
F/YR22/0935/O

Applicant: Mr & Mrs Grainger

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

Land East Of Shallon, Cats Lane, Tydd St Giles, Cambridgeshire

Erect up to 3 x dwellings (outline application with matters committed in respect of access)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. This application seeks outline planning permission for the erection of up to three dwellings on a historical grassland paddock in Flood Zones 1 - 3, on the south side of Cats Lane, Tydd St Giles. The application commits matters of access, with remaining matters reserved for later approval.
- 1.2. Tydd St Giles is a Small Village as identified within Policy LP3, where residential development will be considered on its merits and will normally be limited in scale to residential infilling. The locational circumstances of the site mean that the site cannot be considered as residential infill. Thus, the proposal is considered contrary to Policy LP3.
- 1.3. In a recent planning appeal local to the application site, the Planning Inspector highlighted that this area of Cats Lane marks a transition point between Tydd St Giles and the open countryside. Thus, development encroaching into this land would to the detriment of the character and appearance of the area. By virtue of the proposal urbanising an area of open paddock land that clearly forms a natural demarcation between the built form of Tydd St Giles and the countryside beyond this existing rural character will be eroded, contrary to Policy LP12.
- 1.4. The submitted Flood Risk Assessment argues that no other land is at lower risk of flooding within Tydd St Giles and as such there are no sequentially preferential sites available. However, owing to the location of the development outside the built form of the settlement of Tydd St Giles, the area of search required for the Sequential Test is district wide. Thus, as set out in the SPD, the sequential test is considered to be failed, and hence the proposal is contrary to Policy LP14.
- 1.5. Matters pertaining to access have been satisfactorily addressed. However, there are still fundamental issues pertaining to the principle of development and its harm to the rural character in this location, with the below assessment outlining the unacceptability of the scheme in relation to these matters concluding that the proposed development is contrary to Policies LP3, LP12, LP14 and LP16(d); hence, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site is located predominately in Flood Zones 2 & 3, on the south side of Cats Lane on the northern fringe of Tydd St Giles.
- 2.2. The site comprises land, currently used as grazing paddock, set to the east of a dwelling known as Shallon. The site is bounded to the highway by 1.2m post and rail fence, with a line of pollarded willow trees behind, the remainder of the field is bounded by a mix of fencing and hedging.
- 2.3. To the south of the site the field backs onto residential dwellings situated on Kirkgate, with further residential dwellings and Grade II* St Giles Church beyond within the main built form of Tydd St Giles. Immediately east the site is bounded by a drainage ditch which links to Shire Drain that runs on the north side of Cats Lane from the site and forms the boundary between the Fenland and South Holland Districts. To the north and east is predominately open countryside with mature trees and sporadic residential development to the north and northeast along Eaudyke Bank.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of up to three dwellings on the land, with matters committed in respect of access. The application was originally submitted for up to four dwellings.
- 3.2. A single 5m wide tarmac access point is proposed off Cats Lane, shared to serve up to three dwellings, branching to a 4m wide private roadway leading to separate parking/turning areas for each dwelling.
- 3.3. The submitted illustrative drawing submitted shows three detached dwellings with attached garages, parking and turning areas to front with gardens to the rear. Matters relating to appearance, landscaping, layout and scale are reserved for later approval.
- 3.4. Full plans and associated documents for this application can be found at: [F/YR22/0935/O | Erect up to 3 x dwellings \(outline application with matters committed in respect of access\) | Land East Of Shallon Cats Lane Tydd St Giles Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/development/outline-applications/F/YR22/0935/O%20Erect%20up%20to%203%20x%20dwellings%20(outline%20application%20with%20matters%20committed%20in%20respect%20of%20access)%20Land%20East%20Of%20Shallon%20Cats%20Lane%20Tydd%20St%20Giles%20Cambridgeshire)

4 SITE PLANNING HISTORY

No relevant recent history

5 CONSULTATIONS

5.1. Tydd St Giles Parish Council

The members of the Parish Council considered this application at their recent meeting. They felt that the proposal represents unsustainable development in the open countryside, outside the core built form of the village, contrary to policies LP12 and LP3. Cats Lane is a tree-lined lane with sporadic development and the introduction of a substantial row of executive houses would be out of keeping with surrounding properties contrary to policy LP16 making neither a positive contribution to the local distinctiveness and character of the area, nor enhancing its local setting or improving the character of the local built environment.

