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**F/YR20/0083/F**

**Applicant: Mr Z Watson**

**Agent : Mr M Netlau  
Swann Edwards Architecture Limited**

**The Hollies, Middle Broad Drove, Tydd St Giles, Cambridgeshire**

**Erect a 3-storey 4/5-bed dwelling with detached garage and study above involving demolition of existing dwelling and change of use of land from paddock to garden.**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations received contrary to Officers recommendation.**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks permission for a replacement dwelling.
- 1.2 The proposal would enable the effective use of land for a residential property following the removal of an existing, relatively restrictive dwelling and would provide a high quality living environment for future occupiers which would not compromise the amenity of neighbouring occupiers or result in any adverse highway impacts.
- 1.3 However, the proposed dwelling, due to its scale and massing, which is compounded by the large detached garage, would fail to respect the rural context of the site, scale of local built form and general character of the area.
- 1.4 As a result, the development would adversely impact on the character and appearance of the area contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework.
- 1.5 The recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises a detached bungalow situated to the north-west of Middle Broad Drove (MBD), Tydd St Giles. MBD is a typical fen drove with sporadic development along its length which intersperses with the open countryside and agricultural fields which is the predominate character of the location.
- 2.2 The Hollies is a small detached bungalow which sits alongside the drain which marks the eastern boundary of the site. There is a tarmacked access and parking area to the western side of the dwelling from which an informal track runs in a north-westerly direction to barns which are north-east of Jillendy, a single storey

dwelling which has been previously extended (planning permission F/YR16/0208/F refers). It should be noted that Jillendy is set within a large open curtilage.

- 2.3 The domestic curtilage associated with the dwelling is a small area of land immediately behind the dwelling; although the rear boundary fence has blown down when the site was visited it is clear that the site area indicated in this submission significantly exceeds the residential curtilage associated with the original dwelling house and is in fact open countryside.
- 2.4 The location is situated at some distance from the settlement core, there are no footpaths or lighting within the vicinity; the site is a flood zone 3 location.

### 3 PROPOSAL

- 3.1 This application seeks full planning permission for a replacement dwelling; this dwelling will have a footprint of 14.6 metres wide x 16.9 metres deep, a ridge height of 8.7 metres and an eaves height of 5.1 metres.
- 3.2 The replacement dwelling is proposed to be situated to the western side of the site and north-west of the existing dwelling. To the east of the proposed dwelling is shown a double garage with study/WC over, the upper floor to this outbuilding being accessed via an external staircase. The footprint of the proposed garage is 7.2 metres wide x 6.8 metres deep and the eaves height of 2.4 metres; the overall ridge height is 6.1 metres.
- 3.3 It is proposed to construct the dwelling from Audley Antique facing bricks with a slate roof and fenestration will be cream UPVC as will the external doors.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

- 3.4 The scheme also proposes the change of use of existing paddock land to garden.

### 4 SITE PLANNING HISTORY

F/90/0488/O	Erection of a bungalow Land East Of Jillendy Middle Broad Drove	Refused	09.10.1990
F/1597/89/O	Erection of a bungalow Land East Of Jillendy Middle Broad Drove	Refused	23.04.1990

### 5 CONSULTATIONS

- 5.1 **Parish Council:** *Members expressed concerns regarding the scale of the proposed property, its proximity to the adjoining property, the character of the proposal, which they consider to be out of keeping with its rural location and other buildings in Middle Broad Drove and the possibility of establishing a precedent for further three-storey dwellings.*

*The Council does not support this proposal, but would be more inclined to support a two-storey dwelling at this location.*

- 5.2 **Environment & Health Services (FDC):** *Note and accept the submitted information and have 'No Objections' in principle, as it is unlikely to have a detrimental effect on local air quality or the noise climate. As the proposal involves demolition of an existing structure, and removal of the associated external oil tank, the unsuspected contamination condition should be imposed in the event that planning consent is granted;*
- 5.3 **Cambridgeshire County Council Highways Authority:** *The new single access on to Middle Broad Drove should be laid out as per the attached and annotated as sealed and drained away from the highway for the first 5m from the carriageway edge and constructed in accordance with CCC Highway construction specification. Visibility splays should also be detailed 2.4m x 215m.*

Amended plans have subsequently been submitted and an updated consultation response will be reported to Committee by way of an update report.

- 5.4 **Environment Agency:** *Have no objection to the proposed development but [...] make [...] comments re the sequential test. In respect of the Flood Risk Assessment they note that they 'have no objection to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (ref Ellingham Consulting ECL0179/Swann Edwards Ltd Dated Jan 2020) are adhered to. The FRA states:*

- *Finished floor levels shall be set no lower than 0.8 metres above Ordnance Datum (AOD), 0.3m above existing ground levels.*
- *Flood resistant/ resilient construction to be included to a minimum of 0.3m above the finished floor level.*

Also provide advice to the applicant with regard to flood resilient measures, flood warning and foul drainage.

- 5.5 **Local Residents/Interested Parties:** 7 letters of support have been received from 6 households these letters are generic and confirm that the signatories: *'support[s] this development and see no negative impact to the site or surroundings'*

Whilst an opportunity has been given for the contributor to provide additional comments only two contributors have made any additional comments; these being

- *'No issues from this household'*
- *'I cannot see the problem it will look nice place and make a good family home'*

## **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)**

Paragraph 2 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 10 - Presumption in favour of sustainable development  
Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise  
Paragraphs 55-56 - Outline the tests to be applied with regard to conditions  
Chapter 14 - meeting the challenge of climate change, flooding and coastal change

## 7.2 National Planning Practice Guidance (NPPG)

## 7.3 National Design Guide 2019

## 7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

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

LP16 – Delivering and Protecting High Quality Environments across the District

## 7.5 Supplementary Planning Documents/ Guidance:

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

## 8 KEY ISSUES

- Principle of Development
- LP12 considerations
- Residential amenity
- Flood risk
- Highway safety

## 9 ASSESSMENT

### Principle of Development

9.1 Middle Broad Drove is an elsewhere location as it is situated away from the main settlement core/built form of Tydd St Giles. The area is characterised by sporadic development which intersperses the open countryside. There is a dwelling on the site and accordingly whilst the proposal would not comply with Policy LP3 there is scope to achieve policy compliance under LP12 (Part C) which relates to replacement dwellings.

