F/YR19/0518/F

Applicant: Mr Curson Agent: Mr Jamie Burton

Swann Edwards Architecture Limited

Land East Of Tindall Mill, Kirkgate, Tydd St Giles, Cambridgeshire

Erect 4 dwellings (2 x 2-storey 4-bed and 2 x 2-storey 3-bed) with garages

Reason for Committee: Officer recommendation being at variance to recommendation of the Parish Council.

1 EXECUTIVE SUMMARY

- 1.1 The settlement of Tydd St Giles is clearly identified within policy LP3 as being capable of accommodating only limited infill, and it has been argued with regard to other schemes in the vicinity that 4 dwellings exceeds what could be considered sustainable. However mindful of the existing extant approvals for 2 large dwellings on this site, which is a material consideration, it is not considered that a refusal could be sustained on the grounds that the scheme does not constitute limited infill as it could not be argued to cause significant harm to the locality by virtue of its sustainability and locational disadvantages.
- 1.2 There are no visual amenity, residential amenity or heritage impacts to reconcile and the scheme raises no issues in terms of flood risk or highway safety. Safeguarding conditions may be imposed to ensure that existing trees on site are protected and that the appearance of the development is satisfactory.
- 1.3 Against the backdrop of the earlier planning history of the site it is considered that the scheme may on-balance be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site has been largely cleared and is situated between Tindall Mill, a listed barn conversion to the west and Potential House a detached two storey dwelling to the east. A new vehicle crossover is apparent to the front of the site, this being the implementation of an earlier extant consent for residential development.
- 2.2 The front boundary, where unaffected by access, features a number of trees which are protected by a Tree Preservation Order. The sides and rear boundary have been formalised through the installation of close boarded fencing and there is a storage container evident on site. Access to the site is guarded against through the placement of heras fencing.
- 2.3 Immediately opposite the site are three relatively new dwellings, with two of these in the final stages of construction. Beyond the site to the north-east (rear) are holiday lodges associated with the Golf course.

3 PROPOSAL

- 3.1 This application seeks full planning permission to erect 4 dwellings on a site which benefits from full planning permission for 2 detached dwellings. The revised proposals for the site comprise 2 detached 4-bedroom dwellings with a maximum footprint of 7.4 metres wide by 13.7 metres deep with an eaves height of 5 metres and a ridge height of 8.8 metres; these dwellings will occupy the western and eastern sides of the plot.
- 3.2 Central to the site will be a pair of 3-bed semi-detached dwellings; these will have a combined footprint of 12.7 metres wide by 13.8 metres deep and will feature a projecting two storey outshoot to the rear with single storey elements to this aspect. The maximum ridge height will be 8.6 metres and the maximum eaves height will be 5 metres. Finished floor levels will be 300mm above ground level.
- 3.3 Materials are shown as being Hoskins Flemish Antique facing bricks with Redland Landmark Double Pantile in Terracotta Brindle, windows and doors are shown as being of white UPVC and rainwater goods are proposed to be in black,
- 3.4 The properties will be served by an off-set shared access which will enable access to detached single garages serving Plot 1 and Plot 4 (the detached dwellings) together with their associated parking spaces. The semi-detached dwellings will each have two parking spaces sited to the front of each property. The surface finish of the access (beyond the access crossover and first 10 metres from the carriageway which is shown to be tarmacked) will be gravel.
- 3.5 It should be noted that the scheme detail has been revised during evaluation to delete the double garages proposed initially, this has enabled Plot 1 & Plot 4 to be pulled in from the side boundaries thereby ensuring that the development does not extend beyond the flank walls originally proposed by virtue of the extant approvals for the site.
- 3.6 Full plans and associated documents for this application can be found at:

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

4 SITE PLANNING HISTORY

F/YR15/0439/F Erection of a 3-storey 5-bed dwelling with detached double garage 30/11/2017

Plot 2 Land East Of Tindall Mill, Kirkgate,

Tydd St Giles

F/YR14/0829/F Erection of a 2-storey 4-bed dwelling with integral Granted double garage

Plot 1 Land East Of Tindall Mill, Kirkgate,

Tydd St Giles

F/YR11/0831/F Erection of 2 x 3-storey 4-bed dwellings with Granted attached double garages 30.01.2013

5 CONSULTATIONS

5.1 Parish Council

The Parish Council considered this application at their meeting this evening and resolved not to support it. Members believe that there has been too much development in Kirkgate in recent years and that no further developments should be permitted. The character of the lane has been transformed and remaining open spaces should be maintained.

