

Applicant: Mr And Mrs D Mallett

**Agent : Mr Connor White
Swann Edwards Architecture Limited**

Land South Of, Hall Bank, Tydd St Giles, Cambridgeshire

Erect up to 8 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to the Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 This application proposes the delivery of up to 8 detached dwellings on a site which is outside the built form of the designated 'small village' of Tydd St Giles.
- 1.2 The scheme is contrary to Policies LP3, LP12, LP14, LP15 and LP16 in the adopted plan and would be contrary to draft local plan policy LP1 given that it is not infill and does not demonstrate compliance with flood risk policy.
- 1.3 The consultation response of the LHA is awaited as to whether the scheme achieves technical compliance relating to highway safety and accessibility, however a policy compliant scheme with regard to Policy LP15 in terms of highway safety and accessibility would not outweigh other policy concerns.
- 1.4 As a 'Small Village' the usual dispensation relating to 'edge of settlement' development falls away as clearly referenced in Policy LP12 Part A (a), and the new hinterland element of the emerging local plan would not 'bite' as the development exceeds the parameters given with regard to numbers and impacts.
- 1.5 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 1.6 In addition whilst a sequential test has been submitted this focuses solely on the settlement of Tydd St Giles, and therefore does not follow the adopted approach outlined in the FDC document 'Approach to the Sequential Test for Housing' This document identifies that the area of search for the purposes of carrying out the Sequential Test in such areas would be the 'whole of the rural area'.

- 1.7 There are fundamental policy issues arising relating to this proposal, as highlighted within this report, both in respect of the current and emerging local plans and nothing would weigh against these matters to suggest that the scheme has the potential for approval without severely undermining both the development plans. Accordingly, the scheme must be recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site comprises an area of agricultural land of 1.142 Ha; it encompasses the frontage section of a larger field to the southern side of Hall Bank which is an area of open countryside located on the approach into the built settlement of Tydd St Giles.
- 2.2 Along the length of Hall Bank only sporadic development is evident with two dwellings immediately to the north of the site, within South Holland Local Authority area, with a further dwelling circa 367 metres distant to the south-west. Open fields lie to the north, south and west. On the southern side of Hall Bank (within Fenland) again to the south-east of the site the nearest dwelling, Romain, is circa 375 metres distant from the site under consideration.
- 2.3 The current site is relatively featureless save for an overhead line which runs north-east to south-west across the site within its western section; the site layout is annotated to note that it is the intention to remove this infrastructure and relocate underground.
- 2.4 To the south-east of the site (100 metres distant) is the residential property known as Foxs Barn, with its associated stables and open paddock between the application site and the residential curtilage of this dwelling. Beyond Foxs Barn is the development 'The Poplars' which comprises 7 detached dwellings currently under construction occupying land which previously accommodated a steel barge building company which relocated some time ago.
- 2.5 The site falls within Flood Zones 2 and Flood Zones 3, with the Flood Zone 3 area being 10 metres at its deepest point with the road frontage; and representing circa 681 sq. metres (circa 6 % of the overall site area).

3 PROPOSAL

- 3.1 This is an outline planning application for up to 8 dwellings with access committed.
- 3.2 The illustrative site plan shows frontage/linear development of 8 detached units each benefiting from its own access. A further 'access' to a farm track to the land beyond the site is also identified (circa 60 metres from the most westerly corner of the site).
- 3.3 A footpath is shown along the site frontage and is referenced within the design and access statement 'to link with the existing network in High Broadgate'. The agent was asked to clarify the extent of the link and the width/construction details of the intended provision, and this information has been submitted.

Further infrastructure in the form of passing bays has also been included in the updated details.

Full plans and associated documents for this application can be found at:

<https://www.publicaccess.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

Site to the east of Foxs Barn

F/YR17/0967/O	Erection of a dwelling (Outline application with all matters reserved) Land North of The Gables, High Broadgate, Tydd St Giles	Refused 05.12.2017 Allowed on Appeal 02.08.2022
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5 CONSULTATIONS

5.1 Parish Council

'The members of the Parish Council's Planning Committee considered this application at their recent meeting.

They considered the proposed development to be outside the village and of a scale and nature that would be out of keeping with its setting, contrary to policies LP3 and LP12 of the Local Plan. Hall Bank is a single carriageway road along the edge of the Shire Drain and the inclusion of eight separate access points around a bend in the road would be hazardous to traffic. Whilst a footpath is shown along the front of the development, it would not be possible to connect this to existing footpaths in the village.