When refusing an appeal for a similar development in Cats Lane, the Planning Inspector described Cats Lane thus:

"The presence of mature landscaping and trees, together with the significant gaps between the dwellings creates an attractive sylvan and distinctive semi-rural character to the locality. In my view, this part of Cats Lane marks a transition between the tighter grain development within the village and the open countryside beyond."

Members support this view and also questioned the suitability of the proposed vehicular access on a sharp bend with restricted visibility opposite a deep watercourse.

Members resolved not to support this application.

5.2. Cambridgeshire County Council Highways Authority

Highways have no objections to this application.

The access 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.

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

Conditions

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

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

2. The gradient of the vehicular access shall not exceed 1:12 for a minimum distance of 5.0m (or longer if in connection with a commercial development) into the site as measured from the near edge of the highway carriageway.

Reason: In the interests of highway safety.

5.3. Environment Agency

Thank you for consultation dated 22 August 2022 for the above application. 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

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting LTD dated July 2022, REF ECL0763/PETER HUMPHREY ASSOCIATES and the following mitigation measures:

1. Finished Floor Levels will be set 300mm above the existing ground level with a minimum of 300mm of flood resistant/ resilient construction above the finished floor levels of the dwellings.

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

To reduce the risk of flooding to the proposed development and future occupants.

Advisory

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.

5.4. North Level Internal Drainage Board

My Board has no objection in principle to the above application.

I note that surface water from the new development is planned to discharge to the riparian drain to the east of the site, which in turn now discharges directly into Shire drain. An application to discharge surface water will be required and, if consented, a development levy will be payable in accordance with the enclosed.

Finally, I would like to point out the owner's responsibility in relation to the riparian drain to the east of the site and enclose some information in that regard.

5.5. Senior Archaeologist (CCC)

Our records indicate that this site lies in an area of archaeological potential. Within the site redline, the Fenland Survey Project recorded Early-/Mid-Saxon remains in the form of a scatter of bone fragments and pottery sherds, some wheel-made but predominantly of hand-made wares including Ipswich Ware (Cambridgeshire Historic Environment Record reference 09014). Another area of similar remains is recorded a short distance to the north-east, immediately west of Eaudyke Bank (CHER ref 09918). Previous archaeological investigations carried out to the east of the proposed

development on land north of Kirkgate have identified medieval settlement remains (MCB19892) with further medieval remains present to the west, on land north of Hockland Road (MCB20103).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DLUHC:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

5.6. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.

5.7. South Holland DC (Housing & Plan Services)

South Holland District Council have no comments or objections to the above application.

5.8. **Natural England**

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.9. **Arboricultural Officer (FDC)**

The applicant has submitted a proposal for the construction of 3 residential dwellings on the existing site, currently used as a paddock, with associated access, parking and garden space.

The main constraints on the site from the existing tree population is a line of multi-stemmed Willow to the north of the site along Cats Lane. The applicant has proposed that some of the trees can be lifted and transplanted further back in the field to achieve the necessary visibility splay required by Highway regulations. However, inspection of the trees suggested that some pruning of a number of the trees may achieve the required visibility without the need for transplanting them. This aspect requires further investigation to determine exactly what works will be required and how many trees are implicated in potential transplanting.

It is noted that the trees have been heavily topped in the past as they were splitting apart and a hazard to the road. A mulch has been applied at the base of the trees and this should help improve the growing conditions as it breaks down and releases nutrients into the soil. The trees are of variable condition and a number have decay in the main trunks and in the upper stems, in some cases advanced. Several also have included bark junctions associated with co-dominant stems, these are a weak union and can fail prematurely. Some of the trees appear to be of low vitality.

The trees will require regular management due to their condition involving periodic removal of all the crown back to the trunks.

The indicative application shows additional planting of willows to double up the line and improve the screening to and from the site.

In addition a mixed native hedge is shown planted behind the Willows and a Hawthorn hedge along the south boundary.

With additional planting to the gardens, the proposal makes a significant contribution to canopy cover and the hedges will provide nesting and foraging opportunities for wildlife as they establish.

The root protection areas of the Willows are likely to be encroached by the access road and therefore a no-dig installation will be required unless a test trench (excavated by air spade) can demonstrate that there are no roots present in the construction areas.

Protection of the trees can be dealt with by Conditions and if any trees are required to be transplanted, the replacement of those that fail can be guaranteed by inclusion in the Conditions.