5.2 Environment & Health Services (FDC)

Note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate.

As a result of not knowing the exact historical use of the proposed development site, the [unsuspected contamination] condition should be imposed to any planning consent granted.

5.3 North Level Internal Drainage Board

No objection to the above application however, formal land drainage consent will be required to form the proposed rear access to the site.

5.4 **Arboricultural Officer (FDC)**

Grant. The D & A statement confirms that the mature trees on site on the boundaries will be retained. The proposed layout indicates that there is unlikely to be any encroachment into the root protection areas of the retained trees. There is potential for surface treatments and/or landscaping to impact on the retained trees but the required protection measures can be conditioned.

5.5 Cambridgeshire County Council Highways Authority

The site access plan details a grass verge crossover rather than a dropped kerb crossover (DKC) through a recently delivered footway. Amended plans required that detail a DKC and a parallel 5.0 wide access tying into the existing footway. Defer for amend plans or re-consult for highway conditions.

5.6 Environment Agency

No objection to the proposed development. Note that it will be for the LPA to apply the sequential test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

The site is located within Flood Zone 3. We have no objection to the submitted application but strongly recommend that the mitigation measures detailed in the submitted Flood Risk Assessment (FRA) for proposed residential development at Kirkgate, Tydd St Giles by Geoff Beel Consultancy dated April 2019 are adhered to. The FRA states:

- Finished floor levels of the proposed development will be set no lower than 300mm above existing ground levels
- The dwellings will be two storeys.
- We support the recommendation in the FRA that the site signs up to Floodline Warnings Direct to receive advance warning of flooding.

Offer general advice to the LPA regarding flood planning and advice to the applicant regarding flood resilience, flood warning and foul drainage.

5.7 Local Residents/Interested Parties

Three letters of objection have been received which may be summarised as follows:

- Decision to purchase adjacent Tindall Mill would have been affected with the prospect of 4 houses as they were looking for peace and tranquillity
- Four dwellings on such a small site would be totally out of keeping with existing properties
- Such an over development would involve unacceptable overlooking of all neighbouring properties
- The proposed development would have a tremendous invasion of privacy on adjoining properties and in particular to Tindall Mill
- Would create noise pollution from the use of personal cars relating to the properties and would not be compatible with the present environment
- If council continues to allow the level of development seen in the village they need to address the serious issue of the Newton Water Tower and water supply due to insufficient water pressure, this has been raised with Anglian Water and the MP
- Have never known a time when a house wasn't being built in the last 20 years
- Were interested in buying a plot in Kirkgate but were told by the main architect that they were unlikely to get permission to reduce the size of the current plans as the council were looking for large executive homes, which at the time was totally out of character with the existing street scene; if the council grant permission how will two smaller semi-detached houses fit with the large executive homes that are now a predominant feature in Kirkgate
- The additional traffic generated by this proposal added to the approved and committed planning permissions combined with farm traffic and delivery vans places roads under immense strain; the road maintenance regime employed by the County Council leads to dangerous pot holes and if this amount of development continues the County Council seriously need to address the state of our roads
- Tydd St Giles is a rural village and the parcels of land breaking up the street scene give it that rural feel, Kirkgate has seen an incredible amount of development which has seen old hedgerows and trees being lost; these are both habitats and sound buffers and are responsible for clean air etc. The replacement of existing landscaping with fencing has changed the look of the village and more fencing is proposed by this development, why not plant hedgerows.
- Drainage, environmental concerns, wildlife concerns
- Local services/schools unable to cope.
- Loss of view/outlook, out of character/not in keeping with area, visual impact
- Would set a precedent
- How many more people will be allowed to make money from their strips of land
- 2 properties on this site is bad enough
- Greed is what drives people [..] and it is about time this was halted.
- Kirkgate is losing its village appearance, trees and hedgerows are going. Fencing and vehicles are starting to dominate the scene
- There are still plots of land in Kirkgate, so how long before you receive applications for people to build on these

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).

6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 47: Determine applications in accordance with development plan Section 5: Delivering a sufficient supply of homes.

