
F/YR24/0034/O

Applicant: Mr D Moore

**Agent : Mrs Gemma Lawrence
Swann Edwards Architecture Limited**

Land North of Windy Willows, Church Lane, Tydd St Giles, Cambridgeshire

Erect up to 2 x dwellings and the formation of an access (outline application with matters committed in respect of access)

Officer recommendation: REFUSE

Reason for Committee: Number of representations against officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 11 March 2024

EOT in Place: Yes

EOT Expiry: 31 May 2024

Application Fee: £0

Risk Statement:

This application must be determined by 31/05/24 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1 This application proposes the delivery of up to 2 dwellings on a site which is outside the built form of the designated 'small village' of Tydd St Giles, including the formation of a culverted vehicular access.</p> <p>1.2 The scheme is contrary to Policies LP3, LP12, LP14, and LP16 in the Local Plan given that it is not infill within a 'small village, it is located beyond the built form and therefore in an elsewhere location and the proposal does not demonstrate compliance with flood risk policy.</p> <p>1.3 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.</p> <p>1.4 The application site is in Flood Zone 3 and is accompanied by a sequential and exception test report that does not take account of the appropriate search area of Fenland and therefore the sequential test is failed. As such, the proposal fails to accord with the necessary requirements of Policy LP14 of the Local Plan, the</p> |
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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.

- 1.6 There are fundamental policy issues arising relating to this proposal, as highlighted within this report and accordingly, the scheme must be recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site comprises part of a parcel of agricultural land situated to the east side of Church Lane, Tydd St Giles. To the south of the site is the residential property 'Windy Willows' whilst to the north and west lies open land. To the west also lies a small agricultural building.
- 2.2 The site is contained by dense hedging to Church Lane (east) and the north with post and rail fencing to the south and east. A ditch lies between the hedging and the highway along the eastern boundary.
- 2.3 The site is within Flood Zone 3, the highest area of risk.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for the erection of up to 2 x dwellings and the formation of an access requiring culverting of the ditch to the east of the site (outline application with matters committed in respect of access).
- 3.2 The illustrative plans show 2 large, detached dwellings with roof lights and dormers to enable rooms in the roof space, porches, double garages and a private shared driveway.
- 3.3 Full plans and associated documents for this application can be found at: [F/YR24/0034/O | Erect up to 2 x dwellings and the formation of an access \(outline application with matters committed in respect of access\) | Land North Of Windy Willows Church Lane Tydd St Giles Cambridgeshire \(fenland.gov.uk\)](#)

4 SITE PLANNING HISTORY

Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR22/0966/O	Erect up to 2 x dwellings and the formation of an access (outline application with matters committed in respect of access)	Refused	15 Dec 2022
F/YR13/0183/F	Erection of 3 x 3-bed 2-storey dwellings with garages	Refused	03 May 2013
F/YR12/0657/F	Erection of 4 x 3-bed 2-storey dwellings with attached single garages	Refused	19 Nov 2012

5 CONSULTATIONS

5.1 Cambridgeshire County Council Highways Authority 07/02/24

Whilst I have no objection to the principal of the development, I must object to the footway aspect of the proposal as it will not be possible to construct this on the west side of Church Lane. This is due to the ditch being in-situ and the existing highway signage. However, it would be possible to construct a footway on the east side and connect this to the existing footway.

If the applicant was to amend the drawings to show this change and add in the achievable dimensional widths, it would overcome my objection. If the applicant is unwilling or unable to amend the application or provide additional information as outlined above, please advise me so I may consider making further recommendations, possibly of refusal.

5.2 Cambridgeshire County Council Highways Authority 13/02/24

Whilst the applicant has now shown a footway on the side of the road that it is possible to construct a link to the proposed dwelling. They have not connected this to the existing footway, which would be required to be shown in order to condition this aspect of any approval granted by the LPA.

Also there is no dimensions shown as to the achievable width of the footway as previously requested i.e. in relation to available highway and land under the control of the applicant and/or if third party land is required to facilitate this footway. Whilst the verge may on the face of it appear to be within the highway this may not be the case. I would recommend that the applicant contact the CCC Definitive Mapping team to ascertain the exact extent of the adopted highway in this area, prior to any resubmission or determination of this application. The applicant must consider the achievable width of footway construction not simply the assumed width of the highway verge e.g. 0.5m at the rear of the footway for edging should be included (with the footway being entirely within the extent of the highway) and no width should be taken from the carriageway as this would have a detrimental impact to the highway.

5.3 Cambridgeshire County Council Highways Authority 08/04/24

Recommendation

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

Comments

The 1.5m wide footway shown on the drawing 1000 E is acceptable. While a 2m footway is recommended for inclusive access, a 1.5m footway is sufficient to allow a pedestrian and wheelchair / pushchair to pass. In context of the rural setting and limited scale of development which would be served by the footway, this is on balance acceptable.

However, the applicant will need to consider the mitigation of potential impacts on the neighbouring boundary fence and the impact a footway will have on highway drainage, noting the carriageway currently drains over-edge into the grassed verge. For these reasons, I have recommended the below conditions.

I would also note that the access inter-vehicular visibility splay shown does not align with the vehicular access location, which has shifted from the first submission. However, I am confident that the necessary visibility is in any case achievable within the highway.

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) no gates or other means of enclosure shall be erected across the vehicular access hereby approved.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

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.

Reason: To prevent surface water discharging to the highway in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014 Off-Site

Highway Works: No development shall take place until details of works to 1.5m footway along Church Lane, as shown in principle on drawing 1000 E, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied/brought into use until all of the works have been completed in accordance with the approved details.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014. This is a pre-commencement condition because the off-site highway works are required to make the development acceptable and in addition to planning approval will require permission from the Highway Authority under the Highways Act.

