
F/YR23/0935/O

Applicant: Mr & Mrs Griffin

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

Land North Of Greenacres, Hannath Road, Tydd Gote, Cambridgeshire

Erect 1 x dwelling (outline application with matters committed in respect of access) and the formation of an access

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1. The application seeks outline planning permission for the erection of 1 dwelling with matters committed in respect of access.
- 1.2. The application site comprises part of the residential garden land that serves the 'Chestnuts', a dwelling located at the south side of Hannath Road. The site is detached from the main part of the settlement of Tydd Gote, which is located to the east. The application site is lined to its northern boundary by tall mature trees, some of which have Tree Preservation Order's, some individual trees to its western boundary, large mature conifer trees to its eastern boundary and hedges to the southern boundary. There are several other residential properties located to the north, east and south of the site.
- 1.3. The application site is located within an 'Other Village' as set out in the settlement hierarchy in policy LP3 of the Fenland Local Plan (2014). Policy LP3 states that for such settlements, development will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage". The scheme proposes the construction of one dwelling that does not constitute infill development and is not located within an otherwise built up frontage. No evidence has been provided to justify why the site should be allowed as an exception to the policy and as such the scheme is contrary to policy LP3 of the Fenland Local Plan (2014).
- 1.4. The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policy LP16 (d) of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.

1.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

2 SITE DESCRIPTION

- 2.1. The application site comprises the south western part of the large area of residential garden land that serves the 'Chestnuts' dwelling located at the south side of Hannath Road. The site is detached from the main part of the settlement of Tydd Gote, which is located to the east. The application site is lined to its northern boundary by tall mature trees, some of which have TPO's, some individual trees to its western boundary, large mature conifer trees to its eastern boundary and hedges to the southern boundary. There are several other residential properties sporadically located to the north, east and south of the site. Greyfriars, a Grade II listed building is located approx. 80m from the application site but is buffered by the mature trees that line the northern boundary of the site.
- 2.2. The application site is located within Flood Zone 1.

3 PROPOSAL

- 3.1. The proposal is an outline planning application for the construction of 1 dwelling on the land with matters committed in respect of access. A new 3.5m wide access is proposed at the western boundary of the site directly off Hannath Road, with an associated area for parking and turning. An existing access to the north of the application site is to be closed off and set to grass verge.
- 3.2. Full plans and associated documents for this application can be found at: [F/YR23/0935/O | Erect 1 x dwelling \(outline application with matters committed in respect of access\) and the formation of an access | Land North Of Greenacres Hannath Road Tydd Gote Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR23/0935/O)

4 SITE PLANNING HISTORY

- 4.1 No relevant history.

5 CONSULTATIONS

5.1. Tydd St Giles Parish Council (08/12/2023)

The Parish Council's Planning Committee considered this application at their recent meeting. Members agreed that the proposal represents unsustainable development in the open countryside, outside the core built form of the settlement of Tydd Gote, contrary to policies LP12 and LP3. The proposed dwelling 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.

Members resolved not to support the application.

5.2. South Holland District Council (20/02/2024)

South Holland District Council (SHDC) have no comments to make on the above application. On this basis SHDC do not wish to make any comments in relation to the above proposed development.

5.3. CCC Highways (07/12/2023)

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

I note that visibility splays of 53m to the north and 120m to the south have been included on plan reference: Planning drawing 1. However, as this is de-restricted national speed limit road the required visibility is 2.4m x 215m. For these splays to be acceptable, a speed survey will need to be conducted to determine the 85th%ile speed along Hannath road. The visibility splays will also need to be drawn tangentially and to the nearside kerb line.

Please advise me if the applicant is unwilling or unable to address the above so I may consider making further recommendations, possibly of refusal.

5.4. CCC Highways (09/02/2024)

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

I note that a speed survey has been undertaken to determine the 85th%tile speed for Hannath road. As this speed survey indicates the 85 th%tile speed as 21mph, the visibility splays of 26m indicated on plan reference: 6861/01A Revision A are adequate.