9.2 Notwithstanding this it is also necessary to ensure that the scheme represents no issues in terms of residential amenity and the character of the area as required by Policy LP16. Similarly site constraints with regard to flood risk and highway safety should also be considered in accordance with LP14 and LP15.

### LP12 considerations

9.3 Policy LP12 Part C supports the principle of replacement dwellings in locations outside of the developed footprint subject to 6 criteria as follows;

- (a) The residential use of the original dwelling has not been abandoned; and
- (b) The original dwelling is not important to retain due to its character and/or contribution to the landscape; and
- (c) The original dwelling is not a temporary or mobile structure, such as a caravan; and
- (d) It is of a design appropriate to its rural setting; and
- (e) It is of a similar size and scale to the original dwelling; and
- (f) It is located on the footprint of the original dwelling unless an alternative position within the curtilage would enhance the setting of the building on the plot and have no adverse impact on the wider setting.

9.4 In respect of (a) the use has not been abandoned. Nor is it considered that the existing permanent dwelling important to retain (b and c). In respect of criteria (d) to (f); these are considered in detail below as they relate to the impact of the development on the character and appearance of the area.

9.5 Middle Broad Drove is a sporadically developed area featuring a range of dwelling styles; these include typical farmhouses and converted barn arrays. There is a single storey property to the south-west of 'The Hollies' and whilst this dwelling has been extended and the frontage of the site cleared it still remains as a low-lying and non-intrusive element in the rural street scene. In terms of ridge heights these are generally a maximum of 7 - 7.5 metres, as opposed to the 8.7 metres proposed by this submission.

9.6 As indicated in the consultation response of the Parish Council the scale of dwelling does not reflect the general characteristics of the area. The dwelling is more akin to that which would be found in a more urban setting and as such it is considered that the scheme is at odds with its rural setting thereby failing to accord with Policy LP12 Part C (d). In addition the large detached garage which presents its side aspect to the road frontage which would further emphasize the incongruous scale and massing of the development overall.

9.7 In respect to scale again the scheme fails to correspond with the aims of Policy LP12 Part C (e); a comparison table has been produced below to evidence this further;

	Existing dwelling	Proposed dwelling	Variance
Maximum length	17 m	16.8 m	0.2 m shorter overall
Maximum width	11.2	14.5 m	3.3 m wider
Maximum Ridge height	5.2 m	8.7 m	3.5 m higher
Maximum Eaves Height	2.5 m	5.3 m	2.8 m higher
Floor area (Ground floor)	115 sq. m	200 sq. m	Plus 73%
Floor area (First floor)	-	175 sq. m	
Floor area (second floor)	-	69 sq. m	
Total floor area	115 sq. m	444 sq. m	Plus 286%

Garaging	Included in floor space of above as attached	Width - 7.2m (excl. stairs) Depth - 6.8 m Ridge height - 6.1m Eaves height - 2.6 m Floor-space - 80 sq. m (GF & FF)	
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This table clearly identifies that the dwelling proposed is significantly larger than the dwelling on site. Accordingly the scheme fails to comply with Policy LP12 Part C (e)

- 9.7 In addition it should be noted that the curtilage associated with the existing dwelling is 650 square metres with that proposed to serve the replacement dwelling being 2324 square metres - an increase of 257%. Due consideration has been given to this aspect of the proposal and mindful of the extent of curtilage associated with Jillendy to the west the extension of the curtilage is not considered to represent any issues in this instance.

### **Residential amenity**

- 9.9 No objections have been received in respect of the scheme as to any adverse amenity impacts arising from the development and indeed the immediate neighbour to the south-west has written in support of the development. Having regard to the layout of the development relative to neighbouring property, it is considered that residential amenity would not be compromised, for example through overlooking, loss of light or negative outlook. As such, the scheme accords with the aims of LP16 (e).
- 9.10 In addition, the development would afford the future occupiers adequate private amenity space and a pleasant environment in accordance with the aims of LP2 and LP16 (h) of the FLP.

### **Flood risk**

- 9.11 Policy LP14 seeks for proposals to be safe from the risk of flooding and to not exacerbate flood risk elsewhere within the locality. As the proposal is for a replacement dwelling it will not result in an additional dwelling within a flood zone 3 location and therefore the scheme is deemed to pass the sequential test.
- 9.12 The proposed finished floor level, as expressed in the submitted FRA is 0.3m above existing ground levels, the FRA having been accepted by the Environment Agency who have raised no objection to the proposal subject to the imposition of condition which requires adherence to the FRA recommendations.
- 9.13 It is not considered that the scheme represents any issues in terms of flood risk and indeed it could be deemed to offer a level of betterment given that it will introduce a safe refuge for the intended occupants.
- 9.14 Based on the above it is not considered that there are any matters of flood risk to reconcile with regard to Policy LP14 of the FLP or the NPPF.

### **Highway safety**

9.13 The Local Highway Authority (LHA) has raised no objection to the scheme albeit they have requested an amended drawing which illustrates access construction and demonstrates visibility. This drawing has been provided and is currently out to re-consultation. Subject to the updated layout being accepted by the LHA it is concluded that the development would achieve safe and effective access for future users and would not compromise highway safety in accordance with policy LP15 of the FLP.