Non-standard condition: Before the dwelling hereby permitted is occupied, the vehicular access from the nearside footway edge shall be constructed to include the provision of a metalled/sealed surface for a minimum length of 5m from the existing carriageway edge.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 of the Fenland Local Plan, adopted May 2014.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Watercourse Management

If you are planning to undertake works within a watercourse within the UK, you need permission to do so by law. It is essential that anyone who intends to carry out works in, over, under or near a watercourse, contacts the relevant flood risk management authority to obtain the necessary consent before starting work.

Please refer to this web page for further information:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/floodand-water/watercourse-management/>

5.4 Environment Agency 15/02/24

Thank you for the consultation dated 25 January 2024. We have reviewed the documents as submitted and objecting to this application on Foul Drainage grounds. Further information can be found in the relevant section below, such as how to overcome our objection.

We have also detailed information below regarding Flood Risk.

Non-mains Foul Drainage

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system (package treatment plant), without adequate justification as to why a mains connection is not proposed.

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

- 1. Connection to the public sewer*
- 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)*
- 3. Septic Tank*

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Overcoming our objection

The applicant can overcome our objection by addressing the issues mentioned above.

The applicant should either provide confirmation of joining the mains sewerage system that runs near almost alongside the development (along Church Lane), or alternatively provide an adequate justification as to why this connection is not possible.

We'd recommend filling out the FDA1 form on the Gov.UK website Foul drainage assessment form (FDA1) - GOV.UK

Flood Risk

Our maps show the application site lies within Flood Zone 3, defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. As per Paragraph 173, footnote 59 of the National Planning Policy Framework (NPPF) a site-specific Flood Risk Assessment (FRA) has been submitted alongside this proposal.

We have no objection to this planning application relating to Flood Risk, providing that you have taken into account the Flood Risk considerations which are your responsibility.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref CHURCH LANE TYDD ST GILES, GCB/SWANN EDWARDS, 15/01/2024) and the following mitigation measures it details:

- Finished floor levels to be set no lower than 300mm above Ordnance Datum*

(AOD)

- The development to have at least two storeys.
- The proposed dwelling to have non-habitable ground floors as stated in the submitted FRA.

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

Further Information

Flood Warnings

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding. This can be done online at <https://www.gov.uk/sign-up-for-flood-warnings> or by phoning Floodline Warnings Direct on 0345 988 1188.

Flood warnings can give people valuable time to prepare for flooding – time that allow them to move themselves, their families, and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Flood resilient construction

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing electrical services into the building at a high level so that plugs are located above possible flood levels.

Please refer to 'Improving the Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007) for information on flood resilience and resistance techniques to be included. This is available online at <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

5.5 Environment Agency 04/03/24

Thank you for the consultation dated 20th February 2024. We have reviewed the amended plans and can confirm we are removing our objection.

In our first response to this application, issued on 15 February 2024 and referenced AE/2024/129204/01, we raised a Foul Drainage objection. This was because the application proposed a private sewage treatment plant in an area with a mains sewerage area.

An amended application form has now been submitted, confirming that the proposal will now in fact join to the mains system. We therefore now have no objection.

Please note our previous response also contained information related to Flood Risk, these comments still stand and remain relevant.

5.6 North Level Internal Drainage Board

Please note that North Level District Internal Drainage Board have no objections to the above planning application.

Informal consent to alter the watercourse will be required.

5.7 Tydd St Giles Parish Council

The members of the Parish Council considered this application at their recent meeting. They noted that the applicant has submitted three previous applications for residential development at this location, all of which were refused. This application is a resubmission of the proposal submitted under reference F/YR22/0966/O, which the Parish Council did not support. With no material change, the fundamental issues remain, namely that it is unsustainable development in the open countryside, outside the core built form of the village, contrary to policies LP12 and LP3. The proposed development would be out of keeping with surrounding properties and therefore harmful to the character of the locality.

Members resolved not to support the application.

5.8 Environment & Health Services (FDC)

The Environmental Health Team are unlikely to object to the proposed scheme in the event a full application is made. The intention is to develop the site by introducing two new dwellings to the locality. The impact this will have on the existing noise or air climate and vice versa is therefore considered negligible.

Given the applications sites previous pastoral use contamination is also unlikely to be an issue at this location.

Local Residents/Interested Parties

5.9 Objectors

Six representations received objecting to the proposals, 3x from Newgate Road Tydd St Giles, 2x Church Lane Tydd St Giles and 1x from Eaudyke Bank Tydd ST Giles. Material planning considerations regarding:

- No change to material planning considerations since the previous refusals.
- No change to local policy since the previous refusal
- Outside developed footprint of village/in open countryside.
- D&A statement inaccurate.
- Not infill.
- Design out of character.
- Flood Risk.
- Highway safety.
- Sequential test failed as not within the village.
- The field separating the site from the village was put forward for allocation for development in the draft local plan and determined to be unsuitable.
- No tree preservation orders in place to keep hedging//trees.
- Set a precedent.
- 2-story dwellings out of character
- Agricultural land.
- Does not comply with policy.
- Loss of biodiversity.
- Unsustainable location.
- Decision should be made in line with the local plan.

- Previously refused 3 times.
- School is full.
- Not affordable housing.
- Disturbing local wildlife.

5.10 Supporters

Sixteen letters of support received, 1 from Tydd Gote and the rest from Tydd St Giles (1 from Hockland Road, 4 from Kirkgate, 5 from Church Lane, 2 from High Broadgate, 1 from Newgate Road, 1 from Bees Lane and 1 from Field Avenue).