Should this application gain benefit of planning permission, please append the following conditions and informatives.

Conditions

Gates: Prior to the first occupation of the development hereby approved any gate or gates to the vehicular access shall be set back 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.

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.

Ecological Impacts of Highway Works

The proposed works to the public highway which are required as part of the highway mitigation, will result in a material loss of established vegetation and / or damage to existing ecosystems (including potentially both habitats and protected species) within existing highway or adjoining land. Notwithstanding any consent granted under the Town and Country Planning Act, it is the responsibility of the applicant to ensure that their works comply with relevant legislation and that any supplementary permits or permissions are secured prior to undertaking the highway works.

5.5. FDC Environmental Health (16/11/2023)

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 or be affected by ground contamination. Due to the close proximity of noise sensitive receptors, it is recommended that the following condition is imposed in the event that planning permission is granted: WORKING TIMES No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

5.6. North Level District I.B.D (20/11/2023)

No objections.

Local Residents/Interested Parties

Supporters

5.7. 8 letters of support have been received from 7 addresses within Tydd Gote and 1 from Foul Anchor which make the following summarised comments:

- Does not interfere or encroach on anyones privacy nor with the beauty of Hannath Road
- A single dwelling would not have a negative impact on the surrounding area
- Will not be detrimental to the area
- Will improve safety for both walkers and local car drivers by widening the verge and providing a pass by
- The added benefit of removing the conifers will also help by improving visibility and allowing more natural light through to the road
- Due to the lack of local housing we can only see this as another benefit in providing additional housing for the local community
- The proposed would not overlook onto existing dwellings surrounding the site

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.

7.2. National Planning Practice Guidance (NPPG)

Determining a Planning Application

7.3. National Design Guide 2021

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
- LP4 – Housing
- 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
- LP18 – The Historic Environment
- 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
- LP9: Residential Annexes
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP23: Historic Environment
- LP24: Natural Environment
- LP32: Flood and Water Management

8 **KEY ISSUES**

- **Principle of Development**
- **Design Consideration and Visual Amenity of the Area**
- **Residential Amenity**
- **Flood Risk**
- **Access and Parking**
- **Ecology**

9 **ASSESSMENT**

Principle of Development

- 9.1. The application site is most closely associated with the settlement of Tydd Gote. Tydd Gote is identified within the settlement hierarchy of the Development Plan as

being an 'Other Village'. Policy LP3 of the plan states that residential development in settlements within the 'Other Village' category will be considered on its own merits, but will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage." The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of 1 dwelling, at the site in question cannot be deemed as 'infill within an otherwise built up frontage' as the site forms parts of a large undeveloped gap of approx. 93m (as the crow flies) between the existing dwellings 'Chestnuts' and 'Greenacres'.

- 9.2. Notwithstanding the above, Policy LP12 of the Fenland Local Plan (2014) states that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside, identifying a series of criteria that must be satisfied in order for proposals to be considered acceptable.
- 9.3. The first of these criteria is that the development must be located in or adjacent to the existing developed footprint of the village, however this criterion excludes small or other villages from this stating that only infill sites will normally be considered favourably. As Tydd Gote is classed as an 'Other' Village and the site is not considered to be an infill plot the proposal is contrary to the requirements of policy LP12 of the Fenland Local Plan (2014).
- 9.4. Overall, it is considered that the proposal fails to comply with Policies LP3 and LP12 of the Fenland Local Plan 2014, thus the principle of development cannot be supported.

Design Consideration and Visual Amenity of the Area

- 9.5. There were no indicative elevations provided with this outline application, with matters relating to the specific appearance, layout and scale to be committed at Reserved Matters stage. Notwithstanding this, the site is detached from the main settlement of Tydd Gote and marks a transition point between the interspersed development along Hannath Road to the north and the open countryside to the west. The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.