Members resolved not to support the application'.

5.2 South Holland DC (Housing & Plan Services)

'We have no comments or objections to this proposal'.

5.3 CCC Highways

'The accesses should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from the existing footway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Visibility Splays should be added on each of the access point.

The plan also has proposed footway. Does this intend to connect to the existing footway at High Broadgate? Please show the extent of the footway. Hall Bank is a single-track road. The addition of 8 new dwellings will increase the number of trips in this area. Therefore, there will be increase in the number of conflicts when vehicles are passing each other. There should be some

highway mitigation to this issue. Is there likely to be passing places or road widening?

Subject to this the future reserved matters application to provide access details and car parking and turning arrangements that meets FDC parking standards.'

Comments are awaited in respect of the updated details (submitted 29.09.2022) and will be reported to committee.

5.4 Environment & Health Services (FDC)

'The Environmental Health Team are unlikely to object to the principle of any development where a high quality and sustainable living environment is to be created. From an environmental health standpoint this will be subject to the satisfactory attention being given towards mitigating against the potential for adverse environmental impacts that can affect the quality of life such as noise and odour pollution, satisfactory conclusions being reached that show the site is free from contamination and that such a scheme positively contributes towards improving the health and wellbeing of people in support of sustainable and better ways to live and travel.

Consequently, the Environmental Health Team has reviewed the outline information and has 'No Objections' to the proposed scheme as it is unlikely to affect or be affected by the existing noise or air climate. Given the application sites previous pastoral use contamination is also unlikely to be an issue.

Informative: The installation of modern and energy efficient heating systems, suitably designed glazing and thermal insulation materials should meet latest standards and that the development, affords future occupiers sustainable travel options such as walking, cycling and the use of electric vehicles with electric vehicle charging points being considered otherwise as a minimum, welcome packs should be provided to all new residents that contain information and incentives to encourage the uptake of greener forms of travel'.

5.5 Environment Agency

'We have reviewed the documents as submitted and we have no objections to the development proposed subject to the condition outlined below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. Further information for the developer is provided below.

Flood Risk Condition

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD, Ref: ECL0787 dated June 2022 and the mitigation measures detailed in section 5.2 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development Reason for condition To reduce the risk of flooding to the proposed development and future occupants.

Flood resistance and resilience - advice to LPA/applicant

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. [..]

5.6 North Level Internal Drainage Board

'North Level District IDB has no comment to make with regard to the above application'.

5.7 Cambridgeshire Fire & Rescue Service

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

5.8 Local Residents/Interested Parties

7 letters of objection have been received from 7 households within Tydd St Giles these may be summarised as follows:

Character of area, design and layout

- Density/Over development/Out of character/not in keep with area
- Loss of view/Outlook/ Visual Impact
- *'Hall Bank is a year-long oasis of calm and one of my favourite places to walk. This is Grade 1 agricultural land providing a wonderful, unspoilt vista of Fenland farming. The peaceful road is too narrow for anything but the occasional car and this development will adversely affect the area's serenity.'*
- *'The contention that eight potentially large properties along the bank would not have a detrimental effect on the nature of the area or villagers quiet enjoyment of this area is erroneous. While eight properties may not, as stated in the design and access statement, be a large number in the context of the whole village, it is an excessively large number for an area currently only containing 10 houses, in the main spaced along the length of the bank.'*
- *'The connections claimed with High Broadgate and Trafford House are not realistic. If granted, there would inevitably be applications for infill development on the adjacent land, particularly to the east, which will lead to ribbon development contrary to LP12. The corner of Hall Bank with Hockland Road forms one of the natural entrances to the village. When leaving the village along Hall Bank the open Fenland landscape is revealed. The proposed development (and indeed any development on the site) would be directly contrary to the requirement of LP12 to preserve the open landscape.'*
- *'The development extends existing linear patterns of the village, contrary to LP12. The development is adjacent to High Broadgate only as the crow flies'.*

Policy and Precedent

- Site is not infill; it is an agricultural location with many acres between houses on a single-track road
- The properties that the submission indicates it 'infills' are on the other side of the road and in a different county, it would also leave the field between Fox's Barn and the site open for infill.
- *'If granted there would remain open agricultural land to the east and west of the site'.*

