
F/YR23/0920/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 2 x dwellings (self-build) (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 two dwellings on a 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. A previous outline application for up to three dwellings on the site was refused at Planning Committee in February 2023. There are no changes in planning circumstances in relation to the current scheme and associated reasons for refusal proposed and the previously refused application.
- 1.3. The site is located outside the built framework of Tydd St Giles and 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 application site cannot be considered as residential infill. Therefore, the proposal remains contrary to Policies LP3 and LP12.
- 1.4. Despite a reduction in the number of units, 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 the existing rural character of the area 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 remain contrary to the requirements of Policies LP12 and LP16(d) and as such reason for refusal 2 is not overcome.
- 1.5. Finally, the submitted application fails to provide the necessary evidence with respect to the Sequential or Exception tests in line with the settlement hierarchy. Accordingly, the scheme remains contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF, retaining earlier reason for refusal 3.

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 two dwellings on the land, put forward as being for self and custom build, with matters committed in respect of access.
- 3.2. A single 5m wide tarmac access point is proposed off Cats Lane, shared to serve the dwellings, opening to a wide gravel parking/turning area allowing separate parking/turning areas for each dwelling.
- 3.3. The submitted illustrative drawing shows two substantial 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/YR23/0920/O | Erect up to 2 x dwellings \(outline application with matters committed in respect of access\) | Land East Of Shallon Cats Lane Tydd St Giles Cambridgeshire \(fenland.gov.uk\)](#)

4. SITE PLANNING HISTORY

F/YR22/0935/O	Erect up to 3 x dwellings (outline application with matters committed in respect of access)	Refused 10.02.2023
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5. CONSULTATIONS

5.1. Tydd St Giles Parish Council

The Members of the Parish Council's Planning Committee considered this application at their recent meeting. Although the number of dwellings proposed has decreased from 3 to 2, members considered this application to contain no other material change from application F/YR22/0935/O rejected earlier this year. They resolved to raise the same objections, namely 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.

5.2. Cambridgeshire County Council Highways Authority

Upon reviewing the plans and information submitted for this application, I have no objections in principle.

I note a speed survey was undertaken and included within the design and access statement. As the 85th percentile speed is no greater than 34mph; the visibility splays included on plan reference: 6563/02H of 47m and 49m are acceptable in this situation. It is worth noting, all land required for the visibility splay must be included within the application redline boundary. Should this require third-party land, the LPA needs to be satisfied that appropriate notice has been served on all freeholders.

Whilst the above is acceptable in principle, a copy of the speed survey will need to be included as part of this application for transparency.

Should this application gain benefit of planning permission, please append the following condition and informative.

Conditions

Gates/Enclosure/Access Restriction: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order): Class A – no gates or other means of enclosure shall be erected across the vehicular access hereby approved plan reference: 6563/02H.*

Highway Drainage: *The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.*

5.3. Environment Agency

We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk Assessment

The development should be carried out in accordance with the submitted flood risk assessment (ref ECL0763-2/PETER HUMPHREY ASSOCIATES, dated October 2023, compiled by Ellingham Consulting Ltd.)

- *Finished floor levels shall be set no lower than 300 millimeters above existing ground level.*

These mitigation measures should be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above should be retained and maintained thereafter throughout the lifetime of the development.

5.4. North Level Internal Drainage Board

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

The integrity of the surface water pipeline adjacent to Cats Lane must be preserved and it is recommended that surface water from the proposed site is discharged to this pipeline.

A development levy would be payable [...], for dealing with the additional surface water run-off from the site.

5.5. FDC Environmental Health

Environmental Health have no objections to this proposed application.

5.6. 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 were previously consulted on a scheme within a similar redline F/YR22/0935/O, although this scheme has a lower number of plots the impact to the archaeological resource will be similar, therefore we offer the same advice, whilst we do not object to development from proceeding in this location we 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.

5.7. 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.

5.8. CCC Ecology

The proposal is acceptable on ecology grounds, providing that the follow information to protect and enhance biodiversity is secured through suitably worded planning condition(s):

- 1. Implementation of Precautionary Method of Working set out in Ecology Report (Wild Frontier Ecology, 2023)*
- 2. Landscape and Biodiversity Enhancement Scheme*
- 3. Bird / Bat Boxes*
- 4. Lighting Design Strategy for Biodiversity*
- 5. Time Limit on Development before further biodiversity surveys required*
- 6. Informative – Breeding Birds*

Please find further details below.