Residential Amenity

- 9.6. There were no indicative floor plans or elevations offered with the application and as such the LPA are unable to establish definitively if issues such as overlooking will need to be reconciled. However, owing to the relative position of the proposed dwelling, shown indicatively, it would appear that there may be negligible issues relating to impacts on residential amenity to reconcile from the scheme.
- 9.7. The illustrative site plan also indicates that suitable amenity space may be provided within the site to meet the requirements of Policy LP16 of the Local Plan.

Flood Risk

- 9.8. The application site is located within an area defined as Flood Zone 1, the zone of lowest flood risk. The site lies within the North Level Internal Drainage Board area, North Level Internal Drainage Board subsequently have confirmed they have 'no objections' to make on the submitted application.

Access and Parking

- 9.9. Policy LP15 aims to ensure that new development provides a good designed, safe and convenient access. Access is committed as part of this application and the submitted plan details a new 3.5-metre-wide access for 5m from the highways boundary and visibility splays of 2.4m by 26m in both directions along Hannath Road.
- 9.10. A bin collection point for the proposed dwelling has been provided to the south side of the proposed access along the highway at Hannath Road.
- 9.11. The Highways Officer has commented on the submitted application initially raising no objection in principle to the proposals, however, did request that a speed survey was conducted to determine the 85th%ile speed along Hannath Road. Following these comments, the applicant conducted a speed survey and submitted the relevant information for review by the Highways Officer. Within revised comments the Highways Officer outlined no objection to the proposal at the site detailing 'I note that a speed survey has been undertaken to determine the 85th%tile speed for Hannath Road. As this speed survey indicates the 85 th%tile speed as 21mph, the visibility splays of 26m indicated on plan reference: 6861/01A Revision A are adequate.' The Highways Officer did request a series of conditions be applied to any approval; however the application is recommended for refusal.
- 9.12. Overall, the proposed development demonstrates a safe and convenient access and accordingly the proposal complies with Policy LP15 of the Fenland Local Plan 2015.

Ecology

- 9.13. Policy LP16 (b) requires proposals for new development to protect and enhance biodiversity on and surrounding the proposal site, taking into account locally designated sites and the special protection given to internationally and nationally designated sites in accordance with Policy LP19. Criteria (c) requires the retention and incorporation of natural and historic features of the site such as trees, hedgerows, field patterns, drains and water bodies.
- 9.14. The proposed works within the development required as part of the highway mitigation would result in the material loss of established vegetation and may result in the loss of habitats or impose adverse impacts on protected species. The application has been accompanied by an Arboricultural Impact Assessment that details that 'the proposal will see the removal of G2, Leyland Cypress, to the west boundary for access and improved visibility purposes. Of low quality the removal will have little impact on the arboricultural value of the site. Replacement planting can be accommodated to replace any loss and gives an opportunity to replace with more suitable and or native trees or hedgerow, all other trees will be retained.'

The supporting documentation that has been submitted with the application does not include any ecology report. The submission of a Preliminary Ecology Assessment is required due to the loss of trees on the site and potential impacts this may have on the existing onsite biodiversity; however, the applicant has not been requested to supply a PEA as the application is being recommended for refusal.

