that the proposed development would likely be considered unacceptable in respect of the principle of development (LP3) and rural area character and appearance impact (LP12).

9.2. Following this, in February 2024, Members resolved to uphold a recommendation to refuse an application seeking outline planning approval with all matters reserved for the erection of 5no. dwellings at the site (F/YR23/0904/O).

9.3. Officer's recommended to refuse the scheme on the basis of:

- the proposal not comprising infill development and being sited in an unsustainable location, contrary to Policies LP3 and LP12 of the Fenland Local Plan; and

- the impact of the proposal on the countryside character, contrary to Policies LP12, LP16 (d) and DM3.
- 9.4. Further to the clear policy contravention in respect of principle and character, Members were seriously concerned about the proposed surface water drainage capabilities of the site when considering comments made by Middle Level Commissioners at the time. However, Officers were unable to substantiate a reason for refusal on the basis of flood risk within their assessment owing to a lack of specific evidence pertaining to the overall risk of flooding at the site.
- 9.5. Notwithstanding, Members remained unconvinced that a suitable surface water drainage scheme could be achieved for the development, and there was, in their opinion, a clear risk of flooding at the site. Accordingly, Members voted unanimously to refuse the application and resolved to add an additional reason for refusal on the basis of flood risk, with respect to Policy LP14.
- 9.6. However, before the formal decision could be issued by the Council, the applicant chose to withdraw the application.
- 9.7. The current application scheme is seeking outline planning approval with all matters reserved for the erection of 5no. dwellings; a resubmission of the earlier scheme by the same applicant. Matters of drainage, specifically, have been sought to be addressed within the submission, considered in more detail below.

10 ASSESSMENT

Principle of Development

- 10.1. Notwithstanding the site address of Gosmoor Lane, the site is located on the junction of Gosmoor Lane and Colletts Bridge Lane, is divorced from the main settlement of Elm and accordingly relates more to Colletts Bridge than Elm.
- 10.2. Policy LP3 identifies Colletts Bridge 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 intermittent or sporadic development on land that is clearly detached from the built-up area of the settlement that relates more to the open countryside.
- 10.3. 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 any dwellings are separated by large swathes of undeveloped and/or agricultural land, of which the application site is part.
- 10.4. Similarly, development on the north side of Gosmoor Lane is also sporadic in nature. With the nearest dwelling on the northern side of Gosmoor Lane being approximately 260m to the west separated by a significant track of

agricultural land. Accordingly, the application site forms a soft frontage to the existing development along both rural lanes.

- 10.5. When considering earlier appeal decisions relating to development in the locality, F/YR14/0616/F and F/YR22/1239/O, it is noted that the Inspector in both cases highlighted the sporadic nature of development on this side of Colletts Bridge Lane, further supporting officers' assessment of the local built form.
- 10.6. Whilst a decision was not formally issued, the resolution by Members to refuse the earlier application F/YR23/0904/O implies that the principle of development of this site was considered unacceptable by Members in respect of Policies LP3 and LP12 at that time. No changes have occurred with respect to the built form and sporadic nature of development in the area within the last year (since the submission of the earlier application) and there have been no substantive changes to the proposal to outweigh the clear policy contravention in this regard.
- 10.7. Thus, having due regard to the relevant Development Plan policies with respect to the settlement hierarchy and rural areas development, the Inspectors' descriptions of the area within the aforementioned Appeal decisions, and moreover the conclusions reached by Members when considering the previous application specific to this site, Officers maintain that the principle of development of this parcel of land would be in contravention of both Policies LP3 and Policy LP12 (a) and (b) in so far as they relate to the form of development, and as such the scheme should be refused on this basis.

Impact on the Character and Appearance of the area

- 10.8. 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.
- 10.9. Notwithstanding, the development proposed would encroach into undeveloped land that is characteristic of the intermittent nature of development in the area and contributes the openness to the west of Colletts Bridge Lane and north of Gosmoor Lane.
- 10.10. In addition, whilst it is acknowledged that details of access and layout are not committed within this outline application, the indicative site plan indicates three access points from Gosmoor Lane leading to a private roadway serving three of the proposed plots (discussed in more detail below). It can therefore be reasonably assumed that any development of the site in this quantum would have to be laid out in such a form which would result in the development appearing similar to a small 'estate' type development that is entirely alien to the nature of the frontage built form in the vicinity.
- 10.11. Accordingly, the development proposed would result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The indicated layout utilising a private roadway would appear distinctly uncharacteristic of the local development pattern. In addition, the development would arguably create a precedent for further

development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would further erode the existing open rural character both sides. As such, the proposal is contrary to the requirements of Policies LP12 and LP16 (d).