1. Precautionary Method of Working - compliance

Section 7.4 of the Ecology Report recommends, to protect the following biodiversity features / species during construction:

- Great Crested Newt*
- Terrestrial species – riparian mammals, grass snake, badger and priority species including hedgehog, brown hare and common toad.*

If planning permission is granted, we recommend these mitigation measures are secure through a compliance condition to implement recommendations of Ecology Report.

2. Landscape and Biodiversity Enhancement Scheme (condition)

The Ecology Report recommends a series of mitigation / compensation measure, as well as enhancement measures including:

- *habitats of wildlife value (grassland, hedgerows and trees)*
- *habitat piles*

Details of the proposed mitigation measures / enhancement, along with their management, should be secured as part of a Landscape and Biodiversity Enhancement Scheme, through a suitably worded condition.

3. Bird / Bat Boxes (condition)

The Ecological Impact Assessment has recommended installation of bird/bat boxes as part of the scheme to compensate for loss of nesting habitat and provide enhancement for these species. We recommend details of the proposed boxes, their installation and maintenance of these boxes be secured through a suitably worded condition.

4. Lighting Design Strategy for Biodiversity (condition)

The lighting scheme should demonstrate how it's been sensitively design for wildlife (particularly bats) and meet recommendations of the Ecology Report. This should be secured through a suitably worded condition.

5. Time Limit on Development - Further Biodiversity Surveys Required (condition)

The ecological survey work was undertaken on 31st May 2022 and updated in October 2023 and is valid for 18 months. Wildlife is dynamic and therefore, if there is a delay to the development, the ecological surveys will need to be updated to ensure the proposed ecological mitigation is still appropriate. We suggest this is captured through a suitably worded planning condition.

6. Breeding Birds (informative)

The Ecology Report identified the potential impact of the scheme on breeding birds. The protection of these birds should be dealt with in the Construction Environment Management Plan (recommended to be secured through planning conditions). Alternatively, it can be dealt with as an informative to a planning permission.

5.9. Local Residents/Interested Parties

Objectors

The LPA received 26 letters of objection in respect of the scheme, from 15 corresponding address points. Of these, 1 letter was received from an address within an adjacent ward, but falling outside the FDC boundary; a further letter was received from an address in Peterborough. Notwithstanding, any pertinent planning matters raised in all letters received have been considered below.

The reasons for objection can be summarised as the following:

- The site is outside the settlement;
- The site cannot be considered infill;
- The scheme is outline with only access committed – support in respect of design, landscaping, scale, etc is not matter for consideration;
- The circumstances of the site have not changed since the previous refusal, just a reduction in number of dwellings – principle still not acceptable;
- Development would set a precedent, and open up more opportunity for ‘infill’ and further erosion of character;
- Resubmission of this application seeks to take advantage of Planning Committee;
- Failure to fully consider the material planning considerations by Planning Committee may open them to Judicial Review;
- Supporting family with new homes is not a material planning consideration;
- The proposal will detrimentally impact the countryside character of the area as outside Tydd St Giles;
- Residential amenity concerns;
- Loss of historical character; archaeological concerns;
- Loss of agricultural land;
- Would result in urban sprawl;
- No social or economic benefit from housing in this area;
- No additional need for oversized, executive homes;
- Issues in respect of flooding and drainage;
- Ecological and wildlife concerns;
- Concerns over future of TPO trees;
- Considerable concerns over traffic and highways safety on Cats Lane;

Supporters

The LPA received 18 letters of support for the scheme, from 13 corresponding address points. Of these, 2 letters were received from addresses within an adjacent ward, but falling outside the FDC boundary. In addition, 4 letters were found to be duplicates from the same address points, accordingly these were only counted once per address. Notwithstanding, any pertinent planning matters raised in all letters received have been considered below.

The reasons for support can be summarised as follows:

- The area is not open countryside;
- The site can be classed as infill;
- Will allow continued development to a natural end by Tretton Bridge;
- The scheme is in keeping with the character of the area;

- Appropriate use of land;
- Will be high quality dwellings;
- The scheme will bring in younger people to the village;
- The development will have a positive impact on local business;
- Good scheme for the family to benefit from;
- Flooding and drainage not thought to be an issue;
- Will provide positive environmental impacts
- No highway safety concerns;

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

7.6. Delivering and Protecting High Quality Environments Supplementary Planning Document

7.7. Cambridgeshire Flood And Water Supplementary Planning Document

8. KEY ISSUES

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

9. BACKGROUND

- 9.1. The application is made following a previous refusal of outline permission by Members in February 2023 for development of up to three dwellings on the site (F/YR22/0935/O).
- 9.2. Three reasons for refusal were given, which can be summarised as being that the site could not be considered as infill, the impact in relation to the character and appearance of the area, and the failure to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk.