Reasons for support:

- Given Class Q approval for the barn to the rear of the site why shouldn't this be approved.
- Given other permissions granted in the village why shouldn't this be granted.
- Will help support village shop.
- Will help village school thrive.
- Visually attractive
- Easy access
- Will help this part of the village be more a part of the village.
- The other side of the road has houses.

6 STATUTORY DUTY

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

National Planning Policy Framework (NPPF)

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

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

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

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

Para. 135 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2021

C1 – Context – How well does the proposal relate to the site and its wider context
I1, 2 & 3 – Identity – Well-designed, high-quality places that fit with local character
H1 & H2 Homes and Buildings – healthy, comfortable and safe places well related to external amenity space

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 in Fenland

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

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

LP5: Health and Wellbeing

LP7: Design

LP8: Amenity Provision

LP18: Development in the Countryside

LP20: Accessibility and Transport

LP22: Parking Provision

LP24: Natural Environment

LP25: Biodiversity Net Gain

LP32: Flood and Water Management

LP63: Residential site allocations in Tydd St Giles

Delivering and Protecting High Quality Environments in Fenland SPD 2014

DM2 – Natural Features and Landscaping Schemes

Cambridgeshire Flood and Water SPD 2016

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Access and Parking**
- **Character, Design and Layout**
- **Residential Amenity**
- **Other considerations**

9 BACKGROUND

9.1 The application has been brought forward as a free go following the refusal of application F/YR22/0966/O. The Local Plan has not changed since this decision and there are no significant alterations to the circumstances of the proposal. The reasons for the refusal of application F/YR22/0966/O were:

- 1 Policy LP3 of the Fenland Local Plan identifies that Tydd St Giles is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is such that it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining development immediately to north of the application site. The proposal is therefore, clearly contrary to Policy LP3 and LP12 of the Fenland Local Plan.
- 2 Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Tydd St Giles. Real and actual character harm would arise through the introduction of new development in this location which would serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 and LP16 of the Fenland Local Plan.
- 3 Policy LP14 of the Fenland Local Plan and the National Planning Policy Framework require applications within Flood Zone 3 locations to satisfy the sequential and exception test, with further guidance regarding the application of the sequential test being given in Cambridgeshire Flood and Water SPD and the Fenland District Council 'Approach to the Sequential Test for Housing'. No Sequential Test has been submitted however noting that the site fails to accord with the Settlement Hierarchy outlined in Policy LP3 of the Fenland Local Plan and relates to the open countryside the Sequential Test is required to be applied on a district-wide basis and in this respect the proposal fails to comply with Policy LP14 of the Fenland Local Plan and the NPPF.
- 4 Policy LP15 of the Fenland Local Plan (2014) requires that proposals demonstrate accessibility and provide for safe and convenient access for all. The current scheme proposals fail to demonstrate that appropriate visibility is achievable in respect of the access point to serve the dwellings. It has not been confirmed that the scheme complies with the aims of Policy LP15 and by default it is has not been demonstrated that the proposal will provide appropriate and safe levels of accessibility and that it would not compromise highway and pedestrian safety.

Development on site has also been previously refused twice before as set out in the planning history above, for similar reasons.

10 ASSESSMENT

Principle of Development

- 10.1 The foot notes of LP12 of the Fenland Local Plan 2014 define the developed footprint of a settlement. Given the application site is separated from the main built form of Tydd St Giles by approximately 330m of agricultural land it is not considered to be within the settlement for the purposes of LP3 of the Local Plan.
- 10.2 Policy LP3 considers the site to be an 'elsewhere' location within open countryside where development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport and utility services. No justification has been included within the submission to illustrate that the dwelling is required to support such an enterprise and there has been no change since the refusal of planning application F/YR22/0966/O.
- 10.3 Thus the principle of the development of the site is not supported as the site is not within the developed footprint of Tydd St Giles and is therefore in an elsewhere location and not required for the established uses set out within Policy LP3 of the Fenland Local Plan. The requirements relating to Policy LP3 and LP12 have not been met.
- 10.4 Consequently the proposed development is in clear conflict with Policies LP3 and LP12 of the Local Plan and the principle of development on the site is unacceptable.

Flood Risk

- 10.5 The site is located in Flood Zone 3, the area at highest risk of flooding. 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.
- 10.6 The application is accompanied by a Sequential and Exception Test report. The report states that the sequential test area should be restricted to the village of Tydd St Giles. However, following guidance as set out in the adopted Flood and Water SPD, the site is considered to be located in an elsewhere location the sequential test should take account the entire area of Fenland.
- 10.7 Noting the adopted and indeed consistent stance of the Local Planning Authority when applying the sequential test on sites which do not comply with the settlement hierarchy it is asserted that the scheme has no potential to satisfy the sequential test, as this would require the application of the Sequential test on a district wide scale. It is further identified in the updated NPPG (August 2022) that even where a flood risk assessment shows that development can be made safe for its lifetime the sequential test still needs to be satisfied, i.e. flood risk safety measures do not overcome locational issues.
- 10.8 As such, the proposal fails to accord with the necessary requirements of Policy LP14 of the Local Plan, 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.

Access and Parking

- 10.9 The Fenland Local Plan Policy LP15 states that new development will only be permitted if it can be demonstrated that safe and convenient pedestrian and vehicle access to and from the public highway as well as adequate space for vehicle parking, turning and servicing would be achieved.
- 10.10 The County Highway Authority have no remaining highway objection. They consider the proposed access to be acceptable in highway terms subject to offsite highway mitigation measures in the form of installation of a public footpath and recommended conditions and informatives.
- 10.11 Therefore the proposed development is considered acceptable in terms of Policy LP 15 of the Fenland Local Plan 2014.