- 10.12. The indicative proposals are no different to those previously submitted within F/YR23/0904/O, and accordingly there is no alternative assessment to be had with respect to the detrimental impact of the development on the character and appearance of the area and as such the reason for refusal on this basis should remain.

Access and Highway Safety

- 10.13. The scheme follows the revised indicative proposal utilising only three accesses, two individual dwelling accesses and a private roadway to serve three of the intended plots. This is the same as that previously submitted under F/YR23/0904/O.
- 10.14. During consideration of the previous scheme, the principle of the development with respect to highway safety was considered acceptable to the Highway Authority.
- 10.15. The current scheme was subsequently consulted with the Highways Authority, who maintained their position and considered that the proposal was acceptable in principle, subject to Reserved Matters including full details of the access for consideration and approval going forward.
- 10.16. Accordingly, any remaining concerns in respect of highway safety are not considered to result in unacceptable impacts, nor are the residual cumulative impacts on the road network considered severe. Thus, refusal on the grounds of highway safety is not justified in this case (NPPF Para 115). Notwithstanding, this does not outweigh the character harm that the proposed development (and uncharacteristic access layout) would inflict on the area contrary to Policies LP12 and LP16 as considered above.

Flooding and Drainage

- 10.17. Policy LP14 Part B of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development and flood risk. The policy requires all development proposals to adopt a sequential approach to flood risk from all forms of flooding. In addition Policy LP14 states that all applications for relevant developments must include a drainage strategy to demonstrate that suitable consideration has been given to surface water drainage.
- 10.18. The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of flood mitigation measures.
- 10.19. During consideration of the previous scheme under F/YR23/0904/O, a substantive objection was received from Middle Level Commissioners along with many concerns from local residents relating to the potential for surface water flooding at the site. Notwithstanding these concerns, Officers

considered that there was insufficient evidence to the scale and level of potential surface water flooding at the site to substantiate a reason for refusal on this basis. However, on deliberation of the application at Committee, Members drew on their local knowledge of the site and on the objection from Middle Level Commissioners, and resolved to include an additional reason for refusal on the basis of flood risk at the site.

- 10.20. The current application seeks to address matters of potential surface water flood risk through the submission of a drainage strategy. It outlines that the disposal of surface water via infiltration is unlikely to be feasible given the underlying geology of the site. It rules out various options for drainage with respect to the drainage hierarchy, resolving that a mix of permeable paving and cellular storage to attenuate flows before being discharged off site, via a hydro brake flow controlled system to a newly dug ditch beyond the western boundary of the site, which links to the IDB system to the northwest of the site. This system, in theory, may be appropriate to manage surface water runoff from the site. However the scheme is merely indicative in nature at this stage.
- 10.21. Criterion (b) of Part B of Policy LP14 is clear in that it requires applications to demonstrate that surface water run-off attenuation can be accommodated *within the site*. It is noted that the indicative positions of the proposed permeable paving and cellular storage are intended to be positioned within the site. However, these systems are linked to a proposed newly dug drainage ditch outside the western boundary of the site, which will in turn link to IDB watercourses beyond. This element of the scheme forms the crux of the surface water run-off attenuation for the scheme, yet the proposed drainage ditch falls outside the redline boundary of the application site.
- 10.22. Middle Level Commissioners were duly consulted with respect to the revised scheme and proposed surface water drainage strategy, considering that the proposal may be appropriate, however caveats this with noting that the IDB are currently undertaking hydraulic modelling for the site and until the results of this are unlikely to be available until Spring 2025. As such, at this stage, it cannot confirm if the system would have capacity to receive flows from the site as proposed. It requests 'appropriate reassurance' through an agreed strategy on how the site and its drainage system will be established, developed and maintained during its lifetime. Including, but will not be limited to the provision of further detail of the proposed watercourse and those that connect to the Boards District Drain, any potential improvement works and installation of relevant infrastructure; design, construction and long-term maintenance arrangements of the water disposal systems used including relevant open watercourses; ecological protection and enhancement of open watercourses; etc.
- 10.23. Whilst these matters are subject to detailed design, the principle of draining the site in this way has not been fully established by the submitted evidence by the applicant. In the first instance, it is noted that the proposed drainage ditch, which is development in its own right, has not been included within the redline boundary of the application site and therefore should not be considered part of the application. Therefore, the submitted drainage strategy, whilst providing indicative proposals for the drainage and

management of surface water, does not provide appropriate comfort that the scheme could be achievable and appropriate to ensure the site is adequately drained and will not increase flood risk elsewhere.