10. ASSESSMENT

Consideration Justification

10.1. The submitted Design and Access statement offered three key decisions recently made by Members to approve applications contrary to officer recommendation that the applicant considers to be relevant to the current application, including F/YR23/0548/O, F/YR23/0362/O and F/YR22/0724/F. The below outlines a summary of the Officer's recommendation for each.

10.2. F/YR23/0548/O - Land West Of 176 High Road Gorefield - Erect up to 5 x dwellings (outline application with all matters reserved) and the formation of 5 x accesses

This application was recommended for refusal by Officers for the same reasons as the previous refusal of F/YR22/0935/O as the scheme was not considered infill, would result in unacceptable character harm and a lack of evidence in respect of flood risk.

10.3. F/YR23/0362/O - Land West Of 491 March Road Turves - Erect up to 3 x dwellings with associated accesses and infrastructure (outline application with all matters reserved)

This application was recommended for refusal by Officers for similar reasons to the previous refusal on the subject site, including the scheme would not be considered infill, would result in unacceptable character harm, and a lack of evidence in respect of flood risk; along with 2 further site-specific reasons: insufficient evidence in respect of highway safety and the same for ecology.

10.4. F/YR22/0724/F - Land South West Of Sapphire Close Tydd St Giles - Construction of building containing three units for use as a hot food takeaway (unit 1); retail shop with post office (unit 2) and retail convenience store (unit 3) and an ATM with a one bedroom flat above units 1 and 2, with vehicular access, car park to the front and delivery and turning area to the rear with 1.8 metre close boarded boundary screening

This application was recommended for refusal by Officers, again for similar reasons to that of the subject site, including that the scheme could not be considered infill, character harm to the open countryside, and a lack of evidence with respect to flood risk; along with a further site-specific reason in respect of a lack of evidence in respect of the retail impact.

10.5. Regarding the above, it is clear that Officers considered each of the above applications consistently and on their merits, whilst applying the necessary policies of the Fenland Local Plan (2014) as required by the NPPF. Accordingly, each were considered contrary to the current Fenland Local Plan (2014) in respect of the settlement hierarchy (LP3), rural areas development and impact on character (LP12 & LP16), and flood risk (LP14), alongside various other site-specific issues. Notwithstanding decisions reached by Members in these cases, each application should be considered on its own merits and there are no material considerations with respect to the current application that justify a departure from applying the relevant local and national planning policies when assessing the current scheme as set out below.

Principle of Development

- 10.6. Whilst the proposal has been reduced in number, the locational circumstances of the site have not changed since the earlier refusal of the scheme.
- 10.7. 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.
- 10.8. 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.
- 10.9. In respect of 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.
- 10.10. 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.
- 10.11. Consequently, the proposed development remains in clear conflict with Policies LP3 and LP12 of the adopted Local Plan, the NPPF and also would not comply with the emerging Plan. As such, the earlier reason for refusal in respect of the settlement hierarchy cannot be reconciled.

Highway Safety/Access

- 10.12. The application includes the 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 shared vehicular access is 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.
- 10.13. Concerns have been raised in received representations in respect of highway safety and access and have been noted. The indicative site plan indicates suitable visibility splays unchanged from the previous scheme, that were

supported at the time by supplementary speed/traffic surveys. These have been resubmitted with the current application for the avoidance of doubt.

- 10.14. The highways authority has returned no objections to the scheme in light of the evidence received, subject to conditions. As such, it is considered that the proposal conforms to Policy LP15 of the Fenland Local Plan.

Character and appearance

- 10.15. 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 two substantial detached dwellings with attached garages, fronted by gravel parking and turning areas and flanked by landscaping to all sides.

- 10.16. With reference to a site to the southwest of the application site, a Planning Inspector on consideration of the character of the area in response to an appeal for Land North Of Hollingworth House Hockland Road Fronting Cats Lane (APP/D0515/W/16/3163076) 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.”

- 10.17. It should be noted that the appeal site related to a site approximately 120m southwest of the current application site could be argued to be more closely located to the existing built form of Tydd St Giles than the current site.

- 10.18. In that regard, given the relative locations of the application site in comparison with the appeal site, it can be reasonably concluded that the application site is more associated with the open countryside to the north and east of Tydd St Giles.

- 10.19. 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 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.

- 10.20. 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.

10.21. The Planning Inspector (in respect of planning appeal APP/D0515/W/16/3163076) highlighted that this area of Cats Lane marks a transition point between Tydd St Giles and the open countryside. Whilst it is noted that this application proposes a reduction in the number of units to the earlier refused scheme, the development proposed would nonetheless see the introduction of two substantial dwellings on currently undeveloped paddock land. This land 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. Accordingly, the proposal remains contrary to the requirements of policy LP12 and Policy LP16(d) and the reason for refusal to the same should be upheld.