- There have been many better supported locations for development highlighted in recent meetings
- This proposal totally goes against LP3 and LP12
- *'Tydd St Giles is a small village where development is severely restricted. The proposal's justifications for developing along Hall Bank twist the letter and spirit of Local Planning Policy in an attempt to shoehorn this proposal into a compliant form.'*
- Outside the village boundary
- *'LP3 states that small village development will be considered on its merits but will normally be of a very limited nature and 3.3.11 confirms Government policy; that the intrinsic character and beauty of the countryside should be recognised and any development should be fully justified by special circumstances.'*
- *'LP12 further confirms FDC's vision not to "harm the wide-open character of the countryside" and its villages, and lists more than a dozen criteria and a link back to LP3 in its desire to preserve that vision. Further, a footnote to LP12 defines the developed footprint of the village which clearly excludes detached, individual or intermittent buildings, paddocks and other undeveloped land that relates more to the surrounding countryside than the built-up area of the settlement.'*
- *'In the Design & Access Statement, the meaning and intent of the quoted LP policies have been manipulated to fit a fabricated need, with words that have been cynically cherry-picked rather than adhere to and respect their full meaning. This isn't an 'infill' and it does create a new linear pattern.'*
- Outside DAB
- *'TSG has already exceeded its quota of development with houses along Kirkgate, Sapphire Close and The Poplars, not to mention TSG's Holiday Park.'*
- *'Allowing this development would fly in the face of local planning policies that are in place to protect and preserve the nature and character of this Fenland village; to stop all those who would seek to despoil it.'*

Access/Traffic or Highways/Parking arrangements

- Road is far too narrow for vehicles to safely pass pedestrians let alone other road users who may be coming in the opposite direction.
- Single track road with no passing points (other than private driveways) and a dyke on the opposite side meaning there is little ability to pull off the road to pass. It is a narrow road which already has traffic concerns for those obliged to use it.
- Development would create substantial increase in vehicle movements
- Development would impact on existing visibility around the bend
- Increased pedestrian usage along a single-track road; footpath appears of insufficient width for example wheelchair users
- The corner where Hall Bank now has an exit for the estate of new houses (The Poplars) is on a blind double bend. ANY further increase in regular traffic along this road is going to make it a much more dangerous piece of highway
- The eight new accesses are unlikely to have sufficient visibility
- Current road is in a poor state of repair, additional vehicle movements will accelerate damage resulting in additional road maintenance costs.
- 'Hall Bank is narrow, and the proposed accesses are unsuitable, and potentially unsafe. Whilst the area appears to be open and clear, a vehicle leaving any one of the proposed dwellings would have difficult visibility and

would be driving directly towards the Shire Drain. It is hard to see how this proposal meets any of the criteria of LP3 and LP12'

- Road is not sufficient to cope with the increased traffic. Given that the proposed development envisages eight accesses to the road, close to a bend, there is a significant likelihood of traffic problems or accidents.
- 'The proposed footpath will not link up with the existing footpath at High Broadgate as there are two properties in between the two and will ensure that there is effectively no passing point possible for the length of Hall Bank until beyond the development'.

Flooding, Drainage

- There is a known and very real problem with water and sewage/ drainage in the village which appears not to be able to cope with the amount of houses at present without and more being added.
- 'An argument in favour of there being no need for an exception test is overly optimistic'.
- 'Many winters have seen small to rather large lakes appearing across this paddock and remaining in situ for some time'.

Other matters

- Would set a precedent; concern that the rest of the field would be built on
- Agricultural land
- Devaluing property
- Environmental concerns – the wildlife and dog walkers don't need new houses to continue to access the footpaths/open field
- Wildlife concerns
- Would not be of benefit to the village only to those moving into the houses, no guarantee that these houses would support the local shop and facilities, the submission suggests that it will be families already in the village.
- No additional jobs
- Interesting that a number of comments have been made by extended family members and more than one for the same household in some instances.
- A pre-planning discussion might have avoided this proposal coming to the surface in the first place.

Supporters

13 letters of support have been received 11 from Tydd St Giles residents originating from 9 households, 1 from Sutton Crosses and 1 from Newton; these may be summarised as follows:

- *'I am very much for the shop/post office etc as this will make my life so much easier' additional dwellings will give more opportunity for the shop to succeed and bring younger blood into the village'.*
- Scheme will enable village to expand without backfill
- Scheme will provide housing for local villagers and add to housing mix providing family homes
- Will increase footfall for village facilities and events and enable shop to be built, will also provide pupils for the school – enhancing funding and improving its facilities.
- Villagers have made it clear that there are areas in the village that they wouldn't want to be developed (Newgate Road and the village centre) this leaves the only options for development on existing roads leading into the village