Willow are a fast growing species and the new planting is likely to quickly fill in and reinforce the existing belt of trees.

5.10. **PCC Wildlife Officer**

Recommendation:

The application scheme is acceptable but only if conditions are imposed.

Recommended condition(s)/Reason(s) for refusal:

Post-Commencement Condition(s) -

- *Notwithstanding the submitted details, no development shall take place until a scheme for the soft landscaping of the site has been created and approved in writing by the Local Planning Authority. The scheme shall be updated to include the following details:*
 - *All ecological enhancements, mitigation and compensation as recommended within the Ecology Report (Wild Frontier Ecology, July 2022), including all recommendations regarding ecologically sensitive lighting;*
 - *Planting plans to all public areas, retained hedge and trees, species, numbers, size and density of planting;*
 - *Boundary treatments.*

Development shall be carried out in accordance with the submitted details and at the following times:

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

- *The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the Ecology Report (Wild Frontier Ecology, July 2022) which details the methods for maintaining the conservation status of ecological receptors found on the site, unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.*

Informative -

- *Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.*
- *No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written*

confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Assessment/Comment:

The line of willows at the front of the properties may die due to the proposed relocation treatment. The Landscaping documentation should include recommendations for remedial planting in the case this happens.

There are several Precautionary Method of Working recommendations within the Ecology Report. The conditions above have been provided as to ensure that these methods are completed as part of the development.

If it is deemed not feasible to include all of the mitigation and compensation recommendations within the landscaping documentation, it would be acceptable for the applicant to submit an Ecological Design Strategy which details how these recommendations will be implemented instead.

5.11. Local Residents/Interested Parties

Objectors

The LPA received 43 letters of objection in respect of the scheme, from 23 corresponding address points. Of these, 3 address points were found to be outside the ward, adjacent ward(s), or district, with a further 3 discounted as the addresses were incomplete and as such the corresponding 9 letters received from these addresses were discounted. As such, the total number of objections received was 34, from 17 address points within Tydd St. Giles itself.

The reasons for objection can be summarised as the following:

- The proposal will detrimentally impact the countryside character of the area as outside Tydd St Giles;
- Concerns over traffic and highways safety on Cats Lane;
- Issues in respect of flooding and drainage;
- Scale and density of the scheme not suitable for this location;
- Loss of historical character;
- Ecological and wildlife concerns;
- Development of this site would set a precedent; and
- General sustainability concerns.

Supporters

The LPA received 25 letters of support in respect of the scheme, from 18 corresponding address points. Of these, 5 address points were found to be outside the ward or adjacent ward(s) and as such the corresponding 9 letters received from these addresses were discounted. As such, the total number of support letters received was 17, from 13 address points within Tydd St. Giles or adjacent wards (with one of these falling outside the district boundary, but in a neighbouring village).

The reasons for support can be summarised as follows:

- The proposal will improve the village and improve attractiveness of the area;
- The district is in need of more homes and this location is appealing to settle within;
- There will be limited impacts in respect of traffic/highways owing to the limited number of dwellings;
- The overall impact of the proposal will be limited generally; and
- There will be no issues in respect of flooding/drainage

One letter of support cited no reasons.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF) July 2021

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 11: Presumption in favour of sustainable development;

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 48: Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 80: Development within the countryside;

Para 110 – 112: Promoting sustainable transport;

Para 130: Creation of high quality buildings;

Section 14: Meeting the challenge of climate change, flooding and coastal change

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context

Identity

Built Form

Homes and Buildings

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. **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
LP32 – Flood and Water Management

8 **KEY ISSUES**

- **Principle of Development**
- **Highway Safety/Access**
- **Other Matters**
 - Character and appearance
 - Residential Amenity
 - Flooding and flood risk
 - Ecology and biodiversity

9 **BACKGROUND**

Originally, this application proposed up to four dwellings on the site. Following local consultation, considerable public representation was received in respect of the scheme for four dwellings. In response to local comments regarding the scale and density, the applicant provided a revised indicative scheme depicting a reduction in the number of dwellings from the original four, to three larger but more spaced-out dwellings with additional landscaping.

Further re-consultation was undertaken with both statutory and local residents, resulting in a further 13 qualifying objections from earlier representatives maintaining their objection to the scheme, primarily noting that the reduction in the number of dwellings at the site did not address their earlier objection reasons. Contrastingly, a further 4 letters of support were received from earlier representatives, maintaining their reasons for support.

