
F/YR24/0291/O

**Applicant: Mrs Karen Drewry
C/o Brigstock and Wrens
Charity**

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

Land North Of Tydd Steam Brewery, Kirkgate, Tydd St Giles, Cambridgeshire

Erect 4 x dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Parish Council comments contrary to Officer recommendation

Government Planning Guarantee

Statutory Target Date For Determination: 31 May 2024

EOT in Place: Yes

EOT Expiry: 05 July 2024

Application Fee: £2890

Risk Statement:

This application must be determined by 5 July 2024 otherwise it will be out of time and therefore negatively affect the performance figures.

1 EXECUTIVE SUMMARY

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| <p>1.1. The site lies to the southern side of Kirkgate, Tydd St Giles, it has a frontage of circa 90 metres and is bisected by an access track that leads to Tydd Steam Brewery to the south. The grassland site, bounded by a mix of mature hedgerow and trees, contributes significantly to the open character surrounding a collection of adjacent listed buildings: To the north, opposite the site, is the Grade II listed Tindal Mill, to the northwest is Grade II listed Tydd Manor, and to the southwest the Grade II listed Kirkgate House and curtilage listed Manor Barn.</p> <p>1.2. The application is outline, with no matters committed for the erection of 4 dwellings.</p> <p>1.3. On consideration of this application, conflict arises through the detrimental impact of development with respect to heritage and the character of the area, rather than as a result of matters that could be addressed at the design stage.</p> <p>1.4. The proposal will result in harm to the setting of the nearby grade II listed buildings, resulting in dominance and a permanent erosion of what is left of</p> |
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the remaining historic character along this part of Kirkgate. The submitted heritage statement provided no assessment of the significance of the designated heritage assets nearby, nor any justification for the works, contrary to the requirements of Para.206 of the NPPF. In addition, by virtue of the absence of suitable evidence to the contrary, the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused to the listed buildings by the development, contrary to Para.208 of the NPPF. Accordingly, the application is contrary to Policy LP18 and the NPPF.

- 1.5. The development of four executive style dwellings along with four separate accesses, in such close proximity to nearby historic buildings, will result in significant impacts to the rural character of the locality, by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the tranquillity and sense of privacy afforded to the area, detrimentally impacting the overall character of the area contrary to the requirements of Policy LP16 and the NPPF.
- 1.6. Therefore, given the assessment outlined below, the application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site lies to the southern side of Kirkgate, Tydd St Giles, it has a frontage of circa 90 metres which is formed by an unmanaged row of mature trees and vegetation immediately behind the highway verge. The site is bisected by an access track that leads to Tydd Steam Brewery, comprising a group of metal clad agricultural style buildings, set to the south of the site. The two grassed fields adjacent to the access track (that form the application site) are bound by a mix of mature hedgerow and trees to all sides.
- 2.2. To the east is frontage residential development along Kirkgate. To the north, opposite the site, is the Grade II listed Tindal Mill. Other listed buildings surrounding the site include the Grade II listed Tydd Manor (approximately 68m to the northwest), the Grade II listed Kirkgate House and curtilage listed Manor Barn (approximately 52m to the southwest). These listed buildings are in residential use.
- 2.3. Opposite the site a path has been constructed along the northern side of Kirkgate which links to the Golf Course entrance located approximately 180m to the northeast.

3 PROPOSAL

- 3.1. The application is outline in nature, with no matters committed; it details four detached dwellings, each with their own access, parking and turning areas, with garden space to the rear. The access track leading to the brewery will remain unaltered. The majority of existing vegetation to the east west and south is due to remain. Whilst an illustrative layout has been submitted this is not committed.
- 3.2. The applicant has amended the red line for the site during the course of the application, in response to dialogue with the third-party owner of the access track, which runs through the site. The amendment has resulted in the red

line moving away from the track area, essentially reducing the site area slightly. Officers are satisfied that no prejudice has occurred in this regard, with LPA having consulted on the application in accordance with their statutory duty. This is notwithstanding that the grant of planning permission does not convey the right to develop on third-party land without the consent of said landowner.