Character, Design and Layout

- 10.12 Policy LP16 of the Fenland Local Plan 2014 states that the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area (LP16(d)).
- 10.13 It is considered that the transition from countryside to village is clearly marked in this location with the 'built footprint' of the village occurring to the north side of Newgate Road and East of Church Lane.
- 10.14 There are two properties along the western side of Church Lane with a separation distance of circa 330m. These dwellings are therefore considered anomalies rather than a continuation of the built form. It is therefore clear that the intervening space represents open countryside and therefore the introduction of two dwellings in this location would erode the existing character of the countryside, thereby negatively contributing to the rural character of the area.
- 10.15 This view aligns with the robust and measured objections put forward by local consultees who clearly and articulately express their concerns regarding the development; both its non-conformity with local plan policies and the real character harm that would arise.
- 10.16 Furthermore, Policy LP12 clearly states that development should not extend existing linear features and again this development is contrary to this outlined aim.
- 10.17 For the reasons outlined above the scheme should be resisted as contrary to Policies LP12 and LP16, notwithstanding the fundamental 'principle' issues highlighted.

Residential Amenity

- 10.18 LP16(e) also seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light. Policy LP16 (h) states that new development should provide sufficient private amenity space at a minimum of a third of the plot.
- 10.19 Notwithstanding the character harm identified above and the lack of policy fit relating to the settlement hierarchy the site could be developed in such a manner as to provide appropriate levels of residential amenity for the intended householders in terms of private amenity space and servicing arrangements.

10.20 Furthermore, given the relationship of the site to the dwellings across the road and the single dwelling to the south, no issues are highlighted in securing an appropriate scheme which does not compromise existing residential amenity.

10.21 It is considered that the scheme has the potential to comply with Policies LP2 and LP16 of the Fenland Local Plan 2014, subject to detailed layout and design which would be secured under the reserved matters for the site. However, the absence of residential amenity harm would not in itself justify acceptance of the scheme noting the fundamental 'principle' issues highlighted.

Other considerations

10.22 The Submitted Design and Access Statement states that the site would constitute infill. Policy LP3 clearly indicates that Tydd St Giles is a small village which is capable of residential infilling. The planning portal glossary notes that Infill development is 'the development of a relatively small gap between existing buildings' It is clear the site in question may not be deemed as infill and that the scheme instead represents an extension of the settlement into the open countryside, contrary to the settlement hierarchy.

11 CONCLUSIONS

10.1 The proposal is contrary to Policies LP3, LP12, LP14 and LP16 in the Local Plan given that it is not infill within the developed footprint of the small village of Tydd St Giles and does not demonstrate compliance with flood risk policy.

10.2 It is contended that real and actual character harm would arise through the consolidation of the built form and the extension of existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly at odds with Policy LP12 of the Fenland Local Plan (2014) and contrary to the aims of Policy LP16 (d) which focuses on the need for development to enhance its setting and respond to the character of the local built environment.

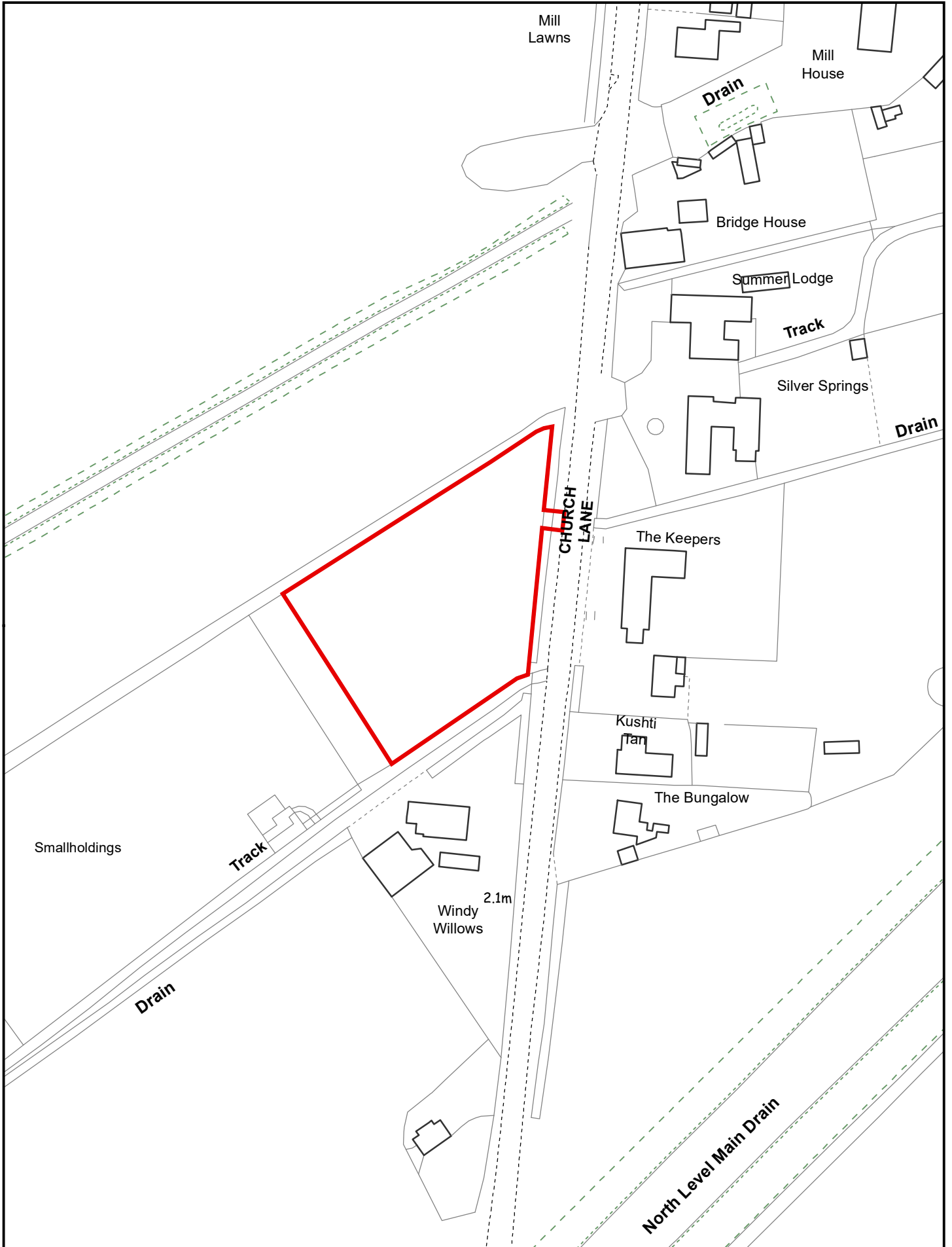
10.3 In addition, the submitted sequential and exception test is not considered passed. The adopted guidance 'Approach to the Sequential Test for Housing' identifies that the area of search for the purposes of carrying out the Sequential Test on a site identified as being in an elsewhere location is the whole of the rural area of Fenland. As the site is considered to relate more readily to the 'open countryside', i.e. outside the built form of the settlement and goes beyond that allowed for under Policy LP3 the sequential test should be applied on a district wide basis. As a result, the proposal is contrary to LP14 and the NPPF in that it has not been demonstrated that there are no other more sequentially preferable sites which could accommodate the development within an area of lower flood risk.