The below assessment considers the revised 3 dwelling proposal against the material planning considerations relevant to the outline scheme.

10 ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan sets out the settlement hierarchy for development within the district, grouping settlements into categories based on the level of services available, their sustainability and their capacity to accept further development.
- 10.2. Policy LP3 classifies Tydd St Giles as a 'Small Village' where residential development will be considered on its merits and will normally be limited in scale to residential infilling. Policy LP12 of the Local Plan elaborates on this by stating that for villages development will only be supported if it is adjacent to the built form except for 'small' or 'other' villages which will normally be limited to infill. The site is positioned between a residential dwelling known as Shallon to the west, and open fields to the east with sporadic further residential development further east. As such, the proposed application site cannot be considered as residential infill. Thus, the proposal is considered contrary to Policy LP3 and LP12.
- 10.3. During consideration of a planning appeal for the erection of 2no. 2-storey 4-bed dwellings on Land North Of Hollingworth House Hockland Road Fronting Cats Lane (APP/D0515/W/16/3163076), the Inspector described the area as follows:

"The presence of mature landscaping and trees, together with the significant gaps between the dwellings creates an attractive sylvan and distinctive semi-rural character to the locality. In my view, this part of Cats Lane marks a transition between the tighter grain development within the village and the open countryside beyond."
- 10.4. It should be noted that the appeal site related to a site approximately 120m southwest of the current application site, and could be argued to be more closely situated to the existing built form of Tydd St Giles than the current site.
- 10.5. With regard to the consultation draft to of the emerging Local Plan, which carries limited weight as this time, given that consultation has only recently commenced, the site is outside of the defined settlement boundary of Tydd St Giles, and is therefore classed as open countryside where development will only be permitted in the circumstances set out within Paragraph 80 of the NPPF.
- 10.6. 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 circumstances of the site.

- 10.7. 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.

Highway Safety/Access

- 10.8. The application includes creation of a shared access off Cats Lane, illustratively leading to a separate parking/turning areas for each proposed dwelling. The driveways will lead to garages, with additional parking to the front of each dwelling. The vehicular accesses are intended as 5m wide and surfaced with tarmac for the first 5m. There is sufficient turning space provided to allow vehicles to enter and exit in a forward gear, and it is likely that the parking areas will offer sufficient parking in line with the parking provision requirements set out in Appendix A of Policy LP15. Notwithstanding, the exact requirement is unknown as details of layout and scale are reserved for later approval.
- 10.9. Concerns were raised in received representations in respect of highway safety and access. These were noted and the applicant provided evidence to justify the suitability of the access in respect of the proposed layout with appropriate visibility splays and supplementary speed/traffic surveys. Specific consultations were undertaken with the Highways Authority in this regard. These consultations returned no objections to the scheme, subject to conditions. As such, it is considered that the proposal conforms to Policy LP15 of the Fenland Local Plan.

Other Matters

Character and appearance

- 10.10. Details of appearance, layout and scale are to be submitted at Reserved Matters stage, however the submitted indicative site plan suggests that the dwellings will be similar in scale to Shallon to the east.
- 10.11. Given the aforementioned description of the area by the Planning Inspector, and the relative locations of the current application site in comparison with the appeal site, it can be concluded that the application site is more associated with the open countryside to the north and east of Tydd St Giles.
- 10.12. Policy LP16 (d) considers the impact of development on local distinctiveness and character. Moreover, in rural areas, a development proposal needs also to satisfy the criteria set out in Policy LP12. As this application is Outline only with matters committed in respect of access only, the main issue for consideration is whether the *principle* of development in this location would accord with the necessary criteria of Policy LP16(d) and LP12.
- 10.13. Policy LP12 requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village, and must not have an adverse impact on the character and appearance of the surrounding countryside. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally the

proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.

- 10.14. The Planning Inspector highlighted that this area of Cats Lane marks a transition point between Tydd St Giles and the open countryside. The development proposed would see up to three detached dwellings positioned on undeveloped paddock land that currently forms a distinct and natural demarcation between the developed built form of Tydd St Giles and the countryside beyond. Development on this land would be to the detriment of the character and appearance of the rural area as it would directly contradict the current settlement pattern and would arguably create a precedent for further development into the countryside, eroding the existing rural character along Cats Lane, contrary to the requirements of policy LP12 and Policy LP16(d).