- Development would be in proportion to existing houses within the village and within keeping of the local character.
- The development would also incorporate a footpath linking up to the existing one along High Broadgate giving safer access for pedestrians.
- Additional housing will also give increased revenue for the local parish council, with a shortage of country wide housing and within the fenland area the village will have to naturally expand with the rate of the population increasing.
- Proposed development will not impact on residential amenity, the large meadow to the rear will be left for the foreseeable future.
- Consider the development is infill and is a natural progression for growth in the village, in keeping with precedents set on Kirkgate and Cats Lane
- Hall Bank is already being developed with the Poplars
- Linear development in keeping with the general development of the area
- *'The proposed application will provide the opportunity for hard working families to live in an economical as well as environmentally friendly home, whilst also creating jobs and improving the struggling economy'*
- *'A lot of thought has gone into the scheme'*
- *'This will provide housing for local residents that have lived here in the village for 100+ years between them. Residents that bring a lot to the village already, so will be able to continue that'*
- *'There has already been some development on Hall Bank and so far with the added residents and building work, there have been no issues with traffic on the road whatsoever. The meadow at the back of the development will provide a safe space for local wildlife, as well as a countryside feel for nearby residents and dog walkers. I believe that this development will fit in perfectly within the village'*
- *'The family who wish to build upon it, are doing so do bring their children back to the village. As a younger resident of the village I do think that the village requires more properties to allow families to live together and make the village thrive. I also think if the amenities that have been planned also go through the more local people that can use them the better'*
- Development will provide a high-quality environment for its residents
- It would be nice to finally have a footpath from Hall Bank to High Broadgate so that I can walk safely and not on the road as the grass verge at the moment is very uneven with rabbit holes, therefore it would benefit a lot of people to have a footpath along that stretch of road. Consider the footpath will be easy to install
- *'Hall Bank is one of the perfect locations in the village as it's not a back fill spoiling some else's view and there are no properties directly in front to spoil their views, considering there has been new builds along Kirkgate as far as they can possibly go and Church Lane going out of the village towards Newton have also gone as far as they can go. Cats Lane is now filled up to the Trent Bridge and the Lincolnshire border, they have already started building past the Community Centre on Middle Broad Drove East, therefore I believe that this is a continuous and growth of the village which I am in full support of'*

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development

Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Para. 10 - So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

Para. 12 - The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

Para. 47 - Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para. 79 - To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Para. 80 - Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

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

Para. 159 - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Para. 162 - The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

7.2 National Planning Practice Guidance (NPPG)

7.3 **National Design Guide 2021**

Context C1 - Relationship with local and wider context;

Identity I1 - Respond to existing local character and identity

Built Form B2 - Appropriate building types and forms

Movement M1 – An integrated network of routes for all modes of transport

Uses U2 - A mix of home tenures, types and sizes

Homes and Buildings H1 - Healthy, comfortable and safe internal and external environment, H3 - Attention to detail; storage, waste, servicing and utilities

Lifespan L3 - A sense of ownership

7.4 **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5 **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation on 25th August 2022, the first stage of the statutory process leading towards the adoption of the 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 (Part C – Frontage Infill Development)

LP7: Design (aligns with the 10 characteristics of the National Design Guide)

LP18: Development in the Countryside (Part E: New dwellings of exceptional design quality) and (Part H: Protecting the best and most versatile agricultural land)

LP20: Accessibility and Transport

LP22: Parking Provision

LP28: Landscape

LP32: Flood and Water Management

LP63: Residential site allocations in Tydd St Giles (7 dwellings at Hockland Road) [referred to in the site description as The Poplars]

8 **KEY ISSUES**

- **Principle of Development**
- **Character, design and layout**
- **Highways and access**
- **Flood risk and sequential test considerations**
- **Other matters**