## 10 CONCLUSIONS

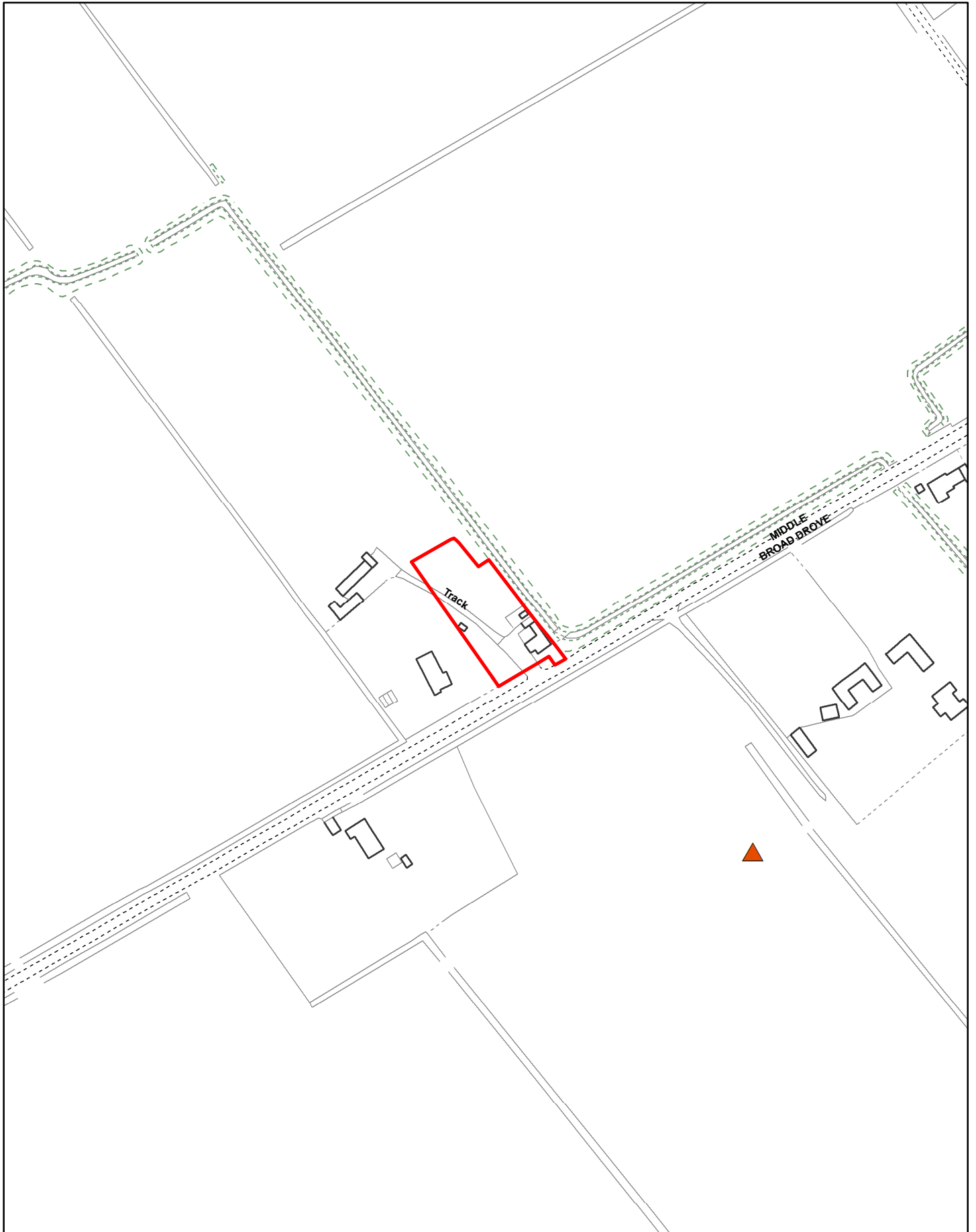
10.1 The proposal would enable the effective use of land for a residential property following the removal of an existing, relatively restrictive dwelling and would provide a high quality living environment for future occupiers which would not compromise the amenity of neighbouring occupiers or result in any adverse highway impacts.

10.1 However, the proposed dwelling which is substantial in terms of its scale and massing, alongside its large detached garage is considered to be at odds with the more modest scale and design of development in this rural area.

10.2 As a result, the development would adversely impact on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to Policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework.

## 11 RECOMMENDATION: Refuse

1	The proposed dwelling by reason of its large scale and massing is at odds with the more modest scale and mass of development in this rural area, this would be compounded by the large garage which presents its side aspect to the road frontage which would further emphasize the incongruous scale and massing of the development. As a result, the development would adversely impact on the on the rural context and character of the area and would ultimately fail to make a positive contribution to the local distinctiveness and character of the local built environment contrary to policy LP12 Part C and LP16(d) of the Fenland Local Plan (2014), DM3 of the Delivering & Protecting High Quality Environments in Fenland Supplementary Planning Document (2014) and Chapter 12 of the National Planning Policy Framework
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Created on: 30/01/2020

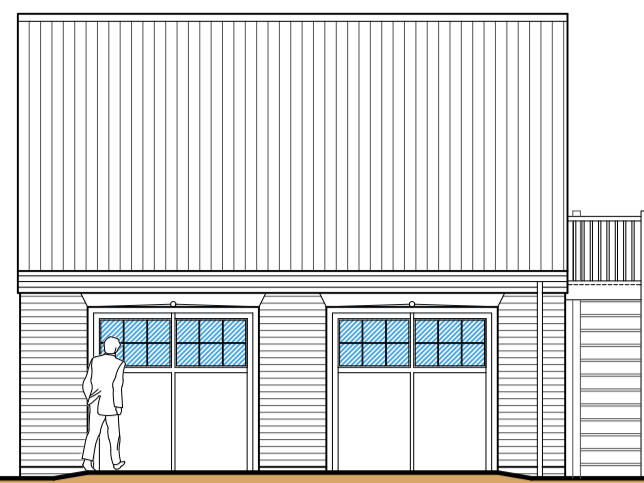
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**F/YR20/0083/F**