Residential Amenity

10.22. 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.

10.23. 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

10.24. 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 Zones 1, 2 & 3, with the bulk of development proposed within Zones 2 & 3.

10.25. 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.

10.26. The application is accompanied by a Flood Risk Assessment that includes consideration of the Sequential and Exception Tests concentrating the area of search to Tydd St Giles only. The village-wide area of search is justified within the submitted Design and Access statement to be “*based on recent precedents set by other applications.*” as discussed in paragraphs 10.1 – 10.5 above.

10.27. 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.

10.28. Comments from the Environment Agency are noted. However acceptability of the FRA should not be taken to mean that the EA consider the proposal to have passed the Sequential Test. As a matter of principle therefore refusal is required by the relevant planning policies as, owing to the lack of sufficient evidence to the contrary, the Sequential Test is considered failed.

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

Ecology and biodiversity

10.30. Concerns have been raised from local residents with respect to the impact of the development of local ecology and biodiversity.

10.31. The application was supported by an updated 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. The CCC Ecology team considered the submitted details and mitigation measures are acceptable, subject to conditions.

10.32. Matters in respect of landscaping proposals and any management /maintenance of trees on the site will be considered at Reserved Matters stage.

10.33. Accordingly, it is considered that subject to conditions, the proposal remains acceptable in regard to its impact on local ecology and biodiversity in accordance with Policy LP19.

Self-Build and Custom Build

10.34. The current application has been proposed as self/custom build housing (as indicated on the submitted application form).

10.35. Policy LP5, Part C seeks to provide, in appropriate circumstances, housing solutions that meet market expectations including self-build homes, which is supported by para 63 of the NPPF. Under Section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Weight would therefore be given to this, the amount dependant on identified demand.

10.36. Self-build or custom build housebuilding covers a wide spectrum, however LPA's must be satisfied that the initial owner of the home will have primary input into its design. Off plan housing is not considered to meet the definition of self and custom build. This application, given its outline nature, provides

limited details of the proposed plots and as such may be considered to meet this definition. Notwithstanding, the Council can currently demonstrate that the number of permissions given for self/custom builds exceeds identified demand, and as such very limited weight can be afforded to this matter.

- 10.37. Apart from the indication on the submitted application form, there has been no evidence submitted within the supporting documentation with this application with reference to the intention for these dwellings to be self/custom build, such as, for example, proof of the applicant's listing on the self-build register. It should also be noted that the earlier application on this site by the same applicant, F/YR22/0935/O, was indicated as market housing.

Other Matters

- 10.38. Economic benefits of the construction of the development are acknowledged, although these would be limited and short-lived given the scale of the proposed development. In addition, whilst it is acknowledged that small-scale developments such as the proposed do help to contribute to the overall sustainability of settlements, it is not considered that the benefits of approval of such a scheme would justify an exception to policy in this case. Notwithstanding, any benefits would be very limited through the introduction of 'up to' 2no. dwellings.
- 10.39. Matters in relation to the benefit of providing homes for family members is not a material planning consideration and should be attributed no weight in decision making.

11. CONCLUSIONS

- 11.1. Notwithstanding the reduction in the number of units, the locational circumstances of the site have not changed since the earlier refusal of the scheme. Furthermore, there are no material considerations with respect to the current application that justify a departure from applying the relevant local and national planning policies when assessing the current scheme.
- 11.2. Earlier reason for refusal 1, in respect of the settlement hierarchy, has not been overcome. The site is located outside the built framework of Tydd St Giles and 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. Therefore the proposal remains contrary to Policies LP3 and LP12.
- 11.3. Despite a reduction in the number of units, 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 the existing rural character of the area 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) and as such reason for refusal 2 is not overcome.