12 RECOMMENDATION

REFUSE for the following reasons:

1	Policy LP3 of the Fenland Local Plan identifies that Tydd St Giles is a 'small village' where development will normally be limited in scale to residential infilling or a small business opportunity. The location of the site is not within the developed footprint of the village and as such it fails to satisfy this requirement and by default Policy LP12 (a), noting the absence of adjoining
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	development immediately to north of the application site. The proposal is therefore, clearly contrary to Policy LP3 and LP12 of the Fenland Local Plan.
2	Policy LP12 identifies that only infill developments will be considered favourably within settlements that have been identified as 'small villages' such as Tydd St Giles. Real and actual character harm would arise through the introduction of new development in this location which would serve to extend existing linear features within an area which currently serves to mark the gentle transition between the open countryside and the built form of the village this being clearly contrary to Policy LP12 and LP16 of the Fenland Local Plan.
3	<p>Policy LP14 of the Fenland Local Plan and the National Planning Policy Framework require applications within Flood Zone 3 locations - 9 - to satisfy the sequential and exception test, with further guidance regarding the application of the sequential test being given in Cambridgeshire Flood and Water SPD and the Fenland District Council 'Approach to the Sequential Test for Housing'.</p> <p>No Sequential Test has been submitted however noting that the site fails to accord with the Settlement Hierarchy outlined in Policy LP3 of the Fenland Local Plan and relates to the open countryside the Sequential Test is required to be applied on a district-wide basis and in this respect the proposal fails to comply with Policy LP14 of the Fenland Local Plan and the NPPF.</p>