10 CONCLUSIONS

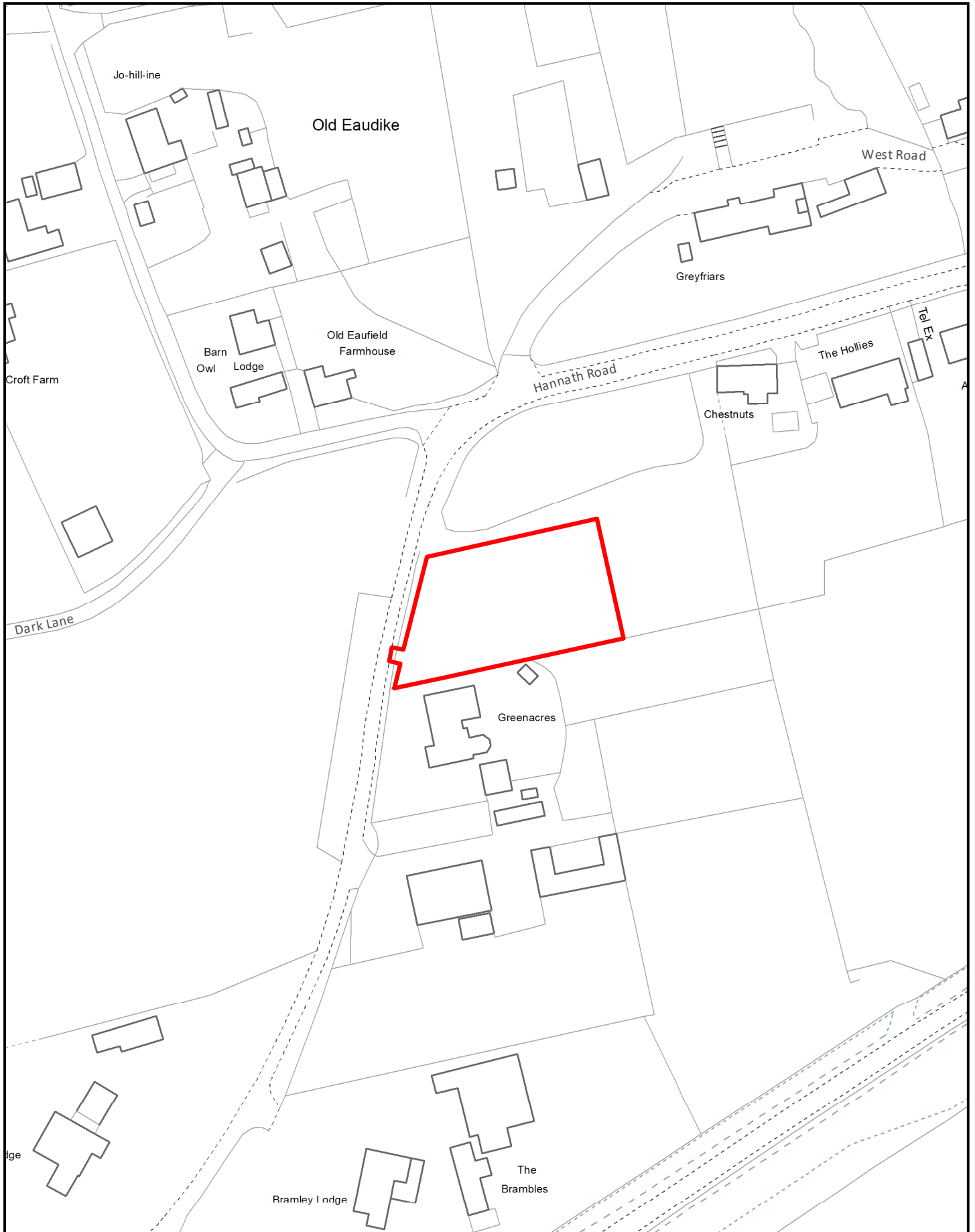
- 10.1. Notwithstanding any issues that could be resolved through the submission of a detailed Reserved Matters application, there are fundamental locational issues that would render the principle of development unacceptable, which is the main requirement for consideration in respect of this outline application.
- 10.2. The application site is most closely associated with the settlement of Tydd Gote. Tydd Gote is identified within the settlement hierarchy of the Development Plan as being an 'Other Village'. Policy LP3 of the plan states that residential development in settlements within the 'Other Village' category will be considered on its own merits, but will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage." The Fenland Local Plan 2014 under its glossary defines residential infilling as "Development of a site between existing buildings". The Planning Portal Glossary defines this as "The development of a relatively small gap between existing buildings." It is clear the proposed development, of 1 dwelling, at the site in question cannot be deemed as 'infill within an otherwise built up frontage' as the site forms parts of a large undeveloped gap of approx. 93m (as the crow flies) between the existing dwellings 'Chestnuts' and 'Greenacres'.
- 10.3. Policy LP12 of the Fenland Local Plan (2014) states that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside, identifying a series of criteria that must be satisfied in order for proposals to be considered acceptable. The first of these criteria is that the development must be located in or adjacent to the existing developed footprint of the village, however this criterion excludes small or other villages from this stating that only infill sites will normally be considered favourably. As Tydd Gote is classed as an 'Other' Village and the site is not considered to be an infill plot the proposal is contrary to the requirements of policy LP12 of the Fenland Local Plan (2014).
- 10.4. The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.
- 10.5. Overall, the proposed development is considered to be unacceptable, and the recommendation is one of refusal.