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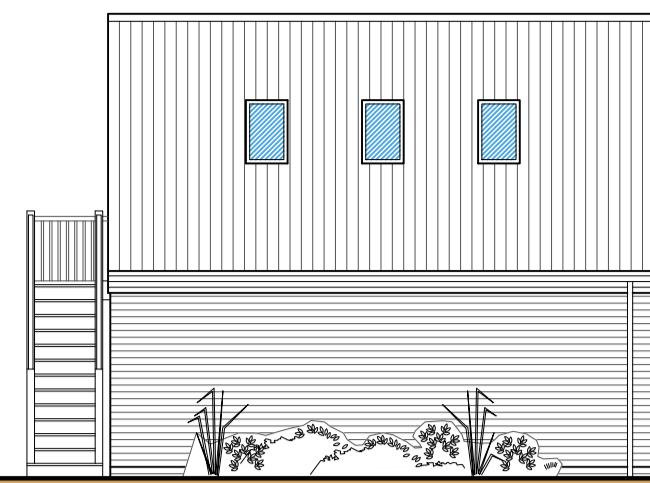




Front Elevation (NE)  
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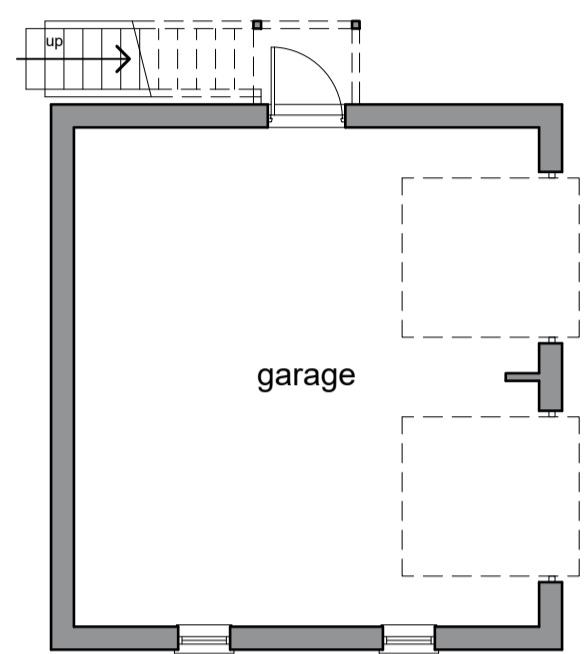
Side Elevation (NW)  
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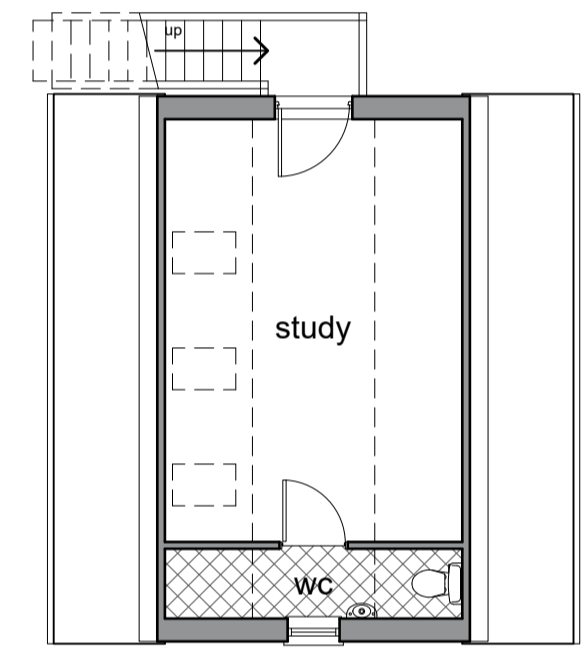
Rear Elevation (SW)  
Scale: 1:100



Side Elevation (SE)  
Scale: 1:100



Ground Floor  
Scale: 1:100



First Floor  
Scale: 1:100



Site Plan  
Scale: 1:200

SITE PLAN KEY

- Indicates demolished structures
- Indicates un-surveyed buildings taken from OS map
- Indicates site access
- Indicates approximate position of un-surveyed trees and hedges
- Indicates position of surveyed trees and hedges
- Indicates existing site levels measured from temporary datum
- Indicates proposed buildings
- Indicates site boundary and visibility splays
- Indicates structures to be demolished

Access to be sealed and drained away from the highway for the first 5m from the carriageway edge and constructed in accordance with CCC Highway construction specification

- General Notes
- This drawing shall not be scaled, figured dimensions only to be used.
  - All dimensions are shown in "mm" unless otherwise stated.
  - The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  - This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  - Any discrepancies are to be brought to the designers attention.

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015  
The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants as issued to the Principal Designer.

ELEVATION KEY

- Slate roof tiles
- Audley Antique brickwork
- White UPVC joinery

Revisions		
A	Dec 2019	Clients Amendments
B	Jan 2020	Clients Amendments Roof lights added
C	Feb 2020	Planning Amendments Access amended & Location Plan moved

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

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Job Title Proposed Replacement Dwelling Middle Broad Drive Tydd St Giles For: Mr Watson	Date November 2019	Drawn by M.N. Checked by G.E.
Drawing Title Planning Drawing Site & Location Plan Garage floor Plans and Elevations	Job No. SE-1234 Dwg No. PP1000	Sheet Size A1 Revision C



Front Elevation (SE)