- 10.24. No additional information has been provided in direct response to earlier Member deliberations or the previous Middle Level Commissioner's comments with respect to F/YR23/0904/O to satisfy Officers that matters of surface water drainage have been adequately considered.
- 10.25. As such, given the indicative system constitutes development in its own right and is located outside the development red line, and earlier Members' resolutions regarding surface water flooding on the basis of local knowledge, and the lack of sufficient evidence to contravene these claims, there remains a concern that matters of surface water drainage have not been adequately addressed in respect of the requirements of Policy LP14.

Residential Amenity

- 10.26. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking, overshadowing or overbearing, as such it is likely that the scheme could be compliant with Policy LP16 (e), subject to acceptable details of appearance, landscaping, layout, and scale to be submitted at Reserved Matters stage.
- 10.27. The Environmental Health team do not object to the development in principle, recommending that matters of amenity safeguarding are ensured through the imposition of conditions, should outline consent be approved.

Sustainability

- 10.28. A number of residents consider that the scheme should be resisted on the grounds of sustainability (owing to the lack of suitable footpaths and street lighting).
- 10.29. In terms of the site's sustainability credentials, the occupiers of the site would be wholly reliant on car-based transport for all services and facilities within the wider local area as there are no such facilities in the immediate area of the site. Accordingly, the development of the site for residential use would fail to meet with the Government's environmental and sustainability objectives.

Biodiversity and Biodiversity Net Gain (BNG)

- 10.30. Several resident representations raised concerns over implications for wildlife and biodiversity at the site being detrimentally impacted by the proposed development.
- 10.31. The site is a marshy area of scrubland, with no significant trees or hedgerow. In addition, there are no watercourses within the immediate vicinity of the site. Accordingly, the submitted Biodiversity Checklist, and subsequent on-site inspection by the Case Officer, did not highlight any areas of concern with respect to priority habitats or species. Thus, there was no requirement for an ecology survey to be undertaken in respect of the proposals.

- 10.32. Notwithstanding, should outline consent be approved, ecological enhancements could be conditioned to be included within the development to limit impacts to local wildlife.
- 10.33. The Environment Act 2021 requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with Local Plan policies LP16 and LP19 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 10.34. To accompany the planning application a Biodiversity Net Gain (BNG) report has been prepared, supported by a metric to calculate the baseline and proposed habitats. The supporting report outlines that the proposal will achieve the 10% net gain in biodiversity across the site. Therefore, a Biodiversity Gain Condition is required to be approved before development is begun to secure the measures proposed.