4 SITE PLANNING HISTORY

F/YR18/0826/NONMAT	Non-material amendment: addition of a first floor above the utility room and garage involving raising the roof and the insertion of 3 x roof lights, and removal of roof light above garden room, relating to planning permission F/YR17/0688/F <i>Plot 1 Land South West Of Potential House, Kirkgate, Tydd St Giles</i>	Approved 04.10.2018
F/YR17/0688/F	Erection of 1 no 3-storey 5-bed dwelling with attached double garage including temporary storage unit during build together with 1.1 metre high post and rail fence, brick piers and timber gates. <i>Plot 1 Land South West Of Potential House, Kirkgate, Tydd St Giles</i>	Granted 09.10.2017
F/YR06/0970/F	Part change of use from agricultural store to micro-brewery <i>Store East Of Manor Barn, Kirkgate, Tydd St Giles, Wisbech</i>	Granted 05.10.2006
F/YR02/0692/F	Formation of vehicular access <i>Land North East Of Manor Barn, Kirkgate, Tydd St Giles</i>	Granted 16.12.2002

5 CONSULTATIONS

5.1. FDC Conservation Officer

Proposal:

Erect 4 x dwellings (outline application with all matters reserved)

Considerations:

- 1. Consideration is given to the impact of the proposal on the architectural and historic interests with special regard paid to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which it possesses according to the duty in law under S16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 2. Consideration is given to the impact of the proposal on the architectural and historic interests of a Non-Designated Heritage Asset with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 3. Due regard is given to relevant planning history.*

4. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2023, specifically, paragraphs 201, 203, 205, 206, and 208.

Comments:

The site location is an edge of settlement location in Tydd St Giles with high heritage significance through the presence of a collection of listed buildings and an agrarian rural character of an avenue streetscape, with buildings set back from the frontages.

The heritage statement provides no meaningful use in assessing the impact of the proposals or justification.

The unfortunate modern ribbon development that has gradually arrived well beyond the village boundary has had a substantial detrimental impact on the settlement transition into the open countryside through the blurring where the settlement ends.

Positively, there has been no such frontage ribbon development within the immediate surroundings of the historic assets – The Manor House (GII) Tindall Mill (GII) and Kirkgate House (GII). As a result, these historic rural buildings still retain some sentiment of their rural edge of settlement character that they have benefited from historically. The historic buildings are set back from the road with positive paddocks and gardens in front, towards the tree lined frontage.

The fact that harm has resulted from the more distant developments along Kirkgate makes what remains of its positive character all the more important to preserve.

The proposal under consideration here continues this incongruous ribbon type development outside of the village extremities and by virtue of being prominently displayed on the frontage will become the dominant feature and entirely erode what is left Kirkgate's historic character.

The presence of these poorly sited buildings will be magnified by the creation of four separate accesses across the informal verges, creating something more akin to suburbia than the edge of a small rural settlement.

The development will result in an unacceptable level of harm to the setting of 3 important listed buildings and as such, the application is objected to.

RECCOMENDATION: Objection – Impact of setting of adjacent collection of listed buildings

5.2. **Senior Archaeologist (CCC)**

I am writing to you with regards to the archaeological implications of the above referenced planning application. The proposed development lies in an area of archaeological potential, within Tydd- St- Giles and on the fen island on which the village is largely positioned. These fen islands create slightly raised firmer ground within the wider fen landscape that have been exploited throughout prehistory and right up until recent times. Archaeological investigations to the north of Kirkgate and to the east of the proposed

development revealed significant volumes of 12th and 15th century material and associated features indicating a focus for medieval settlement within this area of the village (Cambridgeshire Historic Environment Record MCB19892, CB15604). Conversely Saint Giles Church is located c.360m to the west of the proposed development, itself dating from the 13th century (CHER CB14987).

Whilst we do not object to development from proceeding in this location, we consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. The statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (DLUHC 2023).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI. A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

5.3. **Cambridgeshire County Council Highways Authority**

Recommendation

On behalf of the Local Highway Authority, I raise no objections to the proposed development. However, I have the following comments on the general principles of the required information that will be required at the next stage of the application.

Comments

This is an outline application with all matters reserved as such the applicant has not proposed an access with the highway for approval at this stage. The applicant will therefore be required to evidence safe access can be achieved at a later stage. The posted speed limit is 40mph. Therefore, the visibility splays required will be 2.4m x 120m either side of the junction. A turning and parking area will be required so drivers can enter, turn and leave the site in a forward gear.