Scale: 1:100



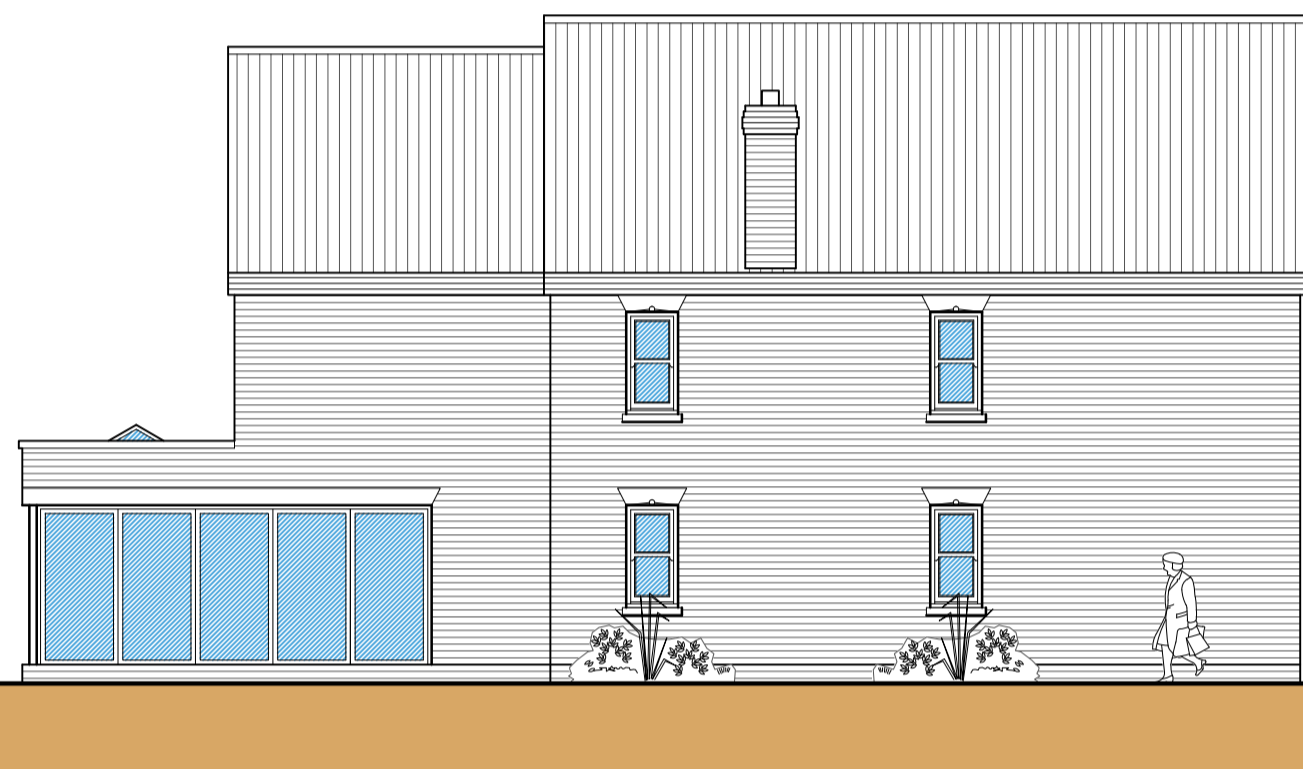
Side Elevation (NE)

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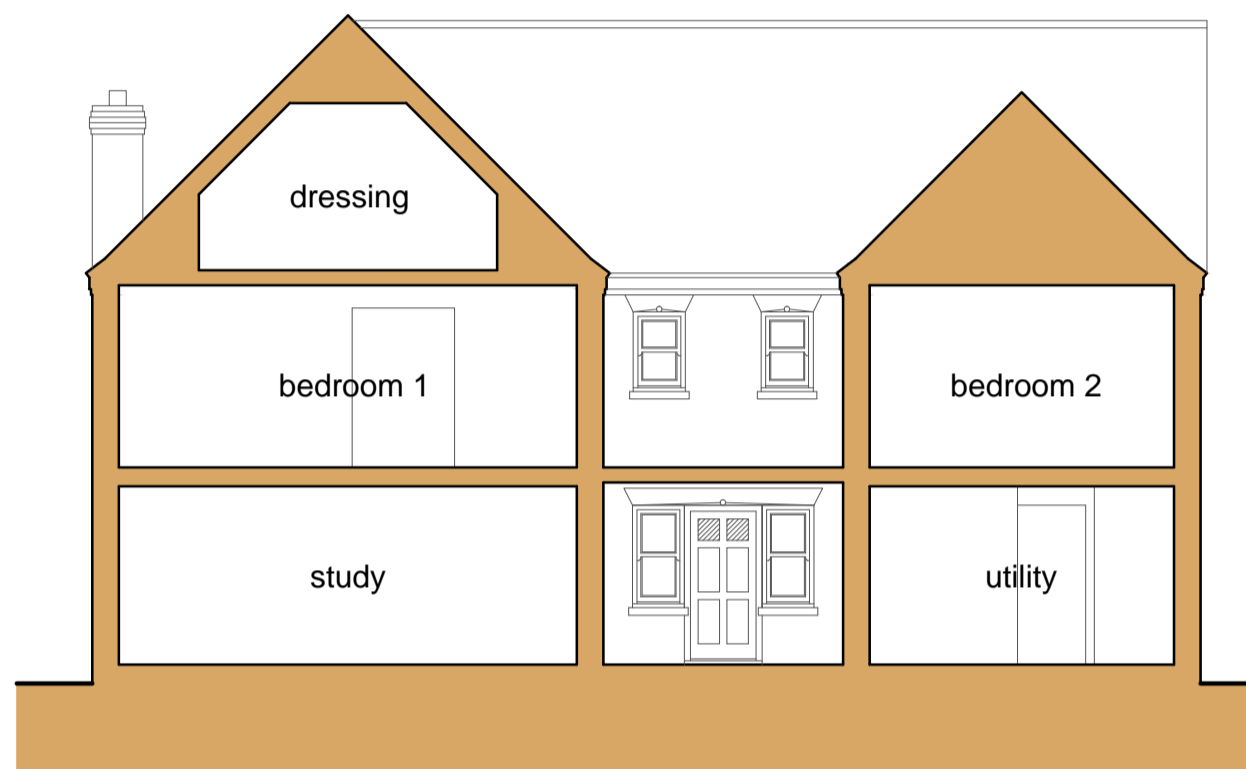
Rear Elevation (NW)