11 CONCLUSIONS

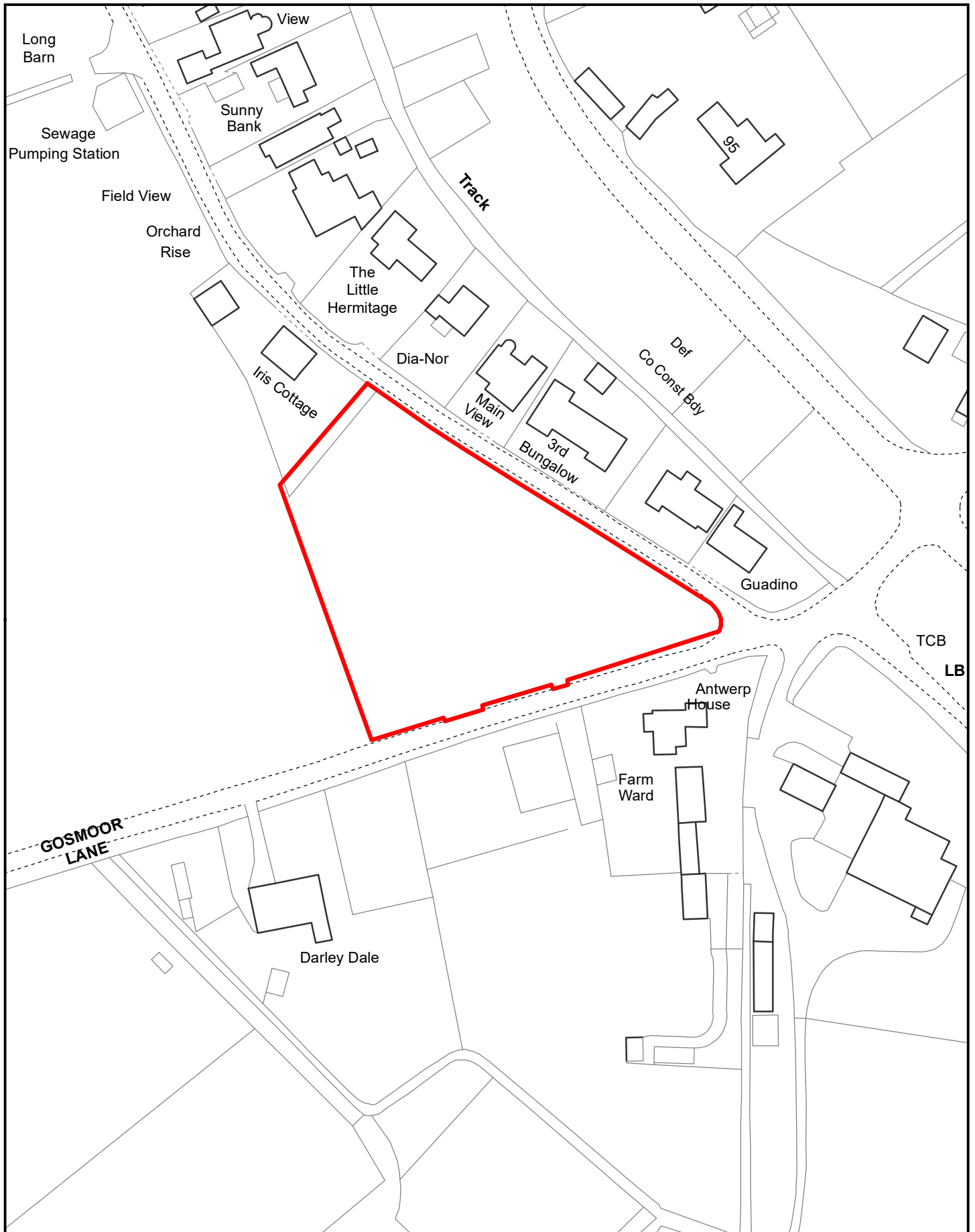
- 11.1. This application follows a previous application for a similar scheme (F/YR23/0904/O) that was subsequently withdrawn by the applicant before a decision to refuse could be issued by the Council.
- 11.2. Notwithstanding, on the basis of the consideration of the issues of the current application and previous relevant planning history, conflict arises through the principle of the development of the site and the impact on the character of the area 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, LP12 and LP16.
- 11.3. Further to this, the current application sought to address matters of surface water flood risk concern through the submission of a drainage strategy, however the main element of surface water disposal, via a proposed newly dug drainage ditch, lies outside the application boundary red line and thus cannot be considered as part of the application. Additionally, the IDB have failed to confirm that this approach would work from a technical perspective in any event. As such, matters of surface water drainage have not been adequately addressed in respect of the requirements of Policy LP14.
- 11.4. Accordingly, the proposed development is contrary to local planning policy and should be refused.

12 RECOMMENDATION

Refuse, for the following reasons;

1	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
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	<p>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> <ul style="list-style-type: none"> (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. <p>The existing dwellings along the western side of Colletts Bridge Lane and northern side of Gosmoor 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 on both lanes and development of this parcel of land would be excluded by (a) and (b) above. The site is located within an unsustainable location where future occupants would be reliant on private motor vehicles to access services and facilities. Thus, the proposal therefore fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014.</p>
2	<p>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 result in an enclosure and urbanisation of an area of open countryside to the detriment of the character and appearance of the area. The development would arguably create a precedent for further development on the both the western side of Colletts Bridge Lane and northern side of Gosmoor Lane that would erode the existing open rural character both sides. As such, the proposal would be contrary to the requirements of the Policies LP12, LP16(d) and DM3 (2014).</p>
3	<p>Policy LP14 Part B of the Fenland Local Plan (2014) and chapter 14 of the National Planning Policy Framework set out the policy approach towards development and flood risk. Policy LP14 states that all applications for relevant developments must include a drainage strategy to demonstrate that suitable consideration has been given to surface water drainage and that appropriate arrangements for attenuating surface water run-off can be accommodated within the site. By virtue that the main element of the proposed surface water drainage scheme, a newly dug drainage ditch, falls outside the application redline boundary, and there is no evidence to confirm the proposal would work from a technical perspective, the application has failed to adequately evidence that appropriate surface water drainage measures can be employed within the site, and thus the scheme is contrary to the requirements of Policy LP14.</p>