In the event that the LPA are mindful to approve the application, please append the following Conditions and Informatives to any consent granted:

Conditions

Parking/Turning Area: Prior to the first occupation of the development the applicant must provide on-site parking/turning area, surfaced in a bound material and drained within the site within 10m of the highway. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

HW18A Visibility Splays: Visibility splays must be provided each side of the vehicular access. Splays must be 120m either side of the access and shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

5.4. **Environment Agency**

Thank you for your consultation dated 17 April 2024. We have reviewed the documents as submitted and have no objection to the proposed development. We have provided further details below.

Flood Risk Assessment

The development should be carried out in accordance with the submitted flood risk assessment (ref: ECL1208/PETER HUMPHREY ASSOCIATES, compiled by Ellingham Consulting Ltd, dated March 2024) and the following mitigation measures it details:

- *Finished floor levels to be set no lower than 0.3m above ground level with 0.3m Flood resilient construction above the FFL.*

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

Flood Warning

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 allows 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-for-flooding>. 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). 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.

5.5. **North Level Internal Drainage Board**

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

5.6. **CCC Ecology**

The proposal is acceptable on ecology grounds, providing that the mitigation measures set out in the Preliminary Ecological Appraisal, as well as biodiversity enhancements, are secured through a suitable worded condition(s) to ensure compliance with Fenland Local Plan 2014 policies LP16 and LP19 that seek to conserve, enhance and protect biodiversity through the planning process:

1. Compliance condition - scheme should comply with precautionary method of working (implemented during construction) set out in Preliminary Ecological Appraisal.
2. Retention and protection of all boundary hedgerows and trees during construction (deter to Tree / Landscape Officer for recommended wording of condition relating to protection of trees)
3. Landscape and Biodiversity Enhancement Plan
4. Lighting scheme sensitively designed for wildlife
5. Time limit until update ecological surveys required

Bats

The site comprises two small paddocks with limited ecological value. The main ecological interest at the site is the hedgerows and the mature tree

(Oak). The Preliminary Ecological Appraisal identifies the mature oak (T1), located on the southern boundary of the site, as offering roosting value to bats (PRF-M). The PEA recommends further survey work if the trees will be directly impacted by the proposed works.

The Design and Access Statement has confirmed that “the site is linked by existing tall mature trees and hedgerows along all boundaries, all of which will be retained as part of the proposals, except for a few trees along the site frontage”. It will be important to ensure this boundary vegetation, particularly the mature oak, be retained and protected during construction to ensure there are not adverse impacts on bats. This should be secured through suitably worded condition, and suggest this is written in collaboration with the Tree Officer.

In addition, the PEA identifies the importance of new external lighting to avoid illumination of the features. A sensitive lighting scheme should be secured through suitably worded conditions.

Other protected species

The PEA identifies suitability of the site for amphibians, reptiles and other mammals (hedgehogs) and sets out precautionary working methods to be implemented during construction for these species. If planning permission is granted, these recommendations should be implemented in full during the construction phase.

Biodiversity enhancements

No biodiversity enhancements are proposed for the scheme design or Preliminary Ecological Appraisal and therefore, the scheme does not accord with Fenland Local Plan policy LP16 / LP19 which seeks development to conserve and enhance biodiversity. If planning permission is secured, we recommend biodiversity enhancements as part of a Landscape and Biodiversity Enhancement Scheme.

Prior to the commencement of land parcels, a scheme for the landscaping and biodiversity enhancements and habitat improvements, at the site shall be submitted to and approved in writing by the Local Planning Authority.

Suggested Wording of Planning Conditions

3. SUGGESTED DRAFT CONDITION: Landscape and Biodiversity Enhancement Scheme

The landscaping and biodiversity enhancement details to be submitted shall include:

- a) planting plans to all areas, retained hedge and trees, species, numbers, size and density of planting; the planting shall be sufficient to result in overall no net loss of biodiversity,
- b) placement, type, number and details of any recommended biodiversity enhancements and habitat improvements,
- c) means of enclosure noting that all new garden fencing should be designed to allow hedgehogs to be able to pass through the fencing
- d) details of bird and bat boxes (including elevation drawings)
- e) details of siting and timing of all construction activities to avoid harm to all nature conservation features

- f) *a timetable for landscaping and biodiversity enhancement implementation.*
- g) *management and maintenance details*

The approved landscape and biodiversity enhancement scheme shall be carried out within 6 months of the approval of the scheme. The approved landscape scheme shall be carried out within the first available planting season following approval of the scheme and in accordance with the timetable for implementation approved as part of the submitted scheme.