11 RECOMMENDATION

Refuse; for the following reasons:

1.	The application site is located within an 'Other Village' as set out in the settlement hierarchy in policy LP3 of the Fenland Local Plan 2014. Policy LP3 states that for such settlements, development will "normally be restricted to single dwelling infill sites situated within an otherwise built up frontage". Policy LP12 states that within those villages identified as 'Other' villages in the settlement hierarchy "only infill sites will
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	<p>normally be considered favourably". The scheme proposes the construction of one dwelling that does not constitute infill development and is not located within an otherwise built-up frontage. No evidence has been provided to justify why the site should be allowed as an exception to the policy and as such the scheme is contrary to Policy LP3 and LP12 of the Fenland Local Plan 2014.</p>
2.	<p>Policy LP12 of the Fenland Local Plan 2014 states that new development will be supported where it contributes to the sustainability of the settlement and does not harm the wide-open character of the countryside. Policy LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout and scale of development and that proposals do not adversely impact the streetscene or landscape character of the surrounding area.</p> <p>The development proposed would see one dwelling positioned on land that currently forms a distinct and natural demarcation between the edge of the settlement to the east and the countryside. Furthermore, it is noted that within the indicative site plan the large mature conifer trees that front the site would be removed and replaced with a native hedge, affording increased views of the proposed dwelling. Overall, this would result in a significant detrimental impact on the character and visual amenity of the area and would fail to enhance the local setting, contrary to Policies LP12 and LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014.</p>
3.	<p>Policies LP16 (b) and LP19 of the Fenland Local Plan 2014 and Paragraph 170 of the NPPF 2019 seek to conserve, enhance and promote biodiversity and Paragraph 177 advises that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that it will not adversely affect the integrity of the habitats site.</p> <p>The application site is considered to have potential to provide habitat for or support protected species. Insufficient assessment has been undertaken and inadequate information submitted to enable the Local Planning Authority to ascertain whether the proposal would impact protected species. As such the proposal is considered contrary to the aforementioned policies.</p>