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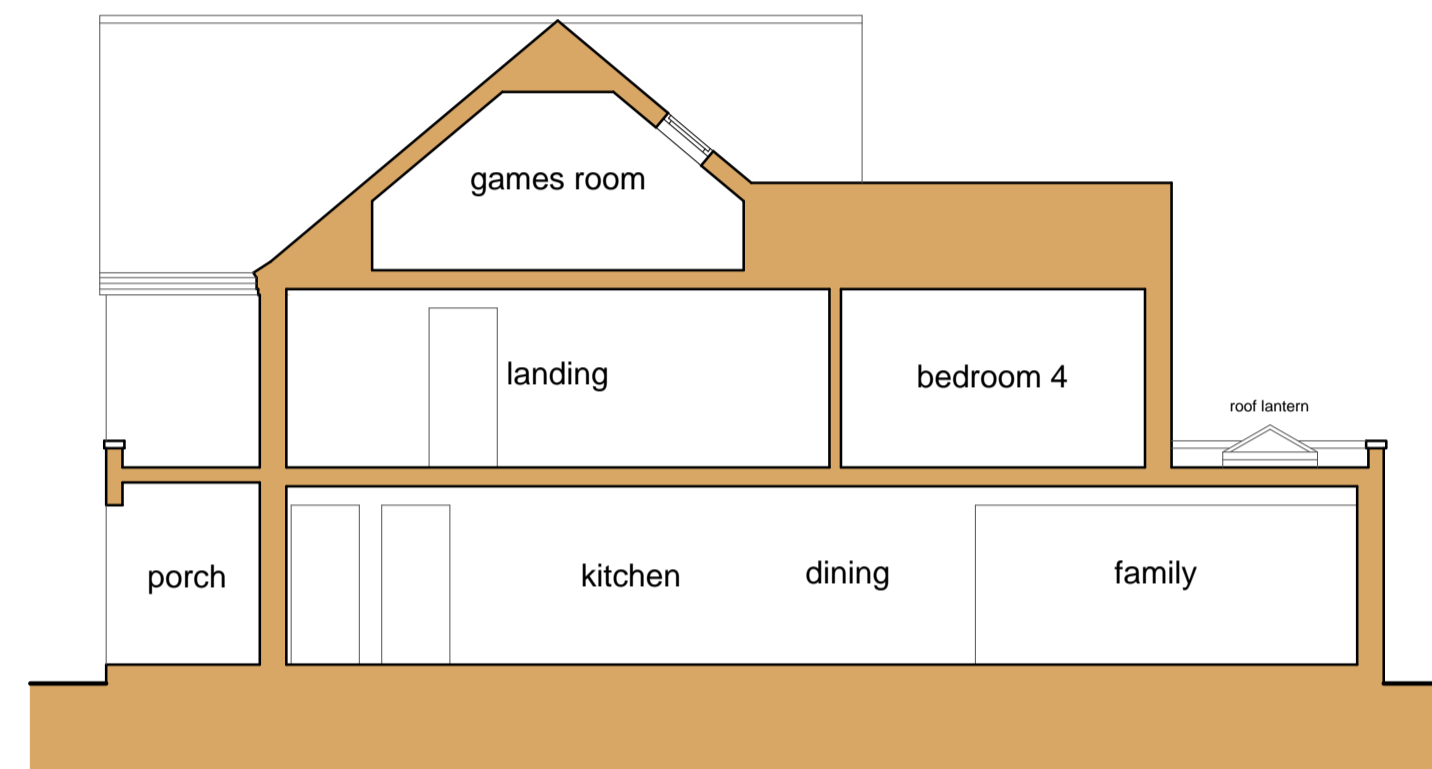
Side Elevation (SW)

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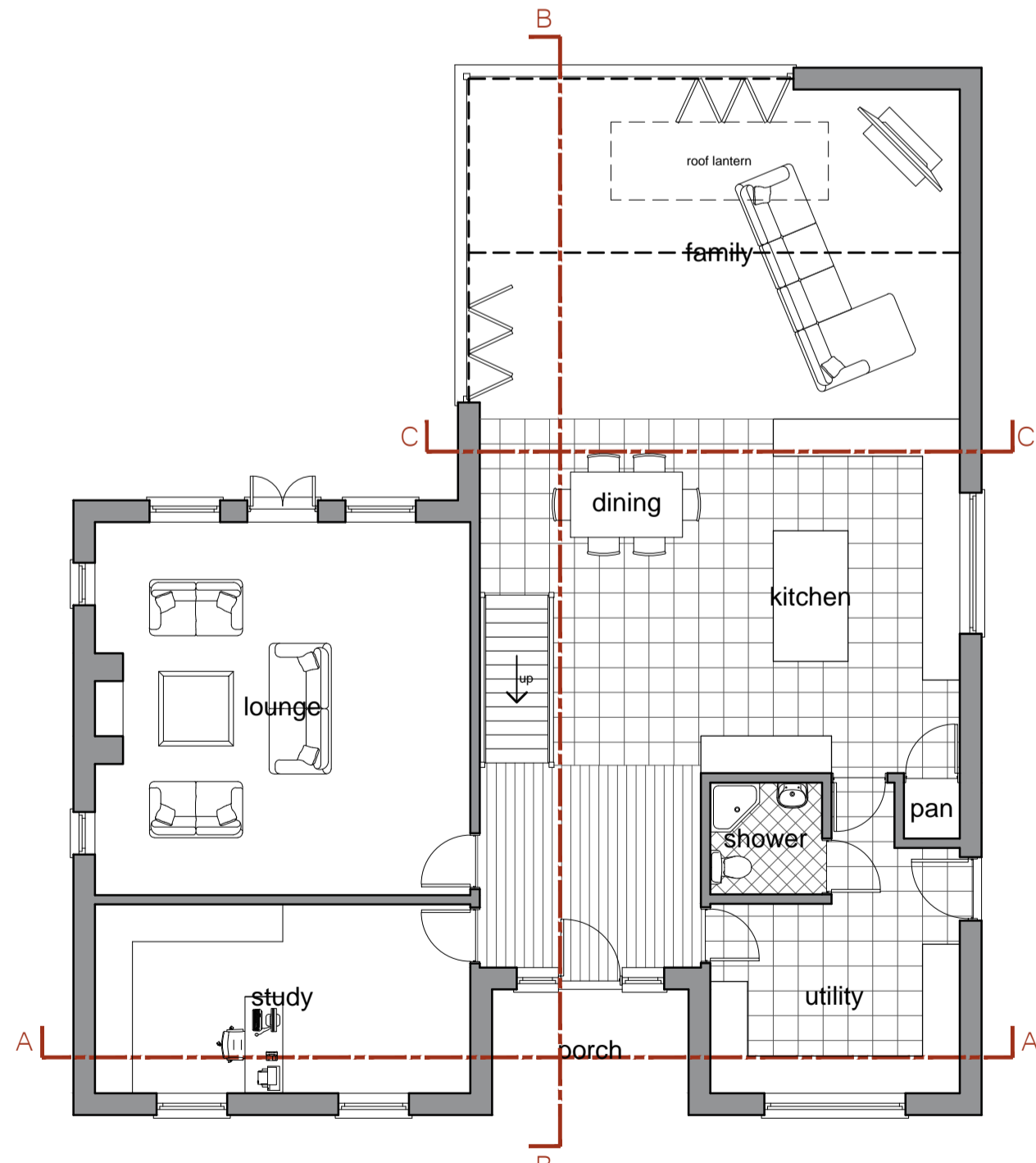
Section A-A