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F/YR24/0835/O

Scale = 1:1,250





Boundary fence to have 1 hedgehog gravel board to each boundary



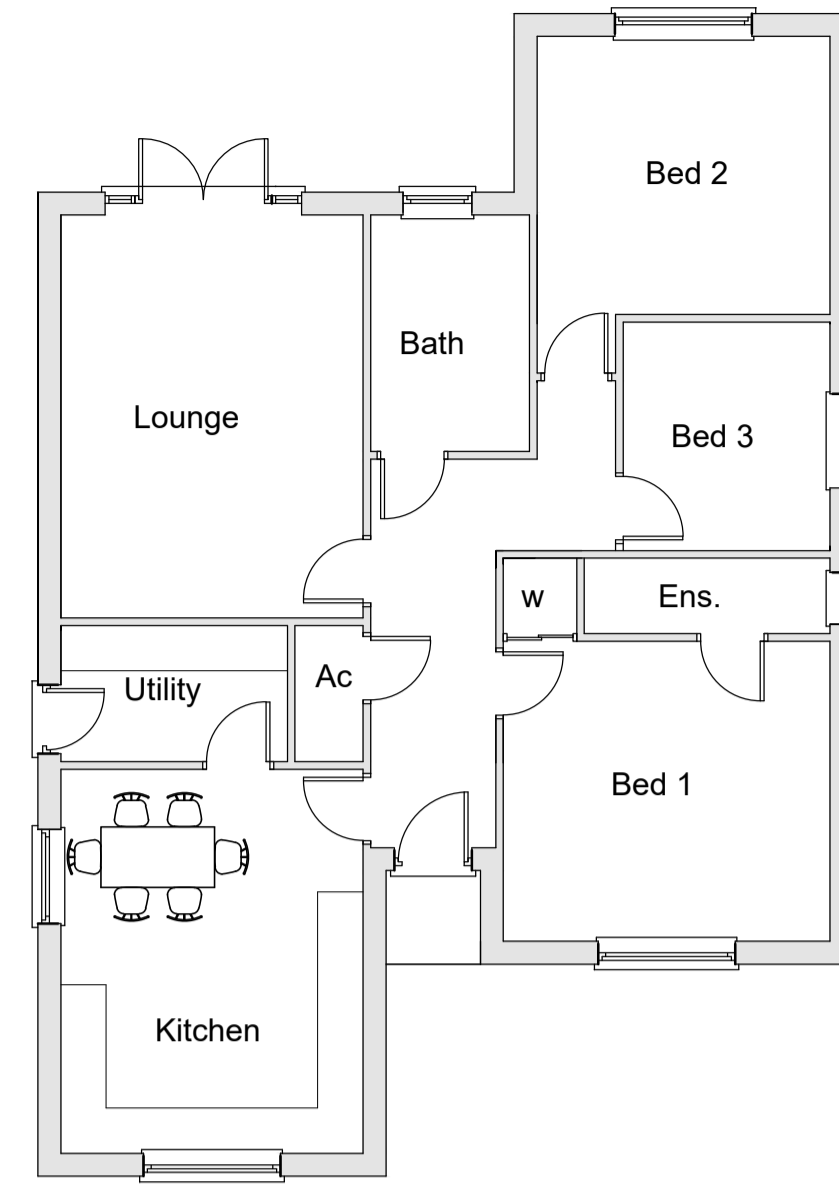
Nestbox company Starling box
1 to each dwelling