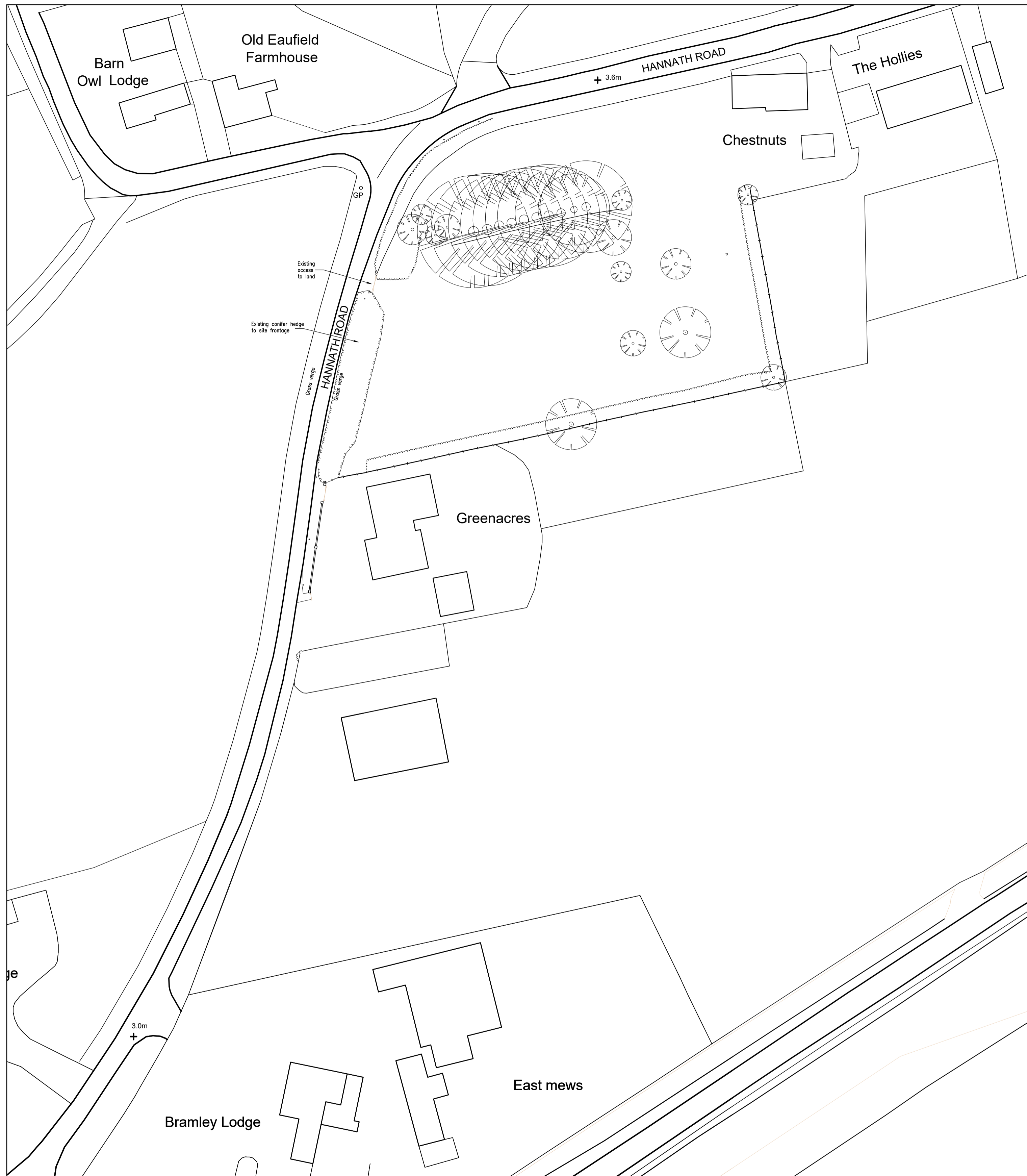
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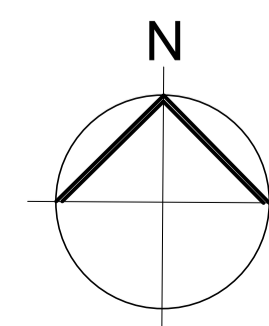
Existing Site Plan 1:500



Proposed Site Plan 1:500 (Indicative layout shown)

A - REVISIONS		
JOB NO.	PAPER SIZE	DATE
6861/01A	A1	OCT 2023

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CLIENT
 MR & MRS GRIFFIN
 PROJECT
 PROPOSED INFILL BUILDING PLOT

SITE
 LAND AT CHESTNUT COTTAGE
 HANNATH ROAD
 TYDD GOTE
 CAMBS
 PE13 5NA

DRAWING
 PLANNING DRAWING 1



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