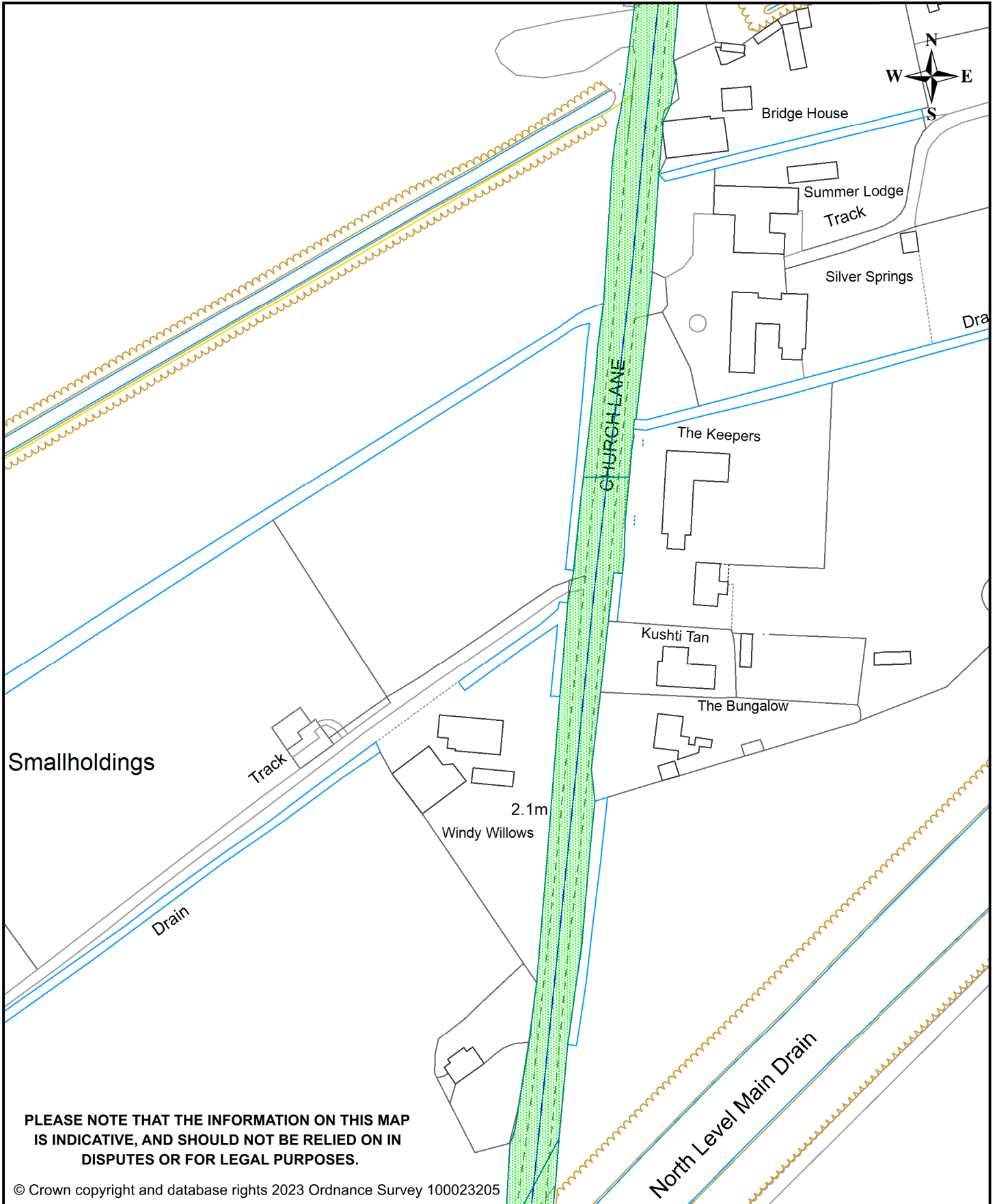
Created on: 19/04/2024

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F/YR24/0034/O

Scale = 1:1,250








Scale: 1:1250

Date: 19.03.2024

Ref: CCC597055376 - CH

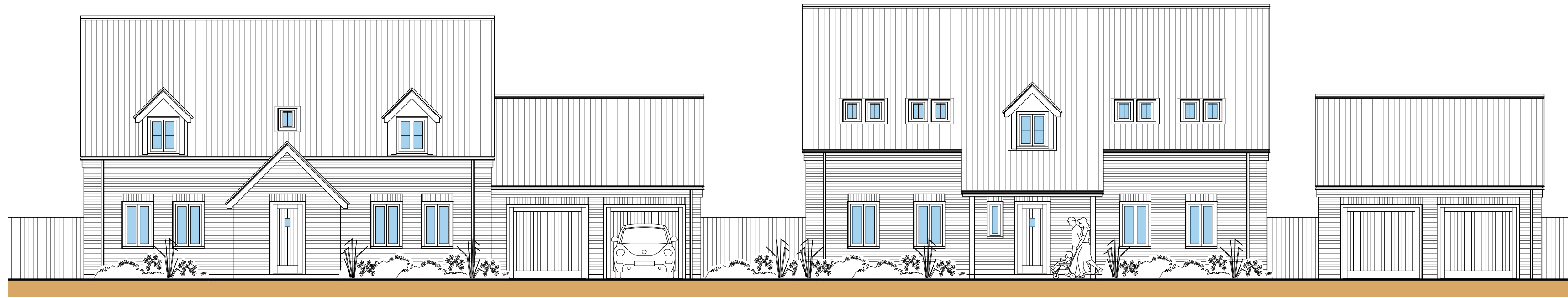
Highway boundary plans are determined using Ordnance Survey (OS) mapping at a scale of 1:1250 or 1:2500. Please refer to OS's Statement of Accuracy when comparing with a site survey

Legend

- Public highway (green) 
- Public highway (blue) 
- Public highway (red) 

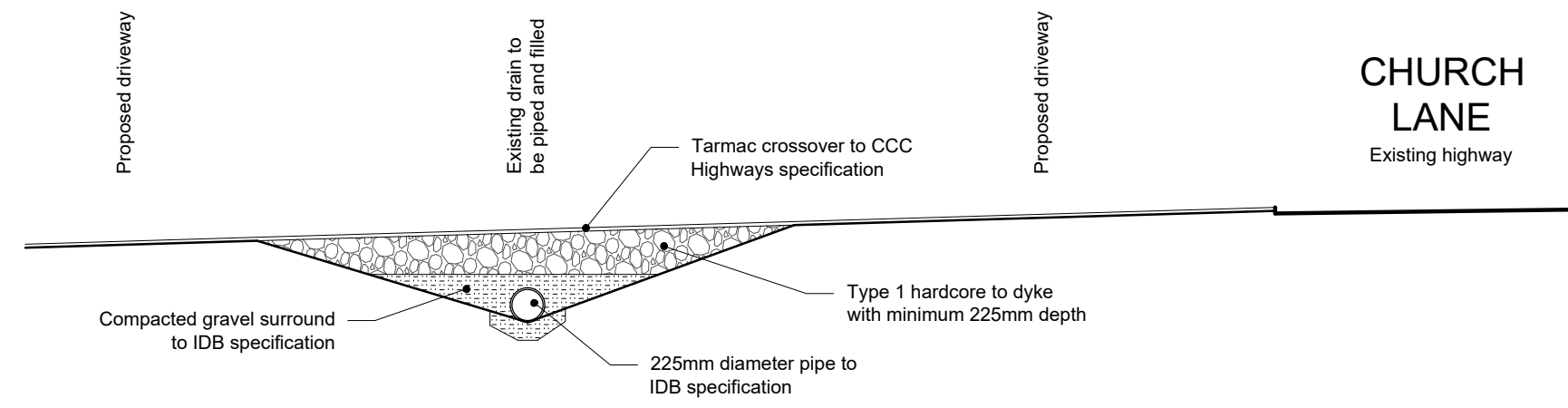
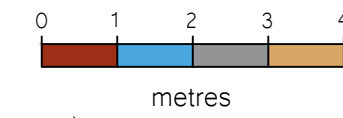
The information shown in this search result is a depiction of the highway extent that has been investigated using the highway records available to the County Council. This research has been interpreted and displayed against current Ordnance Survey (OS) map data as accurately as possible. It is possible that the OS mapping for the area searched does not show features that typically form part of the highway boundary, such as (but not limited to) ditches, hedges, fences or embankments. Therefore, please note that owing to the tolerance of accuracy that must be applied to OS maps, the highway boundary 'on the ground' may not be in exactly the same position as the boundary features displayed by OS. If you require a site visit to determine the physical highway extent please contact searches@cambridgeshire.gov.uk. This service is provided on a cost-recoverable basis in accordance with our Schedule of Charges.