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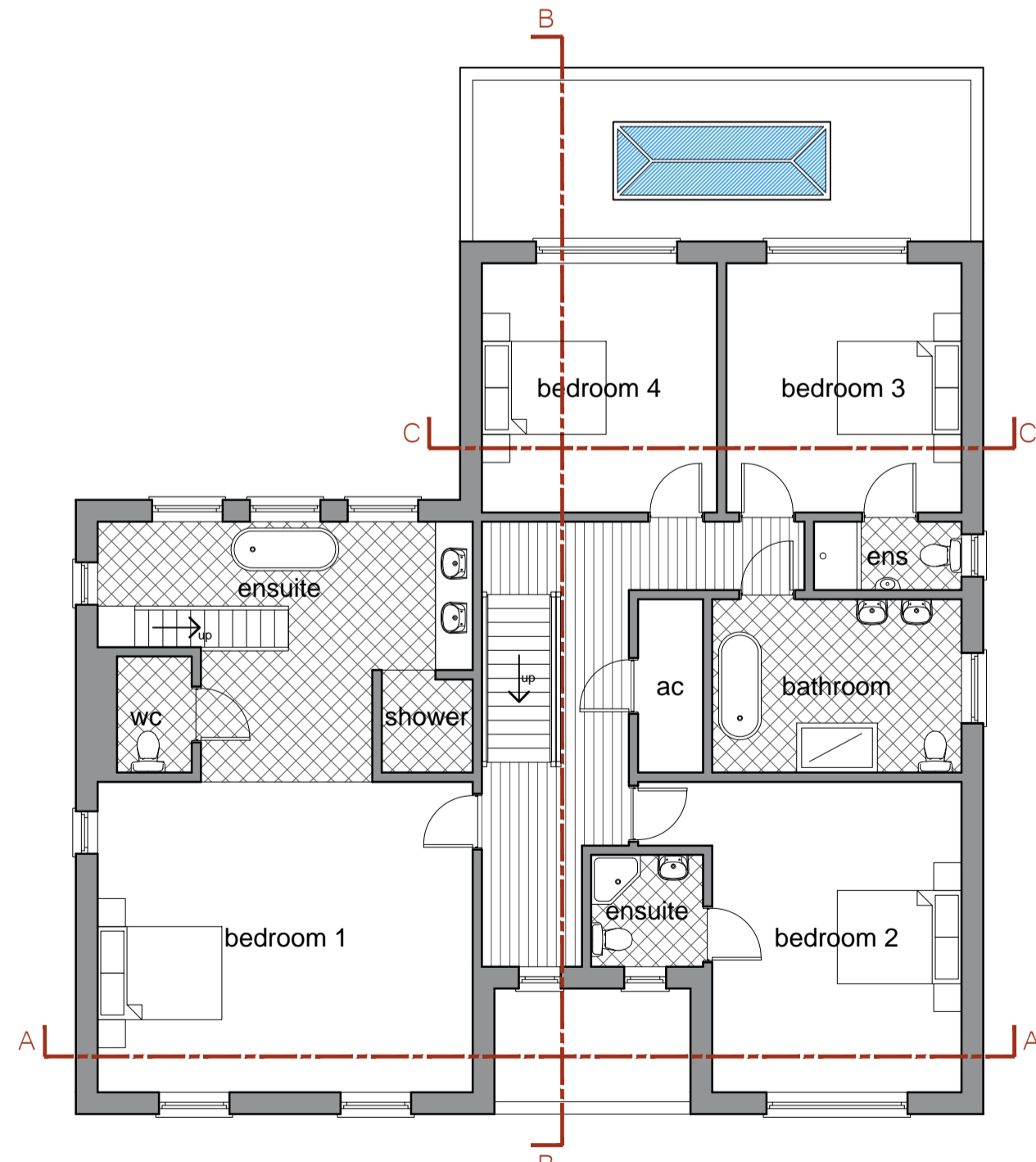
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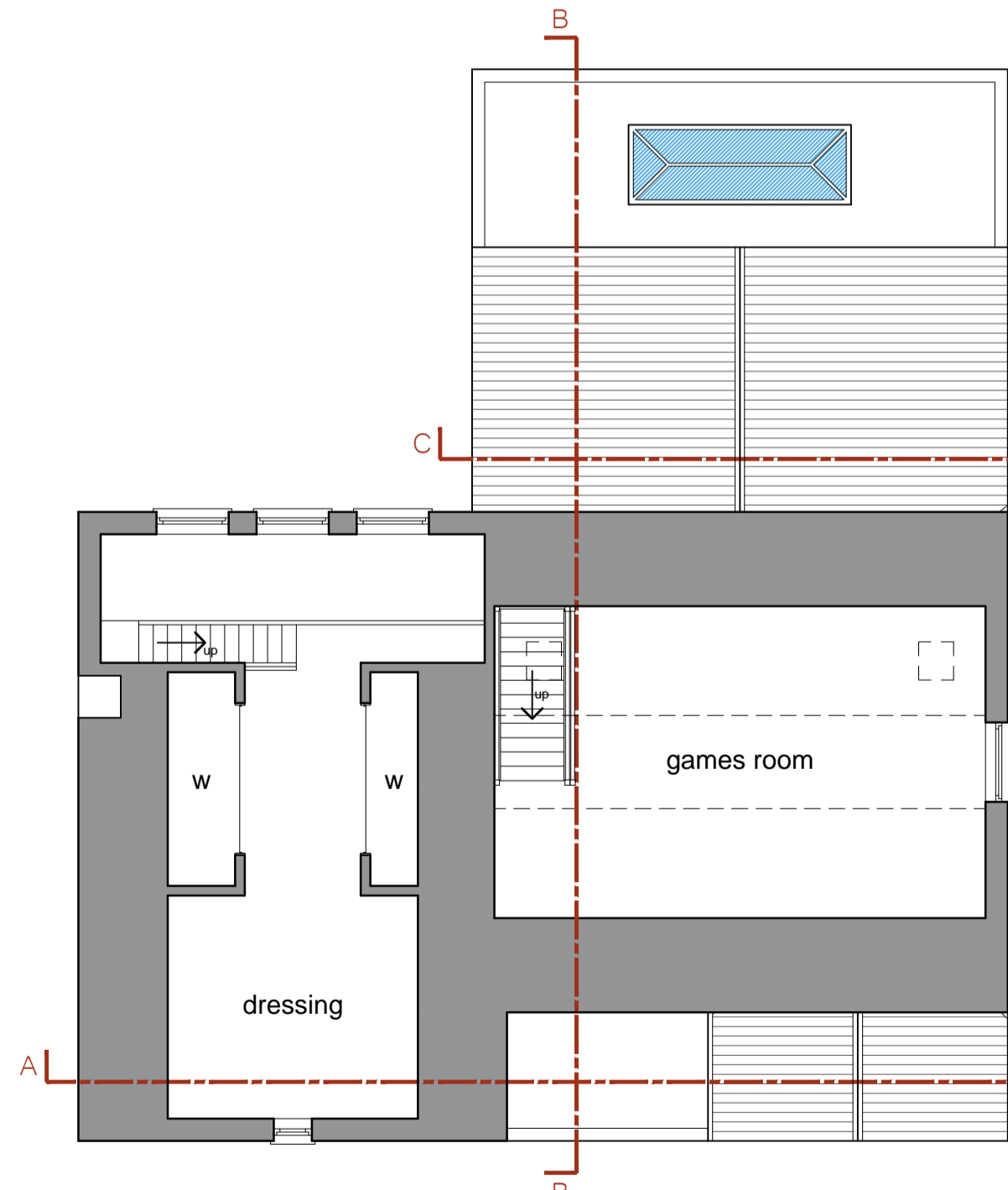
Ground Floor Plan