Residential Amenity

- 10.15. There are no indicative floor plans or elevations offered with the application and as such it cannot be established definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwellings, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 10.16. The illustrative site plan also indicates that suitable amenity space may be provided for each dwelling to meet the requirements of Policy LP16 of the Local Plan.

Flooding and flood risk

- 10.17. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. Parts of the site fall in each of Flood Zone 1, 2 & 3, with the bulk of development proposed within zones 2 & 3.
- 10.18. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 10.19. The application is accompanied by a Flood Risk Assessment that includes consideration of the Sequential and Exception Tests, however the submitted sequential test is deficient as it concentrates the area of search to developments within Tydd St Giles only.
- 10.20. Noting the adopted and indeed consistent stance of Officers 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. the proposed flood risk safety measures do not overcome locational issues.

- 10.21. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.

Ecology and biodiversity

- 10.22. Concern was raised from local residents with respect to the impact of the development of local ecology and biodiversity.
- 10.23. The application was supported by an ecology report which concluded that the proposal would result in a minor negative impact to the local ecology, but recommended mitigation measures to limit this impact. These were considered acceptable by the PCC Wildlife officer, subject to conditions. Furthermore consultation with Natural England concluded that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 10.24. Matters relating to the existing trees on the site were also considered during consultation with the FDC Arboricultural Officer. It was concluded that the proposed landscaping and tree management was acceptable, with mitigation to damage and construction methods to be secured by condition.
- 10.25. Thus, it is considered that subject to conditions, the proposal is acceptable with regard to its impact on local ecology and biodiversity in accordance with Policy LP19.

11 CONCLUSIONS

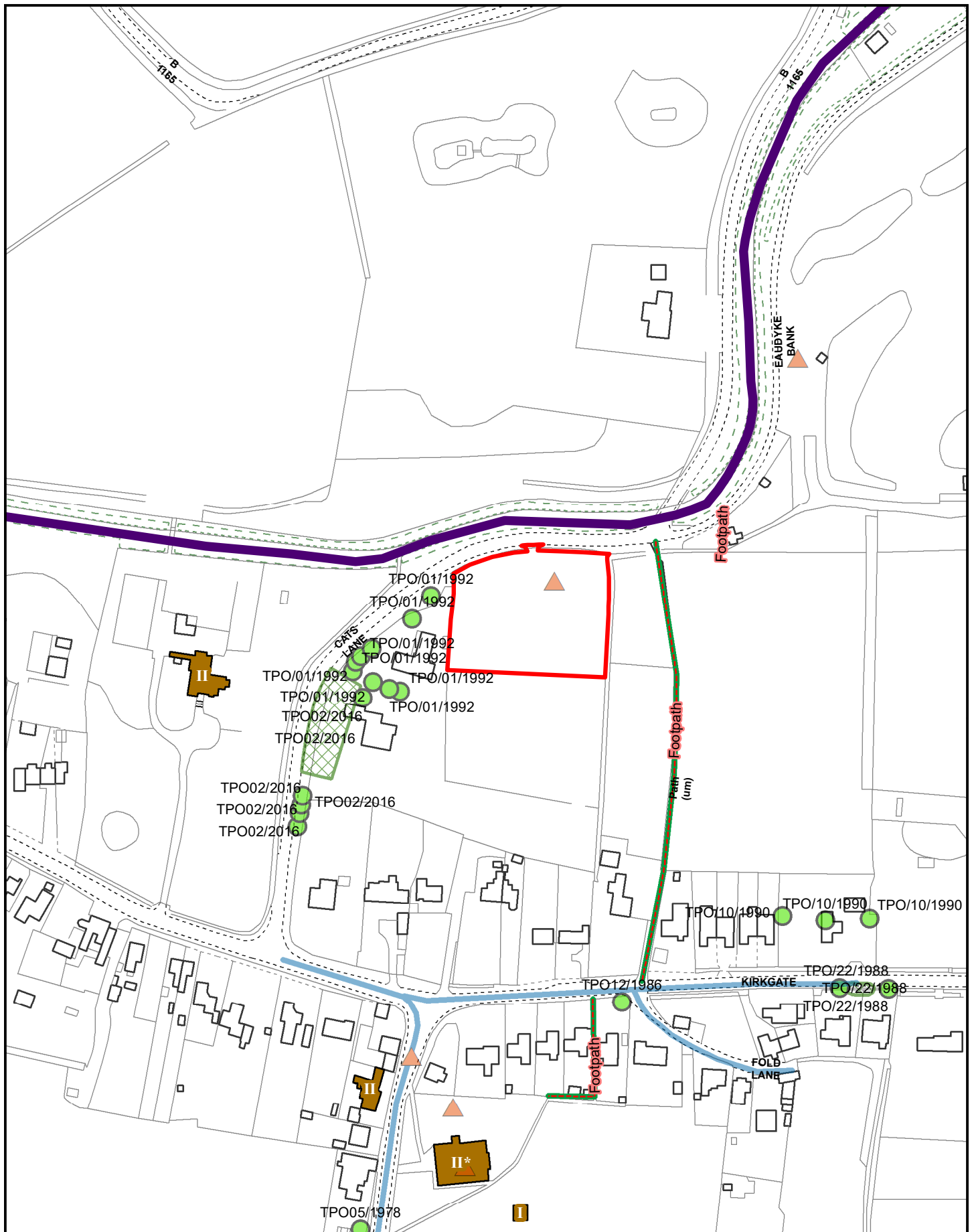
It is considered that the proposal does not accord with the requirements of Policy LP3 and LP12 in respect of the Settlement Hierarchy in that is located outside the built framework of Tydd St Giles. Furthermore, development at this site would be and will encroach into the countryside at detriment to the rural character of the area in contravention of Policy LP12 and Policy LP16(d). In addition, the application included insufficient evidence in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF. As such, the recommendation must be one of refusal.