Nestbox company Sparrow box
1 to each dwelling



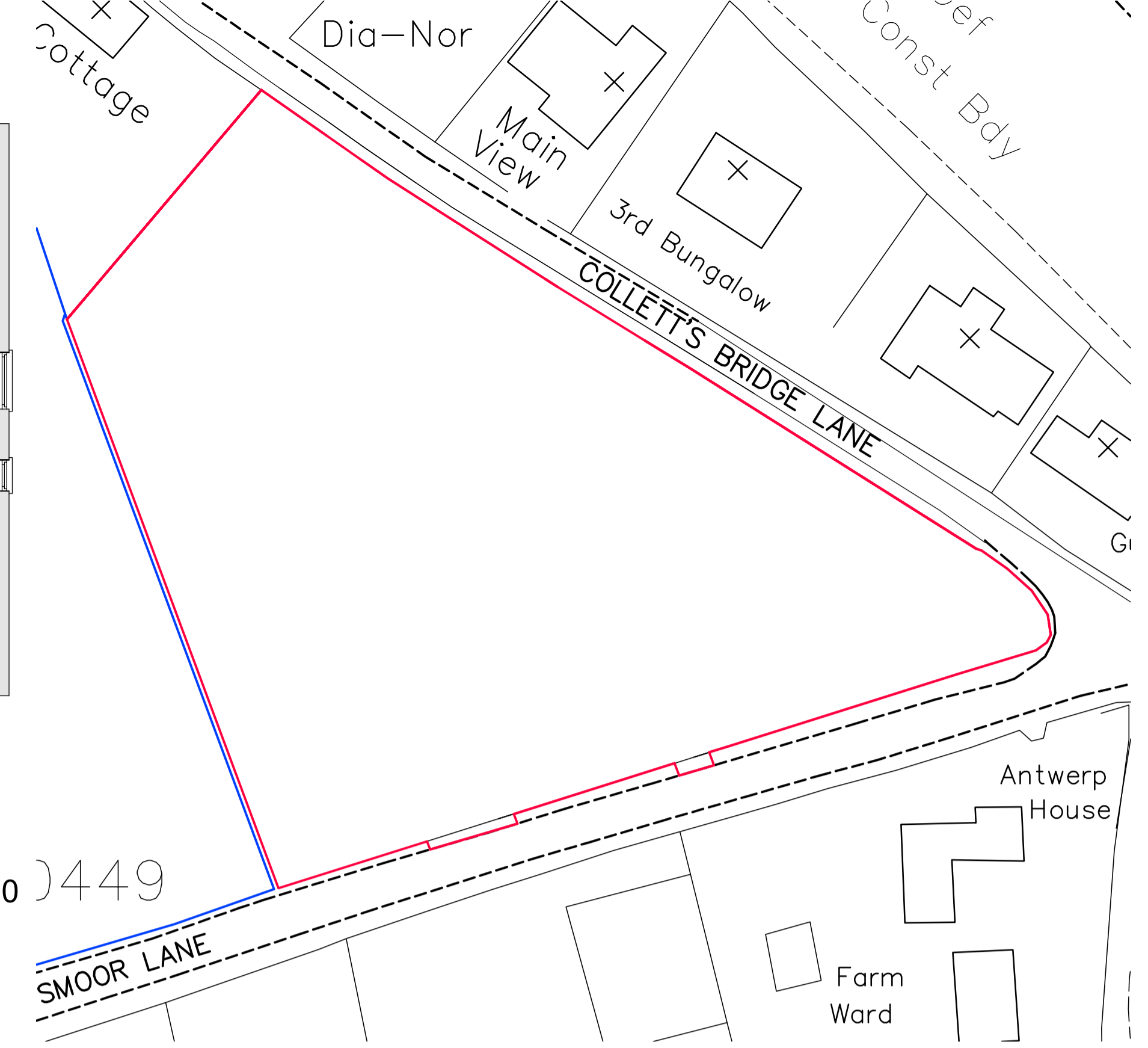
NHBS Habitat bat box
One on each South
Elevation