9 **ASSESSMENT**

Principle of Development

- 9.1 The scheme falls to be assessed under current Local Plan Policies LP3, LP12, LP14, LP15 and LP16. As noted in the evaluation below the scheme does not comply with Policy LP3 or LP14, and also represents character harm with regard to Policies LP12 and LP16.
- 9.2 Policy LP3 clearly indicates that Tydd St Giles is a small village which is capable of residential infilling. The planning portal glossary notes that Infill development is 'the development of a relatively small gap between existing buildings' It is clear the site in question may not be deemed as infill and that the scheme instead represents an extension of the settlement into the open countryside, contrary to the settlement hierarchy and for this reason alone should be resisted.
- 9.3 It is also acknowledged that the village threshold for Tydd St Giles of 27 units would be reached should this development be allowed, noting that the Village Thresholds Position Statement 18 August 2022 currently shows 19 units having either been built/or are committed to be built. Although case law indicates that non-compliance with the 'Threshold' element of the policy would not be sufficient reason to resist a scheme which is acceptable in all other policy regards.
- 9.4 With regard to the consultation draft to of the emerging Local Plan, which carries limited weight at this time as per paragraph 48 of the NPPF, given that consultation has only recently commenced, the site is outside of the defined settlement boundary and is therefore classed as open countryside where development will only be permitted in the circumstances set out within the NPPF. Paragraph 80 of the NPPF is relevant. It states that:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*

- 9.5 Policy LP1 of the emerging Plan does contain an element relating to Frontage Infill Development, applicable at the edge of settlements. It is considered that this conflicts with the NPPF and therefore can carry no weight. However, for the sake of completeness, if this policy were to be applied the development would not accord given the nature of the site, the scale of development and the flood classification of the site.
- 9.6 Consequently the proposed development is in clear conflict with the policies of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan.

Character and visual amenity

- 9.7 The transition from countryside to village is clearly marked in this location with the 'built footprint' of the village occurring beyond Fox's Barn with only sporadic development beyond this earlier conversion scheme.
- 9.8 Pertinent to the consideration of the site context attention is drawn to an appeal decision relating to land east of Fox's Barn as listed in the history section above (LPA ref: F/YR17/0967/O). Whilst the Planning Inspector overturned the delegated decision to refuse planning permission on the grounds of character they did note that *'the appeal site comprises the garden to Foxs Barn which has the distinction of being the last house as one exits Tydd St Giles'*. Going on to note that *'to the east of Foxs Barn, there is a marked transition from village to open countryside'*. Although the Planning Inspector references 'east' it is clear that their intention was to separate what they considered to be the 'village' from the 'countryside'; with the appeal decision going on to reference the *'village edge'*.
- 9.9 In accepting that the site under consideration at that time was not open countryside a clear acceptance that land beyond Foxs Barn **was** open countryside was indicated; and such a stance is considered unequivocal.
- 9.10 It is further considered that the development of this site with 8 dwellings would introduce development at a level and scale which would erode the existing character of the area which is open countryside. This view aligns with the robust and measured objections put forward by local consultees who clearly and articulately express their concerns regarding the development; both its non-conformity with local plan policies and the real character harm that would arise.
- 9.11 Furthermore, Policy LP12 clearly states that development should not extend existing linear features and again this development is contrary to this outlined aim.
- 9.12 For the reasons outlined above the scheme should be resisted as contrary to Policies LP12 and LP16.

Residential amenity

- 9.13 Notwithstanding the character harm identified above and the lack of policy fit relating to the settlement hierarchy the site could be developed in such a manner as to provide appropriate levels of residential amenity for the intended householders in terms of private amenity space and servicing arrangements.

- 9.14 Furthermore, given the relationship of the site to the dwelling known as Fox's Barn which is circa 100 metres distant (south-easterly direction) from the common boundary with the site no issues are highlighted in securing an appropriate scheme which does not compromise existing residential amenity.
- 9.15 It is considered that the scheme has the potential to comply with Policies LP2 and LP16 of the FLP, subject to detailed layout and design which would be secured under the reserved matters for the site. However, the absence of residential amenity harm would not in itself justify acceptance of the scheme noting the fundamental 'principle' issues highlighted.

Highway safety and sustainability

- 9.16 The LHA have indicated that clarification is required regarding the extent of footway provision and have also noted that visibility splays should be shown relating to the individual accesses which should be formed to the CCC Highway specification. In addition, they highlight that Hall Bank is a single-track road and that some highway mitigation will be required querying whether there is likely to be passing places or road widening.
- 9.17 The comments from local residents and the Parish Council are noted relating to highway safety, visibility and the provision of a footway and at this time it is not possible to say with certainty that a link can be achieved to the village footway network, or indeed whether appropriate visibility and highway mitigation can be achieved. The agent has provided an updated site and location plan which seeks to address these scheme deficiencies and consultations are currently being undertaken in respect of the revised details.
- 9.18 It is intended to report the outcome of this consultation event to the Committee meeting however noting the fundamental 'in principle' policy concerns relating to the location and form of the development proposed it is contended that even if these 'technical' details are found to be sound and deliverable they would not outweigh the wider policy harm.
- 9.19 At this time it has not been proven that the scheme has the potential to deliver the footway link and appropriate highway mitigation together with visibility and at the time of drafting this report this element must therefore form one of the reasons for refusal; the reason will be couched in such a way as to identify that the current scheme 'fails to demonstrate' as opposed to an outright 'highway safety and connectivity' refusal and is at present contrary to the aims of Policy LP15 of the FLP (2014). Obviously should the LHA advise that the scheme as outlined is deliverable this aspect of the refusal will be revisited; again this will be updated to the Committee meeting.