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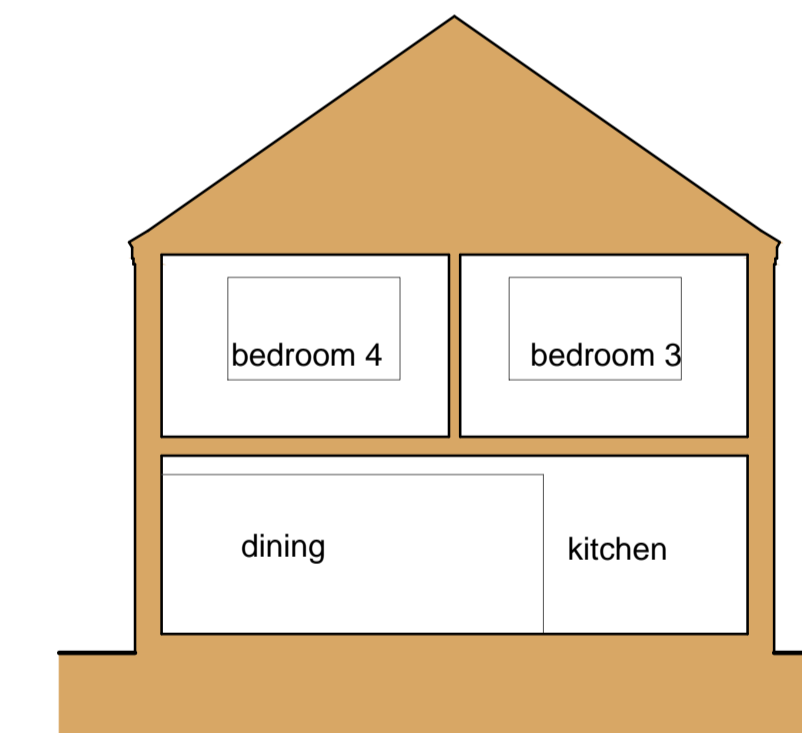
First Floor Plan

Scale: 1:100



Second Floor Plan

Scale: 1:100



Section C-C

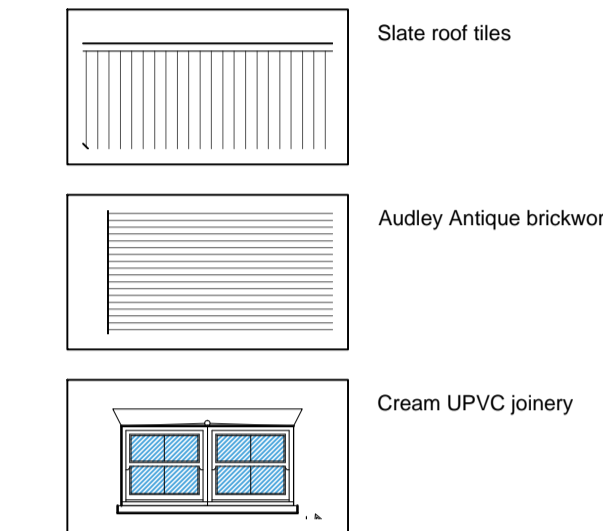
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ELEVATION KEY



Revisions		
B	Jan 2020	Ensuite Amended

Status  
**FOR APPROVAL**



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Job Title Proposed Replacement Dwelling Middle Broad Drive Tydd St Giles For: Mr Watson	Date November 2019	Drawn by M.N. Checked by G.E.
Drawing Title Planning Drawing	Job No. SE-1234	Sheet Size A1
Dwelling Floor Plans, Elevations and Sections	Dwg No. PP2100	Revision B