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

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

Section 15 - Conserving and enhancing the natural environment

7.2 Planning Policy Guidance

7.3 Fenland Local Plan

- 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
- 7.4 Cambridgeshire Flood and Water SPD (December 2016)

8 KEY ISSUES

- Principle of Development
- Sustainability
- Character of the area and Heritage Impacts
- Residential amenity
- Flood risk
- Highway safety
- Landscaping
- Other matters

9 BACKGROUND

- 9.1 It should be noted that the permissions relating to Plots 1 and 2 Land east of Tindall Mill, this site, are extant given that:
 - (i) Material operations have occurred on Plot 1, and

(ii) The development approved at plot 2 whilst not commenced is still within the 3-year time frame for commencement.

10 ASSESSMENT

Principle of Development

- 10.1 Tydd St Giles is identified as a small village within the Settlement Hierarchy outlined in LP3 of the FLP; this designation highlights that development will be considered on its merits but will normally be of a limited nature and limited in scale to residential infilling or a small business opportunity.
- 10.2 Whilst for the purposes of the sequential test it has been accepted that the parish of Tydd St Giles should be the area of search it is not considered that the site is part of the built up settlement per se.

Sustainability

- 10.3 It is accepted that Kirkgate has seen a number of dwellings delivered and that the golf course has expanded these developments do not by default make the location sustainable. Whilst accessibility to the main village may have been strengthened by the delivery of footway enhancements Kirkgate remains very much on the periphery of the main village, which in itself does not benefit from a wide range of services, with this site being over 1 km from the village primary school and circa 0.7 km to the public house; albeit the facilities at the Golf Club are less than 100 metres distant.
- 10.4 The settlement is clearly identified within policy LP3 as being capable of accommodating only limited infill, and it has been argued with regard to other schemes in the vicinity that 4 dwellings exceeds what could be considered sustainable. However mindful of the existing extant approvals for 2 large dwellings on this site, which is a material consideration, it is not considered that a refusal could be sustained on the grounds of sustainable development as the development would not cause significant harm to the locality by virtue of its sustainability and locational disadvantages and as such its failure to strictly accord with the requirements of LP3 do not in this instance manifest themselves as a reason for refusal; this view aligns with other decisions within the vicinity taken recently.

Character of the area and Heritage Impacts:

- 10.5 As indicated within the consultation responses received, and physically evidenced along Kirkgate, this area of the village has seen a number of new residential units delivered along its length. However it is considered that the road does retain its rural characteristics, especially to its northern aspect, where the dwellings continue to be interspersed by landscaped areas. Recent decisions have sought to protect open spaces to the south side of Kirkgate.
- 10.6 There are extant approvals on the site for substantial dwellings with that approved on Plot 1 comprising a 2-storey 4-bed dwelling with integral double garage and on Plot 2 comprising a 3-storey, 5-bed dwelling with detached double garage. It is not considered that supplementing these approved dwellings for the smaller units now proposed, albeit increasing the 'amount' of development in parallel, would result in any harm to the character of the area, noting that the dwellings will be situated rear of an existing landscape buffer to the front and set

- back some 10.5 metres from the edge of the carriageway (plots 1 & 4) and circa 15.5 metres (plots 2 & 3).
- 10.7 In considering the original scheme submitted in 2011, for two large three-storey dwellings, the Conservation team noted that development of the site would affect the setting of the adjacent Grade II Listed barn conversion at Tindall Mill, however they did not consider that such impact would be overbearing; this position was maintained on the later submissions and no objections were raised to the development of this site. Against this backdrop, and mindful of the extant approvals on the site there would be no basis to resist the scheme now proposed on heritage grounds.
- 10.8 It is considered that the proposed development represents appropriate development in the context of the site and its surroundings and does not represent any adverse impacts in terms of heritage or visual amenity as such there are no matters to reconcile with regard to Policies LP12, LP16 or LP18 of the Fenland Local Plan.

Residential amenity

- 10.9 The proposed dwelling at Plot 1 will be situated circa 5.6 metres from the common boundary with Tindall Mill (a residential barn conversion to the west). It will sit proud of the front elevation of this dwelling circa 9 metres and whilst there will be first floor windows in the flank elevation addressing this boundary they will serve an en-suite and landing; as non-habitable rooms with an outlook onto the front aspect of Tindall Mill (front garden/parking area) these windows do not raise any issues in terms of significant overlooking.
- 10.10 Similarly there are two bedroom windows to the rear aspect of the proposed dwelling, these windows will afford only oblique views to the rear of Tindall Mill and such views will be largely obscured by existing landscaping. It is further noted, from 2018 sales particulars pertaining to this property, that the eastern wing of Tindall Mill comprises a barn store and storage buildings with the primary residential accommodation being housed in the rear range of the former barn array.
- 10.11 The flank wall to Plot 4 (a handed version of Plot 1) will again be some 3.6 metres from the common boundary with Potential House to the east. The windows in the flank elevation will be circa 14.3 metres wall to wall distance from Potential House and will have an outlook onto the side garden of this property; given that they do not serve habitable rooms and mindful of the intervening landscaping along this boundary it is concluded that there will be no amenity harm arising from the proposal.
- 10.12 With regard to the relationship between the 4 properties proposed on the site it is considered that appropriate levels of separation are achieved and that each dwelling will benefit from sufficient parking allocation and private amenity space. Accordingly it is considered that the scheme achieves compliance with Policies LP2, LP15 and LP16 and LP2 of the Fenland Local Plan (2014)