Flood risk and the application of the Sequential Test

- 9.20 The site lies within a flood zone 3 location and whilst the site-specific flood risk assessment demonstrates that the site could be made safe from flooding for its lifetime this does not obviate the need to demonstrate compliance with the sequential and exceptions test.
- 9.21 There is a clear mandate in both the National and Local Planning policy that directs development to areas of lowest flood risk unless it can be demonstrated that there are no sequentially preferable sites available.

9.22 The Design and Access statement submitted in support of the application seeks to address matters relating to the sequential test in the following statement:

'The application site is located within Flood Zones 2 and 3 of the Environment Agency Flood Maps for Planning. As can be seen from the extract below, there is no other vacant land available within the settlement of Tydd St Giles which could accommodate a development of up to eight dwellings. The only land which is vacant and is at a lower risk of flooding is within the middle of the 'square' which is enclosed by the Hockland Road/Church Lane/Newgate Road/High Broadgate highways. However, it has long been considered by the Local Planning Authority that the development of this parcel of land would be unacceptable in form and character terms and accordingly has never been allocated for housing or included within previous settlement boundaries. It is therefore reasonable to conclude that this land is not available and the application site is the only land available which is large enough to accommodate the development, therefore the Sequential Test is passed.

Only small parcels of the application site, close to the highway boundary, are within Flood Zone 3. The majority of the land is within Flood Zone 2 and it is likely that the dwellings will be positioned in Flood Zone 2 in their entirety. Upon passing the Sequential Test, sites within Flood Zone 3 and proposed for residential development will require the Exception Test to be passed. However, on the basis that only small parts of the front garden will be on Flood Zone 3 land and the dwellings and private rear garden space will be on Flood Zone 2 land, it is submitted that the 'development' will be in Flood Zone 2. As such the Exception Test is not required'.

9.23 The above D & A extract is further supported by a sequential test assessment contained within the Flood Risk Assessment which focuses on the settlement of Tydd St Giles and demonstrates that there are no unimplemented consents for 8 dwellings, either delivered as a whole or in a disaggregated form.

9.24 The agent does however fail to address the fact that when considering a site that does not meet the general settlement policy, i.e. it is not infill and it is located within the open countryside, the sequential test should to be applied on a district wide basis and that would be the 'area of search'; accordingly it is clear that the site does not have the potential to satisfy the sequential test.

9.25 With regard to the exception test it is accepted that in reality the proposed dwellings are likely to be situated within the Flood Zone 2 area of the site and as such there would be no requirement to satisfy the exceptions test.

9.26 Noting the adopted and indeed consistent stance of the LPA when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.

- 9.27 Accordingly, the scheme does not satisfy the requirements of the NPPF, the FLP and the Cambridgeshire Flood and Water SPG and should be resisted on flood risk grounds.

Other matters

- 9.28 **Future development** – The field to the rear of the site and on land between the site and Fox’s Barn has been highlighted by objectors as having future development potential if this scheme is allowed; however, officers and Members must restrict their considerations to the scheme currently before them.
- 9.29 **Local housing for local families** – One common thread of the letters of support relate to the applicants contribution to village life and that the dwellings will enable their/and other local families to remain/return to the village; however, neither fact is explicit in the submission, nor indeed would these matters outweigh national or local policy.
- 9.30 **Devaluation** – this is not a material planning consideration.