General Notes
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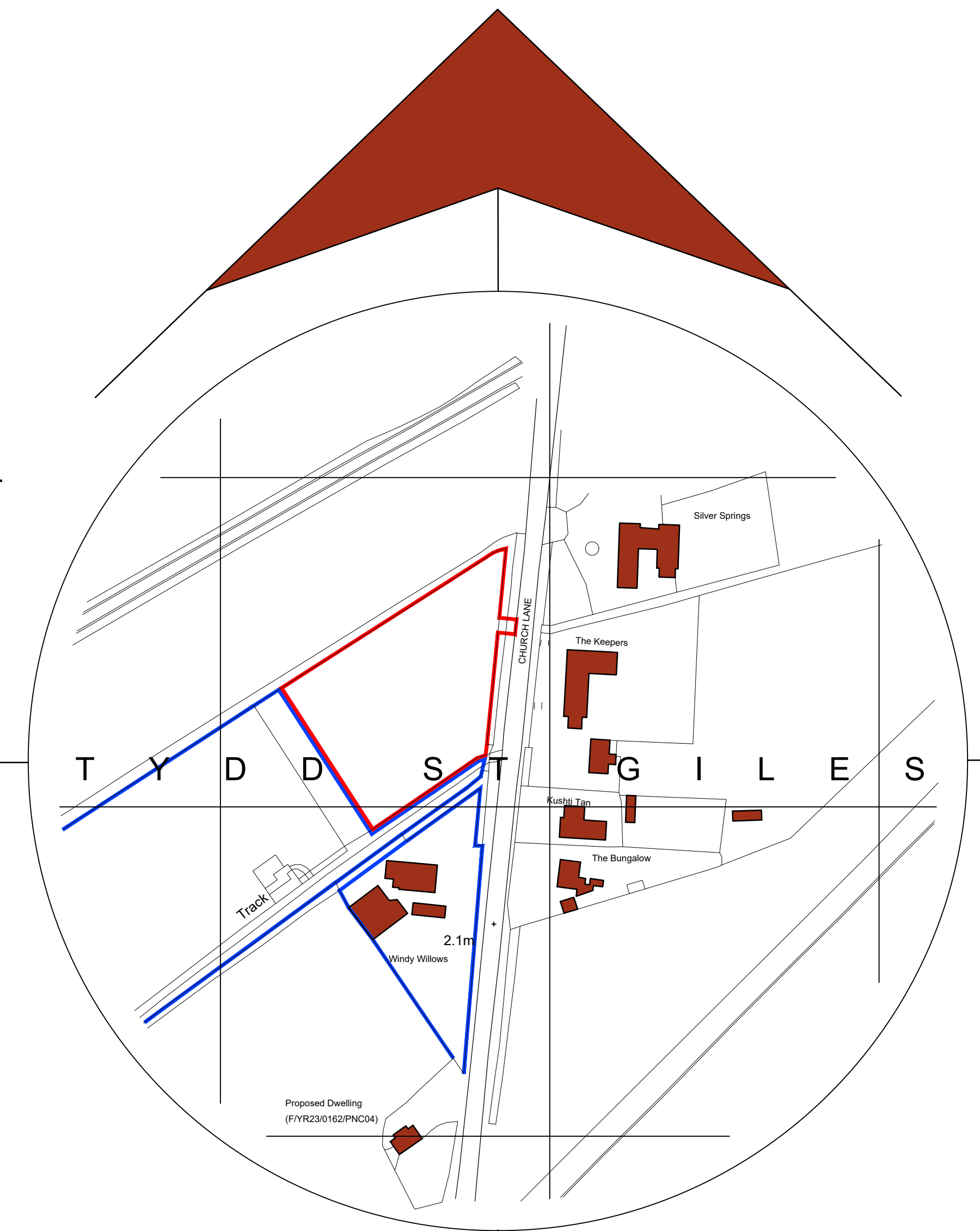
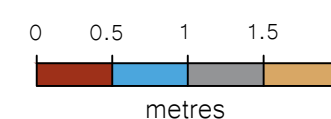
Indicative Street Elevation

Scale: 1:100



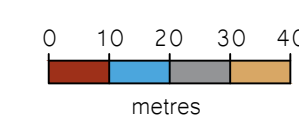
Access Cross Section

Scale: 1:50



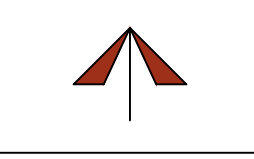
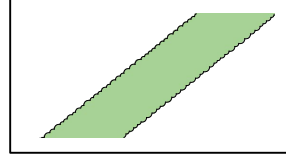
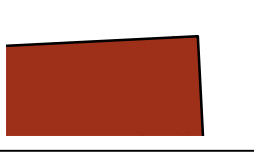
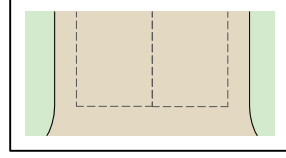
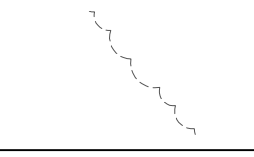
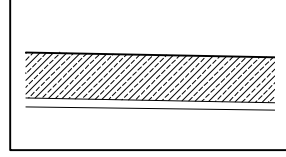