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 defines Tydd St Giles as a 'small village' where development may be permitted on its merits but normally limited in scale to residential infilling. Policy LP12 of the Local Plan elaborates on this by stating that for villages development will only be supported if it is adjacent to the built form except for 'small' or 'other' villages which will normally
---	--

	<p>be limited to infill. The site is positioned between a residential dwelling known as Shallon to the west, and open fields to the east with sporadic residential development further east. As such, the proposed application site cannot be considered as residential infill. Thus, the proposal is considered contrary to Policy LP3 and LP12.</p>
2	<p>Policy LP12 seeks to support development that in such a location does not encroach into or 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. By virtue of the proposed urbanisation of an area of open paddock land that clearly forms a natural demarcation between the built form of Tydd St Giles and the countryside beyond this existing rural character will be eroded, contradicting the current settlement pattern and arguably creating a precedent for further development into the open countryside. As such, the proposal would be contrary to the requirements of Policies LP3, LP12, LP16(d) and DM3 (2014).</p>
3	<p>Policy LP14 of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding, and Policy LP14 states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management. The application does not include sufficient evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to policy LP14 of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2019) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>



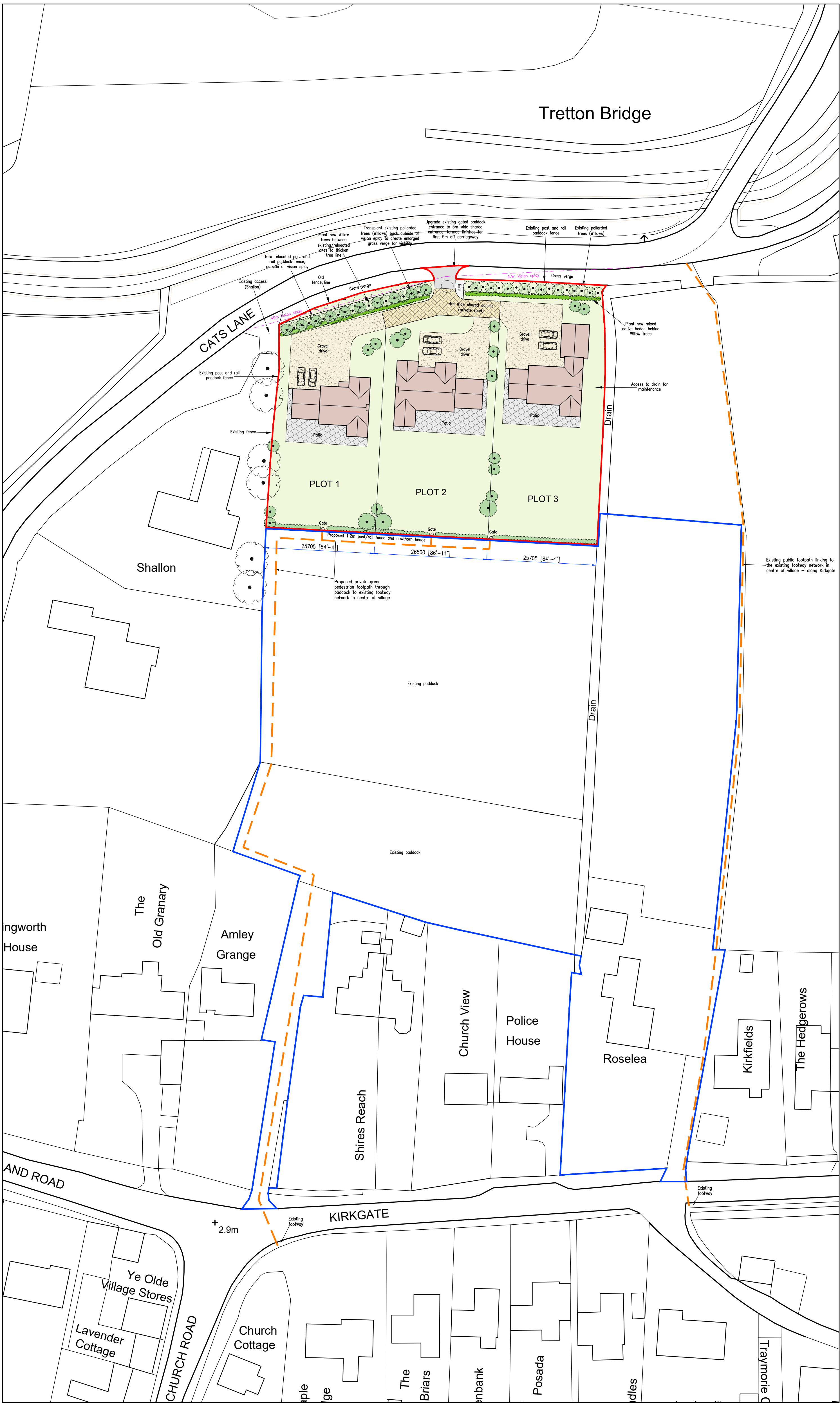