10.0 CONCLUSIONS

- 10.1 The proposal is contrary to Policies LP3, LP12, LP14, LP15 and LP16 in the adopted plan and would also be contrary to draft local plan policy LP1 given that it is not infill and does not demonstrate compliance with flood risk policy. Furthermore, the technical details relating to access and connectivity have not yet been found to demonstrate that the scheme will accord with Policy LP15 in terms of highway safety and accessibility.
- 10.2 As a ‘Small Village’ the usual dispensation relating to ‘edge of settlement’ development falls away as clearly referenced in Policy LP12 Part A (a), nor does the new hinterland element of the emerging local plan ‘bite’ as the development exceeds the parameters given, i.e. 8 residential dwellings proposed.
- 10.3 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.
- 10.4 In addition whilst a sequential test has been submitted this focuses solely on the settlement of Tydd St Giles. Such an approach does not follow the adopted guidance ‘Approach to the Sequential Test for Housing’ which identifies that the area of search for the purposes of carrying out the Sequential Test will be:
- a) Developments in the countryside – The whole of the rural area;
 - b) Developments in towns and villages – The town/villages that the proposal would sustain

As the site is considered to relate more readily to the ‘open countryside’, i.e. outside the built form of the settlement and goes beyond that allowed for under Policy LP3 the sequential test should be applied on a district wide basis. This being clearly at odds with the approach taken in this instance, rendering the

sequential test incomplete and as a result contrary to LP14 and the NPPF in that it has not be demonstrated that there are no other more sequentially preferable sites which could accommodate the development within an area of lower flood risk.

- 10.5 The consultation response of the LHA is awaited as to whether the scheme achieves technical compliance relating to highway safety and accessibility, however a policy compliant scheme with regard to Policy LP15 in terms of highway safety and accessibility would not outweigh other policy concerns.

11 RECOMMENDATION: Refuse

Reasons for refusal

1	Policy LP3 of the Fenland Local Plan (2014) identifies that Tydd St Giles is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining development immediately to east and west of the application site. This is the clearly at odds with Policy LP3 and LP12 of the Fenland Local Plan and the proposal must be resisted on these grounds.
2	Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Tydd St Giles and does not allow for the usual acceptance of development where a site adjoins the existing built form. Real and actual character harm would arise through the introduction of new development in this location which would serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 and LP16 of the Fenland Local Plan (2014).
3	Policy LP14 of the Fenland Local Plan (2014) and the National Planning Policy Framework (20121) require applications within Flood Zone 3 locations to satisfy the sequential and exception test, with further guidance regarding the application of the sequential test being given in Cambridgeshire Flood and Water SPD and the Fenland District Council 'Approach to the Sequential Test for Housing'. Whilst a Sequential Test has been submitted in respect of this application this focuses solely on the settlement of Tydd St Giles however noting that the site fails to accord with the Settlement Hierarchy outlined in Policy LP3 of the Fenland Local Plan (2014) and relates to the open countryside the Sequential Test is required to be applied on a district-wide basis and in this respect the proposal fails to comply with Policy LP14 of the Fenland Local Plan (2014) and the NPPF (2021)
4	Policy LP15 of the Fenland Local Plan (2014) requires that proposals demonstrate accessibility and provide for safe and convenient access for all. The current scheme proposals fail to demonstrate: <ul style="list-style-type: none"> (i) that a footway provision connecting to the existing village footway network is achievable (ii) that appropriate highway mitigation in the form of passing bays can be accommodated to compensate for the additional traffic along this single

track highway

- (iii) that appropriate visibility is achievable in respect of the individual access points to serve the dwellings

At this time it has not been confirmed that the scheme complies with the aims of Policy LP15 and by default it is has not been demonstrated that the proposal will provide appropriate and safe levels of accessibility and that it would not compromise highway and pedestrian safety.



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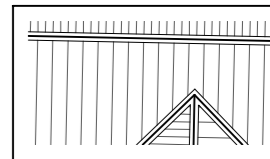
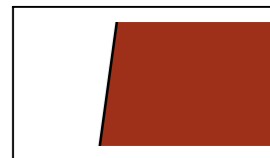
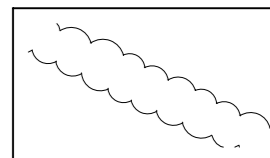