The approved landscape and biodiversity enhancement scheme shall be maintained thereafter in perpetuity.

Reason: Fenland Local Plan 2014 policies LP16 & LP19 (to protect and enhance biodiversity)

4. SUGGESTED CONDITION: Lighting Design Scheme for Biodiversity

Option 1

Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting relating to all dwellings and common areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

The external lighting shall be carefully designed for wildlife, in accordance with recommendation set out in the Preliminary Ecological Appraisal, and baffled downwards away from the retained trees, boundary vegetation and hedgerows/scrub corridors.

Reason: Fenland Local Plan 2014 policies LP16 & LP19 (to protect biodiversity)

5. SUGGESTED CONDITION: Time Limit on Development Before Further Surveys are Required

If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological measures secured through other conditions shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of species (e.g. bats, birds and badgers) and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: Fenland Local Plan 2014 policies LP16 & LP19 (to protect biodiversity)

- 5.7. **Environment & Health Services (FDC) – Original comments 26.04.2024**
The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle to the proposal, as it is unlikely to have a detrimental effect on local air quality, the noise climate, or be affected by ground contamination.

- 5.8. **Environment & Health Services (FDC) – Revised comments 20.05.2024**
Following the case officer raising the relationship between the site and an existing adjoining business additional comments received:

Due to the proposed developments close proximity to the existing business, and taking into consideration the nature of this business and that there are no other sensitive receptors in such close proximity other than the owners of the business, there is a potential for odour and noise impact on the proposed residential properties. Therefore, it is prudent in the circumstance that a noise and odour impact assessment is undertaken by a suitably qualified professional to establish if there could be any potential impact on future residential receptors. We would request these reports shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development.

- 5.9. **Tydd St Giles Parish Council**
The Parish Council considered this application at last week's meeting. The scale of the proposed development is in keeping with the other recent additions to Kirkgate and will form part of an evenly spaced row of similar properties providing quality homes for families. The land is currently owned by the Parish Charity and the sale proceeds will enable them to invest in supporting individuals, organisations and facilities within the Parish of Tydd St Giles for many years to come, resulting in an immeasurable contribution to the local community and way of life.

The Members of the Parish Council expressed strong support for this development.

- 5.10. **Local Residents/Interested Parties**
The LPA has received five letters of objection to the application, from local residents in the immediate vicinity of the site, including Tindall Mill, Manor Barn and High Bank Cottage, all on Kirkgate.

The reasons for objection can be summarised as:

- Impact on local amenity and character
 - development on this open area will result in unacceptable urbanisation and a loss to the character of the area;
 - the amenity value of open land should be retained for village use, retaining charity owned land for community use is more appropriate than building new houses;

- a significant level of development has been ongoing for a number of years, yet some remain incomplete or unoccupied – is there a need for more?;
 - development of the site is outside of the built framework of the village;
 - overdevelopment of the narrower site for four dwellings.
- Impact on listed buildings
 - The site is adjacent to three separate listed buildings that historically sit within open undeveloped land.
 - Development within close proximity will impact their historic character
 - Impact on services and infrastructure due to general overdevelopment in the area.
 - Concerns over ecology and biodiversity impacts.
 - Concerns over use of the access track by farm vehicles and commercial vehicles attending the brewery;
 - Concerns over occupier residential amenity impacts from the commercial activities at the brewery;
 - Conflict of interest – *“If the application is to be determined at the planning committee due to the support of the Parish Council (which you reference in your 30 May email to Peter Humphries), your report should disclose the interest that the Parish Council holds in the applicant Brigstock and Wrens Charity - appointing nominated trustees which include the Council chairman.”*

Two representations were also received: one from a local resident raising concern over the proximity of the proposed dwellings to the hedgerows along the access track that are maintained by a third party, further notifying that this track is used at various times by agricultural vehicles and lorries which may cause impact to residential amenity, and a second from Paget Hall, Hockland Rd, Tydd St Giles clarifying the location of listed buildings within the vicinity as they understood it.