Flood risk

10.12 The scheme is accompanied by a detailed sequential and exception test document. This document has considered the availability of plots within Tydd St Giles and has demonstrated that there are no reasonably available sites within a lower flood risk area within Tydd St Giles and as such the sequential test is passed.

- 10.13 With regard to the exceptions test it is noted that the applicant proposes to utilise renewable energy and such an approach has been accepted as being within the spirit of the requirements of part a of the exceptions test, as outlined in the Cambridgeshire Flood and Water SPD, this could be conditioned as a requirement of any consent issued.
- 10.14 Furthermore the Environment Agency has accepted the site specific flood risk assessment and accordingly the scheme may be deemed policy compliant in terms of both LP14, the SPD and national policy guidance.

Highway safety

- 10.15 The scheme details a central access point which will serve the development and this has been accepted by the Local Highway Authority in terms of detail, albeit revisions have been requested to the scheme design, similarly each dwelling will have associated parking facilities which align with the adopted standards contained within the FLP at appendix A.
- 10.16 Whilst the comments generated through the consultation process are noted, regarding the volume of traffic using the roads within the vicinity and the impact that this has on the quality of the roads, compounded by perceived failures with regard to maintenance, there are no highway grounds on which consent could be reasonably withheld and compliance with LP15 and LP16 is achieved.

Landscaping

- 10.17 The FDC Tree Officer has confirmed that 'the proposed layout indicates that there is unlikely to be any encroachment into the root protection areas of the retained trees'. However there is 'potential for surface treatments and/or landscaping to impact on the retained trees'; notwithstanding this it is also apparent that the required protection measures can be conditioned and accordingly there are no matters to reconcile with regard to the landscaping of the site.
- 10.18 It has been requested that the agent update the drawing to show the tree protection zones which will be put in place at the commencement of development and retained for the duration of construction; a safeguarding condition will be imposed in this regard.

Other matters

10.19 Amount of Development: Concern has been raised in the consultation process regarding the inappropriateness of delivering 4 dwellings on the site which is consented for two units. In this regard consideration is given to the overall 'footprint' of development of the site which in reality will see a development with a similar cumulative footprint overall. Furthermore it is noted the extant approvals have a built up frontage length of 41m with minimal breaks and relief in the massing and the current proposal is visually broken and has a built up frontage of 34.7m. In real terms the development of 4 units is unlikely to have any greater impact visually that the consented development. It should also be noted that following negotiation the properties will not extend beyond the extant consent footprint in terms of the overall width across the site, thereby respecting the earlier separation distances achieved between the neighbouring plots. It is further acknowledged that introducing the smaller semi-detached units will serve the

- aims of Policy LP2 in so far as they relate to delivering the right mix of homes to meet people's needs
- 10.20 *Water Supply:* Matters of water supply fall outside the planning process and it will be for the relevant service provider to ensure that provision is made in accordance with their statutory obligations.
- 10.21 Archaeology: The original approval granted for the two plots contained a condition requiring archaeological investigation. It is noted that this requirement was satisfied under F/YR15/3011/COND in respect of the 2014 consent however the investigation undertaken related solely to Plot 1. The most recent officer report pertinent to this site (under F/YR15/0439/F) identified the CCC Archaeology team had clarified that the investigation undertaken on Plot 1 was sufficient to inform what should occur at Plot 2 and it was confirmed that no further investigation on the wider site was required.