Location Plan

Scale: 1:1250



CHURCH LANE

SITE PLAN KEY

-  Proposed site access
-  Proposed 2m landscaping buffer
-  Existing buildings
-  Allocated parking for proposed dwellings (one within garage and two parking spaces)
-  Faint dashed lines indicate fences to be removed and vegetation to be cut back.
-  Proposed 1.5m wide footpath to extend pedestrian access to village
-  Existing hedges / vegetation to be retained

Revisions		
A	May 2022	Boundaries updated
B	June 2022	Access cross section added
C	Dec 2023	Additional location plan
D	Feb 2024	Access location updated and link footpath moved to east of Church Road
E	Mar 2024	Extent of footpath clarified

FOR APPROVAL

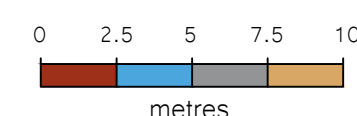
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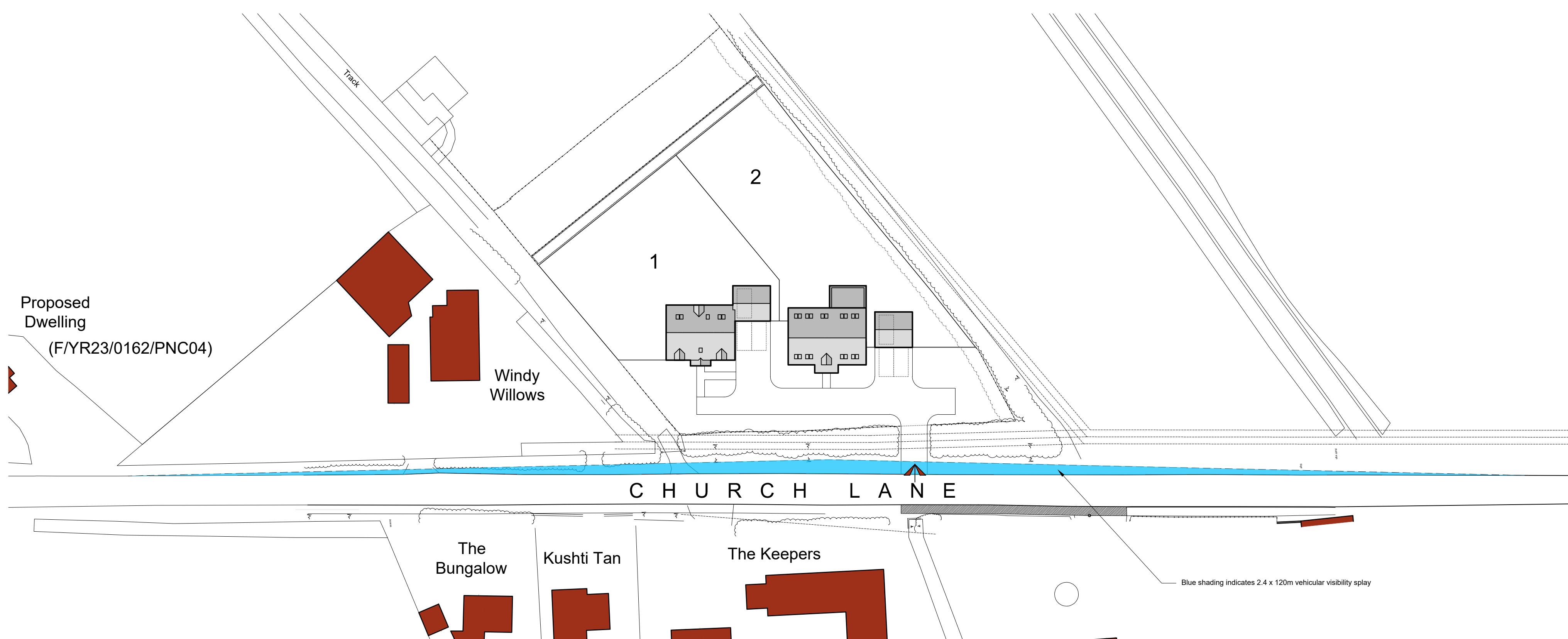
Job Title	Date	Drawn by
Proposed Residential Development of 2 Dwellings at Church Lane, Tydd St Giles for Mr D Moore	May 2022	GL
		Checked by GE
Drawing Title	Job No.	Sheet Size
Planning Drawing Site Plan, Location Plan and Street Elevation	SE-1811	A1
Dwg No.	Revision	
1000	E	

Indicative Site Plan

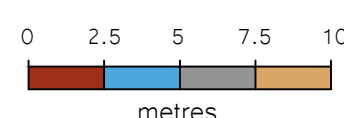
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Vehicular Visibility Splay
 (on indicative site layout)
 Scale: 1:500



Blue shading indicates 2.4 x 120m vehicular visibility splay

Revisions		
A	Jan 2024	Ref to indicative site layout
B	Feb 2024	Access location updated and link footpath moved to east of Church Road
C	Mar 2024	Extent of footpath clarified

Status
FOR APPROVAL

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 Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhim, Wisbech, Cambs. PE13 4AA
 t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Residential Development of 2 Dwellings at Church Lane, Tydd St Giles for Mr D Moore	Date Dec 2023	Drawn by GL
		Checked by GE
Drawing Title Planning Drawing Vehicular Visibility Splay	Job No. SE-1811	Sheet Size A1
	Dwg No. 1001	Revision C