A further letter of support was received from Paget Hall, Hockland Rd, Tydd St Giles stating that in their opinion, and given the degree of development along Kirkgate, that the planning application represents infill development and complies with local policy in this regard.

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 (NPPF) Dec 2023

Para 47 – Applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise;

Para 48 - Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

Section 5: Delivering a sufficient supply of homes.

Paragraph 115 – 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 would be severe

Para 131 – Good design is a key aspect of sustainable development;

Para 135 – Planning policies and decision should ensure developments are sympathetic to local character and history;

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

Section 15 - Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

7.2. National Planning Practice Guidance (NPPG)

7.3. 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

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

LP15 – Facilitating the Creation of a More Sustainable Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP18 – Historic Environment

LP19 – The Natural Environment

7.4. 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

LP3 – Spatial Strategy for Employment Development

LP4 – Securing Fenland's Future

LP5 – Health and Wellbeing

LP7 – Design

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP23 – Historic Environment

LP24 – Natural Environment

LP32 – Flood and Water Management

7.5. **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

7.6. **Cambridgeshire Flood and Water SPD 2016**

8 KEY ISSUES

- **Principle of Development**
- **Impact on Heritage**
- **Impact on Character**
- **Residential amenity**
- **Flood risk**
- **Highway safety**
- **Biodiversity**
- **Public Benefit**

9 ASSESSMENT

Principle of Development

9.1. Policy LP3 of the Fenland Local Plan (FLP) identifies Tydd St Giles as a small village where development will be considered on its merits but will normally be limited in scale to residential infilling. The Fenland Local Plan glossary defines residential infilling as “*development of a site between existing buildings*” which is bolstered by the definition of infill development in the Planning Portal glossary as “*the development of a relatively small gap between existing buildings.*”

9.2. Considering the frontage positioning of the application site in particular, the site is a semi-rural area of open grassland comprising part of a 200m gap in frontage development between a partially constructed dwelling (F/YR17/0688/F) immediately to the east and the nearest frontage dwelling to the west, known as Birch Tree House. Therefore, given this separation, it is considered that the 200m gap between frontage development along Kirkgate could not be classified as a ‘relatively small gap’.

9.3. However, there are other dwellings to the west of the application site which fall closer than the nearest frontage dwelling Birch Tree House, including Kirkgate House and Manor Barn, albeit these are set back approximately 75m from the highway and are not frontage development along Kirkgate. It is noted that the aforementioned definitions do not specifically differentiate between frontage or set-back development.

9.4. Accordingly, notwithstanding their set back position, considering the existence of these dwellings closer to the application site and with due regard to the aforementioned definitions, the application site would, technically, infill the entire gap between the nearest plot to the east and Manor Barn to the west. It is on this basis that the proposal is considered, on balance, acceptable in respect of Policy LP3 in this particular case.

Impact on Heritage

9.5. Policy LP18 states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. All

development proposals that would affect any designated or undesignated heritage asset are required to provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

- 9.6. The application site is set immediately to the south and east of a cluster of three Grade II listed buildings including: Tindall Mill immediately to the north, Tydd Manor to the northwest, and Kirkgate House to the southwest, along with a curtilage listed barn (F/94/0861/LB), known as Manor Barn, also to the southwest.
- 9.7. The application includes a Heritage Statement submitted in support of the application. The statement is scant on detail and provides no assessment of the significance of the designated heritage assets nearby, nor does it include any justification for the works. The Conservation Officer considered that *“the heritage statement provides no meaningful use in assessing the impact of the proposals or justification.”* Accordingly, the submitted Heritage Statement does not meet the requirements of Para.206 of the NPPF, which requires: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*
- 9.8. In assessing the current situation, the Conservation Officer states:
- “The unfortunate modern ribbon development that has gradually arrived well beyond the village boundary has had a substantial detrimental impact on the settlement transition into the open countryside through the blurring where the settlement ends.*
- Positively, there has been no such frontage ribbon development within the immediate surroundings of the historic assets – The Manor House (GII) Tindall Mill (GII) and Kirkgate House (GII). As a result, these historic rural buildings still retain some sentiment of their rural edge of settlement character that they have benefited from historically. The historic buildings are set back from the road with positive paddocks and gardens in front, towards the tree lined frontage.”*
- 9.9. It is considered, therefore, that development in the area has already resulted in harm given the more distant developments along Kirkgate, further reinforcing the need to preserve what remains of the historic buildings’ setting, to which the application site currently positively contributes. The proposal will result in additional harm to the setting of the nearby listed buildings, by virtue of the progression of the already harmful ribbon development that exists to the east, extending this ever closer to the listed buildings thus resulting in dominance and a permanent erosion of what is left of the remaining historic character along this part of Kirkgate.
- 9.10. Given the above, the proposal is considered contrary to Para. 206 of the NPPF, and Policy LP18 of the Fenland Local Plan by virtue of the harm caused to the listed buildings. The public benefits of the proposal are discussed in more detail below.