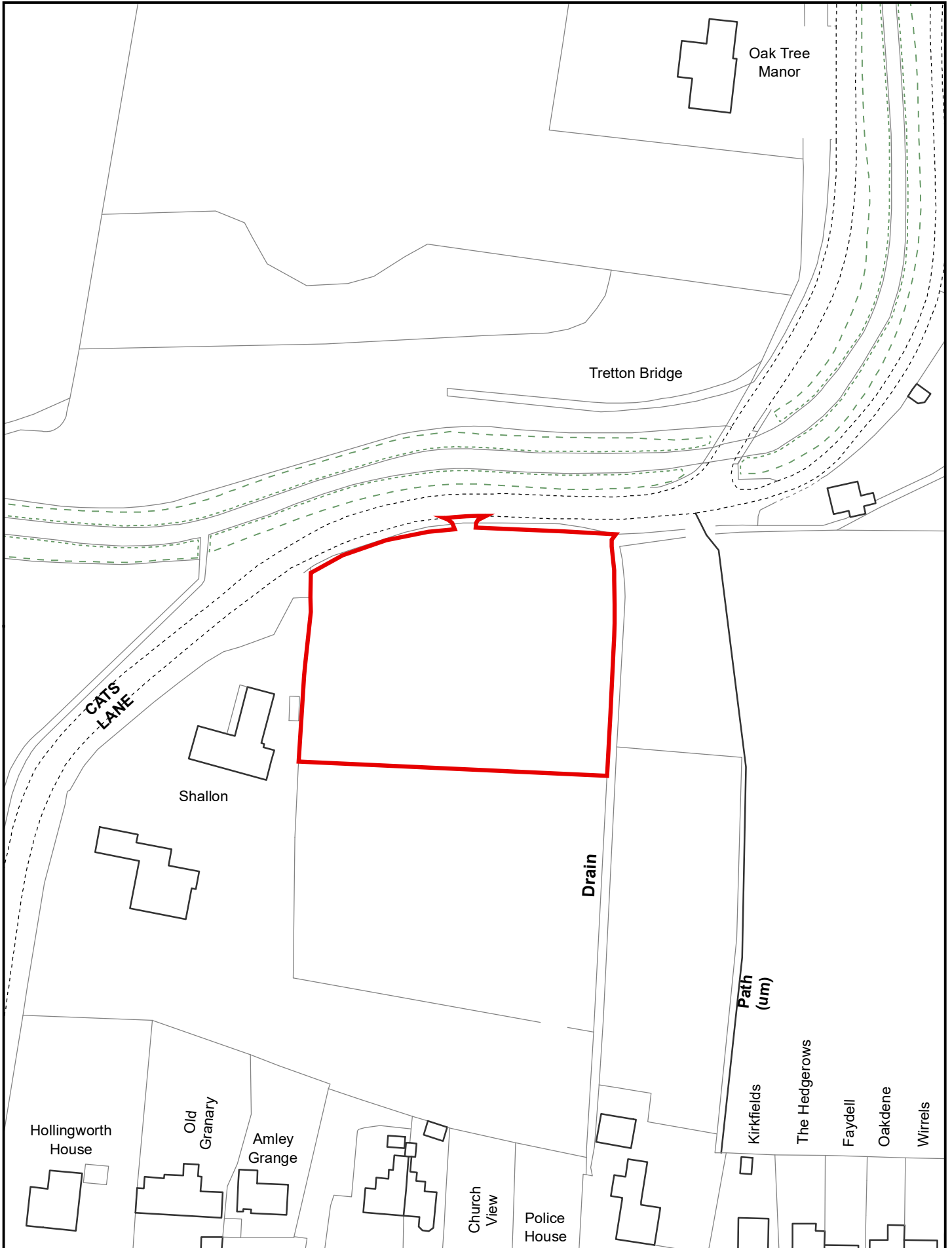
- 11.4. Finally, the submitted application fails to provide the necessary evidence with respect to the Sequential or Exception tests in line with the settlement hierarchy. Accordingly, the scheme remains contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF, retaining earlier reason for refusal 3.
- 11.5. Committee should note the absence of any change in planning circumstances in relation to the current scheme and associated reasons for refusal proposed in addition to the previously refused application. Committee Members are therefore directed towards the Planning Code of Conduct in relation to consistent decision making where there have been no changes in planning circumstance.

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 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.
2	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).
3	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

	<p>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>
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F/YR23/0920/O

Scale = 1:1,250



H - New scheme.
 G - Existing public footpath added to plan.
 E - Indicative plot layout amended.
 D - Vision signs agreed with CCC Highways added.

REVISIONS	JOB NO.	PAPER SIZE	DATE
	6563/02H	A1	AUG 2023

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CLIENT
 MR & MRS GRAINGER

PROJECT
 PROPOSED RESIDENTIAL DEVELOPMENT

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

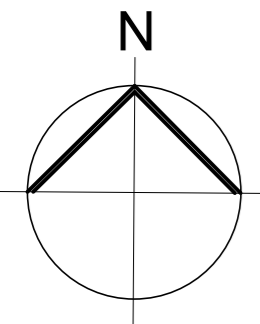
DRAWING
 PROPOSED SITE PLAN



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Proposed Site Plan 1:500 (Indicative Layout Shown)