Created on: 15/08/2022

© Crown Copyright and database
rights 2022 Ordnance Survey 10023778

F/YR22/0935/O

Scale = 1:2,500





Proposed Site Plan 1:500 (Indicative Layout Shown)

F - Existing public footpath added to plan.
E - Indicative plot layout amended.
D - Vision splays agreed with CCC Highways added.

REVISIONS

JOB NO.	PAPER SIZE	DATE
6563/02F	A1	OCT 2022

Notes:
This drawing is the permission of Peter Humphrey Associates Ltd. and may not be reissued, loaned or copied in whole or part without written consent.

All dimensions shown on the drawing are in millimeters unless stated otherwise. If the drawing is received electronically (PDF) it is the recipient's responsibility to ensure it is printed to the correct paper size. All dimensions to be checked on site prior to commencing work and any discrepancies to be highlighted immediately.

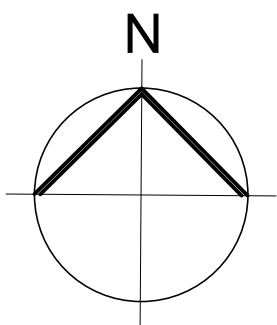
The Construction (Design and Management) Regulations 2015:
Peter Humphrey Associates' form of appointment with the client confirms whether the agent is appointed as 'Designer' or 'Principal Designer' under these regulations. Nevertheless, the design phase has been carried out with due consideration for the safety during construction, occupation and maintenance of the finished project. No extraordinary hazards or risks were identified outside of the routine construction operations that would not already be apparent to a competent contractor.

CLIENT
MR & MRS GRAINGER

PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT

SITE
LAND ADJ SHALLON
CATS LANE
TYDD ST GILES
CAMBS
PE13 5LZ

DRAWING
PROPOSED SITE PLAN



PETER HUMPHREY
ASSOCIATES

ADDRESS: 2 CHAPEL ROAD, WISBECH, CAMBS, PE13 1RG.

TELEPHONE: 01945 466966
E-MAIL: info@peterhumphrey.co.uk
WEB: www.peterhumphrey.co.uk