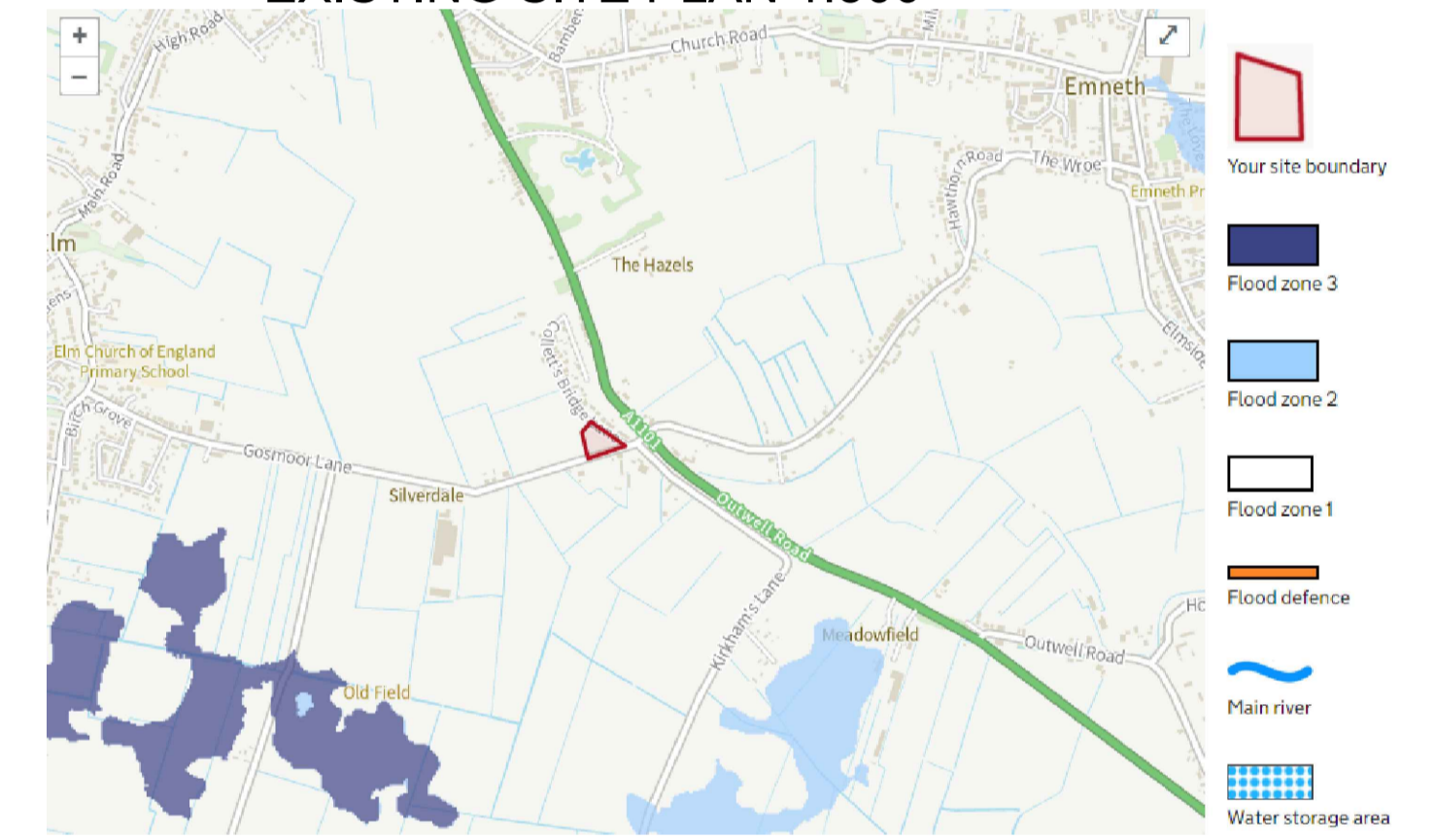
Indicative bungalow layout only 1:100



SITE PLAN 1:500
Indicative layout only



EXISTING SITE PLAN 1:500



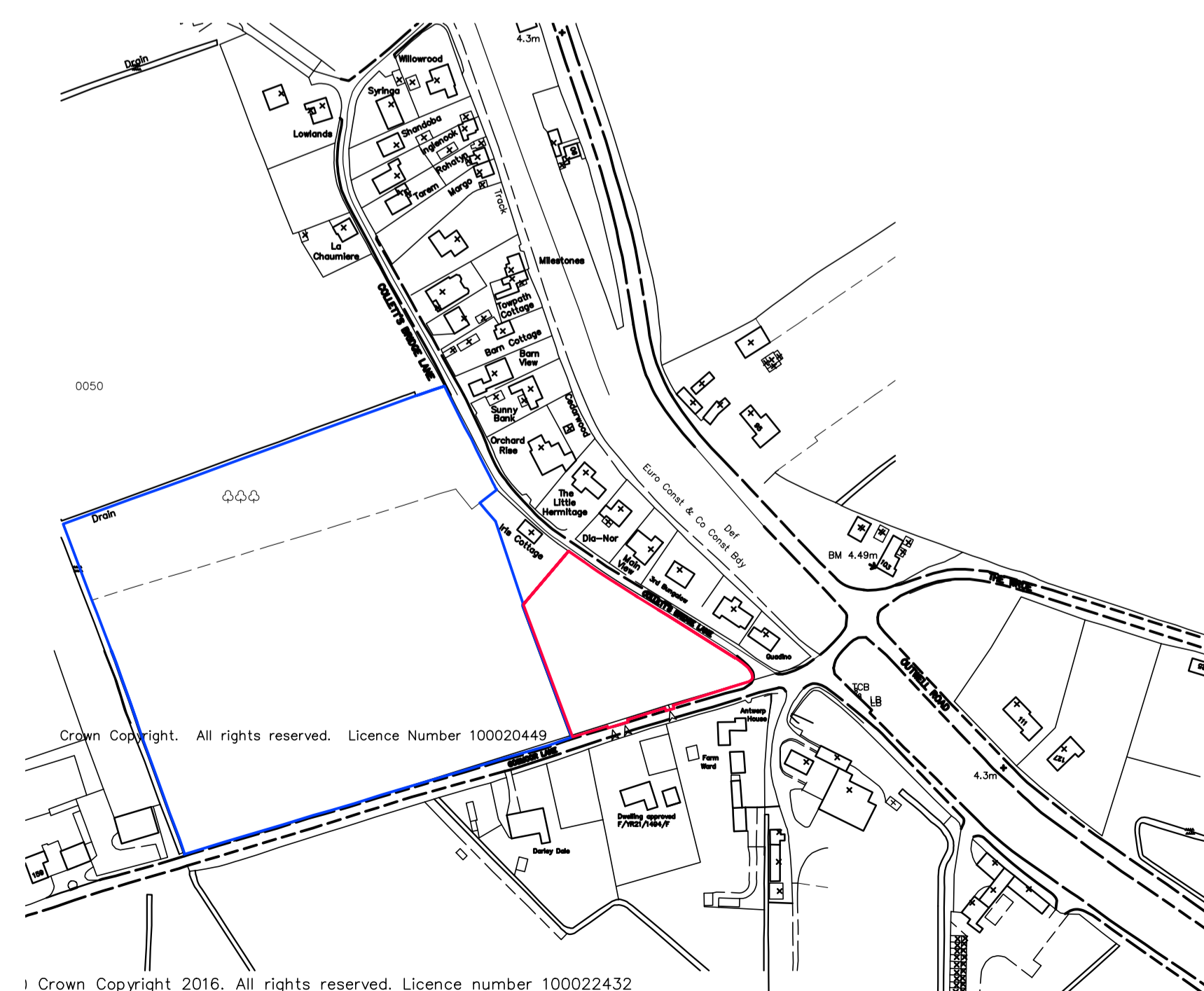
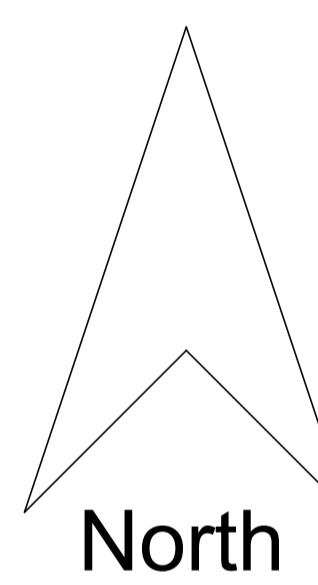
FLOOD ZONE 1

SITE AREA 0.498Ha.

Tree Schedule
 1. Silver birch (*Betula pendula*) @8 Standard Bareroot
 2. Bird cherry (*Prunus padus*) @8 Standard Bareroot

Conservation Hedge
 For a mixed native hedge, try to include three plants of the same species per 1 m (3 1/2 ft) with one each of two other species. Plant size to be 90/120cm bare rooted.

Native shrubs and trees like hawthorn, field maple, blackthorn, brack, hornbeam and holly make an ideal mixture of hedging plants. Grow rambling plants, such as wild rose, bramble and honeysuckle, through your hedge to provide even more shelter and food for wildlife.



LOCATION PLAN 1:2500

REVISIONS

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CLIENT
MR CROFTS

PROJECT
RESIDENTIAL DEVELOPMENT

SITE
**PROPOSED DEVELOPMENT
 COLLETT'S BRIDGE LANE
 /GOSMOOR LANE
 COLLETT'S BRIDGE
 ELM, Nr WISBECH
 PE14 0EE**

DRAWING
6857 PL01b

JOB NO. 6857	PAPER SIZE A1	DATE 27/09/2023
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