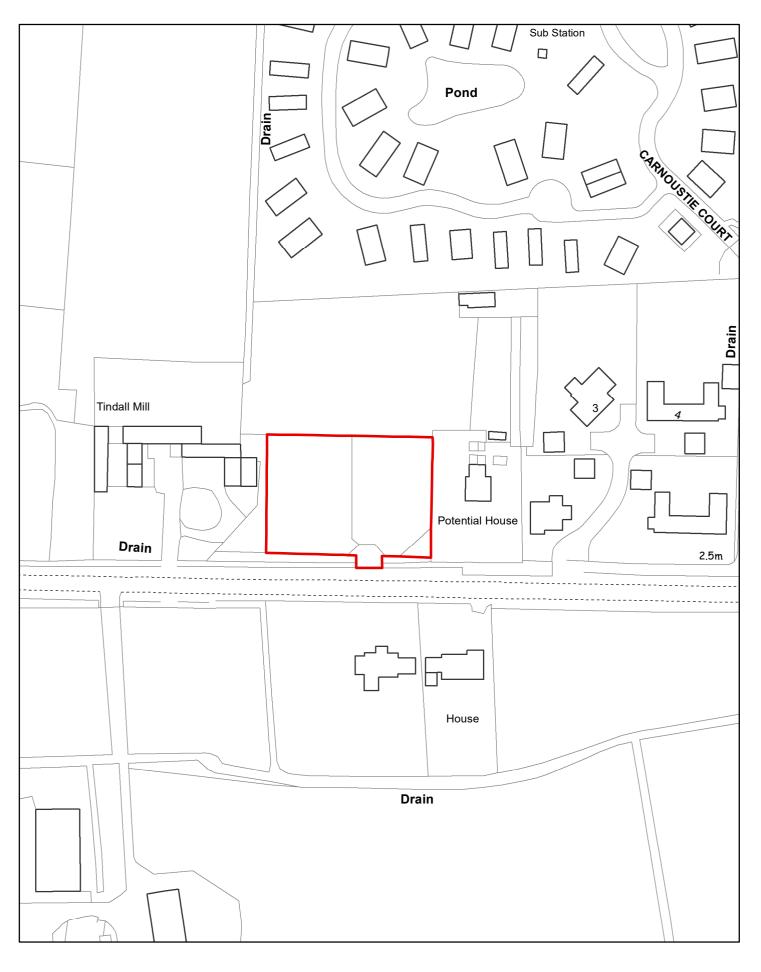
11 CONCLUSIONS

11.1 It is considered that the revised proposals for this site represent no issues in terms of heritage impact, character/visual amenity and residential amenity. Similarly the proposal satisfactorily addresses issues of flood risk and demonstrates that there are no highway safety issues arising. Accordingly the scheme complies with both national and local planning policy. Whilst concern has been raised in respect of supplementing this four dwelling scheme for the two house scheme previously approved there are no matters arising that would be so significant as to warrant refusal of this application.

12 RECOMMENDATION: Grant

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.
	Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2	The development shall be constructed in materials as specified in the application, i.e. Hoskins Flemish Antique facing bricks, Redland Landmark Double Pantile in Terracotta Brindle and retained in perpetuity thereafter.
	Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.
3	If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.
	Reason - To control pollution of land and controlled waters in the interests of the environment and public safety
4	Prior to the first occupation of the each of the dwellings hereby approved their related on-site parking shall be demarcated, levelled, surfaced and drained in accordance with drawing SE-1169-PP1000

	Rev C. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents / occupiers of the approved scheme, and shall not be used for any other purpose.
	Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014
5	Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard, as detailed on drawing number SE-1169-PP1000 Rev C, shall be implemented and maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.
	Reason - To ensure that retained trees are adequately protected in accordance with Policies LP16 and LP19 of the Fenland Local Plan, adopted May 2014.
6	The development hereby approved shall be undertaken in accordance with the submitted Flood Risk Assessment (FRA) for proposed residential development at Kirkgate, Tydd St Giles by Geoff Beel Consultancy dated April 2019. The FRA states:
	 Finished floor levels of the proposed development will be set no lower than 300mm above existing ground levels The occupiers should sign up to Floodline Warnings Direct to receive advance warning of flooding.
	Reason - To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP15 of the Fenland Local Plan 2014.
7	Prior to any development above slab-level details of the sustainable construction elements including;
	renewable energy sources such as air source heat pumps and photovoltaic cell with a 2kW minimum
	shall be submitted to the Local Planning Authority for approval. The approved scheme for each individual dwelling shall be implemented prior to occupation of its related dwelling in accordance with the approved details and shall thereafter be retained and maintained in perpetuity.
	Reason - To provide a wider sustainability benefit in accordance with the Cambridgeshire Flood and Water SPD and Fenland Local Plan Policy LP12(k).
8	Approved Plans



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