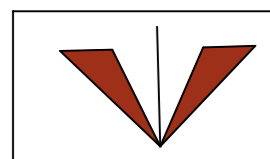
Scale = 1:1,250



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

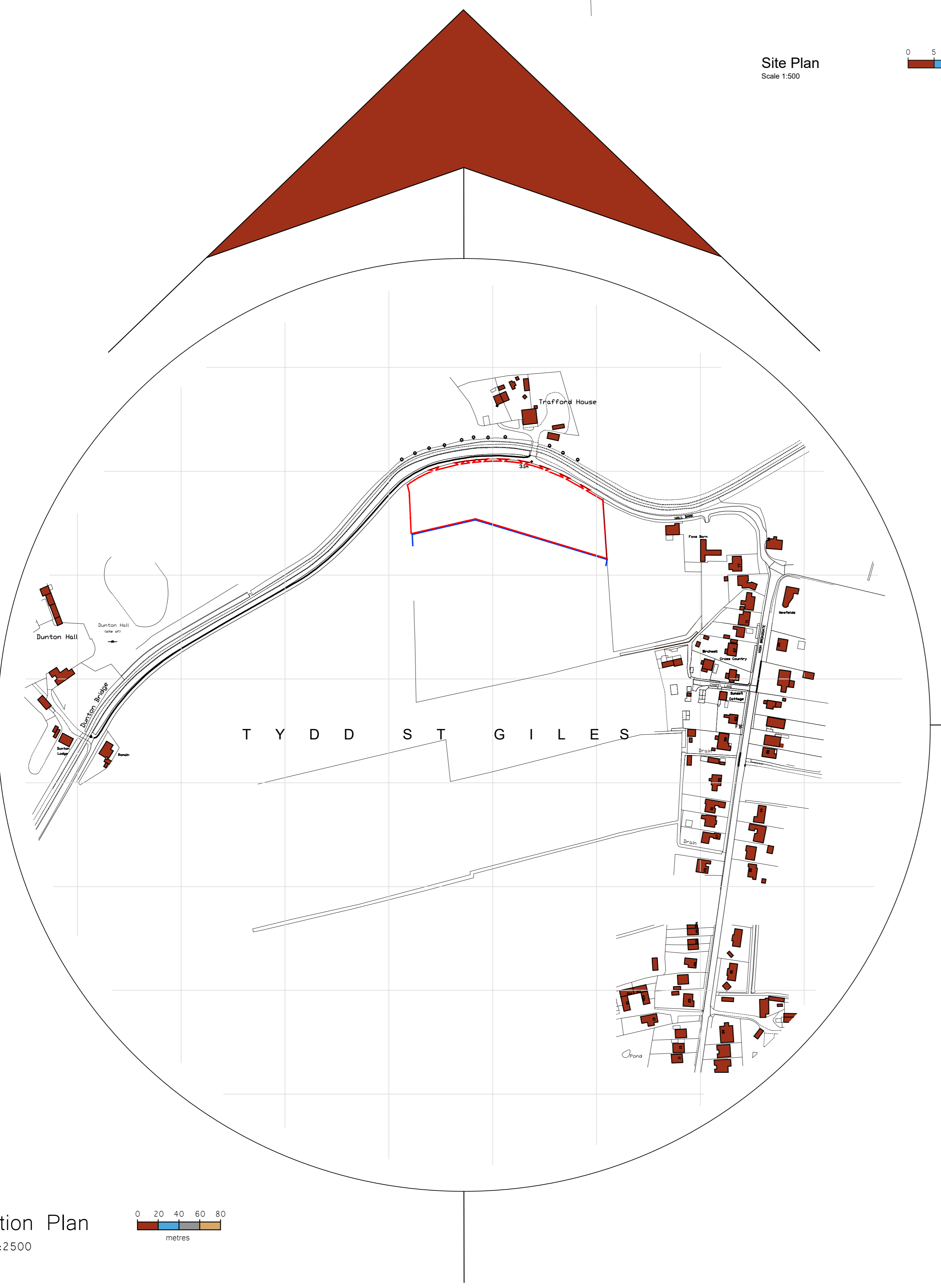
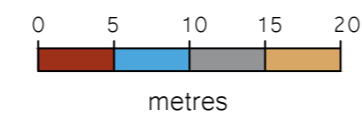
CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
 The following information must be used in conjunction with the project Risk Register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants and issued to the Principal Designer.

SITE KEY:

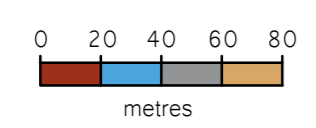
-  Indicates position of proposed indicative dwellings
-  Indicates position of buildings taken from OS Map
-  Indicates existing trees
-  Indicates indicative position of proposed vegetation
-  Indicates position of proposed site access



Site Plan
 Scale 1:500



Location Plan
 Scale: 1:2500



FOR APPROVAL



Job Title Proposed Residential Development Hall Bank, Tydd St Giles Wisbech, PE13 5NG For: Mr & Mrs. Mallett	Date May 2022	Drawn by GT
Checked by GE	Job No. SE-1905	Sheet Size A0
Drawing Title Outline Planning Site Plan & Location Plan	Drawn Title AQ	Revision A
Dwg No. PP1000		