Impact on Character

- 9.11. Policy LP16 of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, reinforcing local identity 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. In particular criterion (a) of LP16, seeks to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18.
- 9.12. Whilst Kirkgate has seen a number of new residential units delivered along its length, this has not manifested in a continuous built up frontage. Kirkgate does retain some rural characteristics, especially to its northern aspect, where the dwellings continue to be interspersed by landscaped areas, such as the site under consideration.
- 9.13. The development of four executive style dwellings along with four separate accesses, particularly in such close proximity to the nearby historic buildings, will result in significant impacts to the rural character of the locality, by advancing the already harmful ribbon development westwards resulting in an unacceptable urbanisation of the area and historic setting. It is considered therefore that residential development of this site, along with the resultant increased noise, movement, lighting, etc will interrupt the tranquillity and sense of privacy currently found within this character and setting.
- 9.14. The application site, as undeveloped, but managed, land, is an important factor contributing to the significance and wider historic character of the area. It is the existence of such sites that offer relief within the streetscape and whilst the scheme makes provision to retain the existing frontage vegetation, this would not afford significant screening per se to ameliorate the obvious intrusion of 4 dwellings in this location and the significantly detrimental impact of those dwelling units on the overall character of the area. Accordingly, it is considered that the proposal is contrary to Policy LP16 by virtue of this impact.

Residential amenity

- 9.15. Detailed matters of residential amenity would be fully considered at Reserved Matters stage.
- 9.16. It would appear from the indicative plans submitted that there would be limited impacts to neighbouring residential amenity as a result of the scheme by way of overlooking or overshadowing.
- 9.17. Concern has been raised with respect to the application site being in close proximity to a working micro-brewery business, known as Tydd Steam Brewery. It is understood that this business may result in residential impacts from vehicle movements, including deliveries, etc at various times of day, along with the potential for associated noise and odour emissions from the brewery as a result of the brewing operations.
- 9.18. No evidence in respect of what impacts may exist have been advanced to enable officers to consider the potential impacts to future occupier amenity in

respect of the commercial operations nearby. Notwithstanding, given the existence of other residential properties within the vicinity of the brewery and the fact that no known noise or odour nuisance complaints were revealed during desk-top investigations, it is considered unreasonable to refuse the application on the basis of insufficient evidence in respect of noise and odour impacts in this case. However, given that the scheme proposes four new dwellings in close proximity to the brewery site, the Environmental Health team recommend that both a noise and odour impact assessment is be submitted within any reserved matters application to ensure future occupier amenity is safeguarded in accordance with Policy LP16.

Flood risk

- 9.19. Policy LP14 of the Fenland Local Plan and section 14 of the National Planning Policy Framework deal with the matter of flooding and flood risk, and the siting of dwellings on land at the risk of flooding. The site falls within flood zone 3, high risk.
- 9.20. 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.
- 9.21. The application is accompanied by a Flood Risk Assessment that includes a detailed sequential and exception test. 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. 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.
- 9.22. The Environment Agency have accepted the site specific flood risk assessment, subject to mitigation measures being secured by condition. Accordingly the scheme may be deemed policy compliant in terms of both LP14 , the SPD and national policy guidance.

Highway safety

- 9.23. Matters in respect of access fall to be considered as reserved matters not forming part of this outline application for formal consideration. Notwithstanding, Policy LP15 and LP16 require development schemes to be safe, and well designed.
- 9.24. The application proposes each dwelling to have its own access point off Kirkgate.
- 9.25. Comments from the Highway Authority suggest that the submitted details are acceptable in principle, subject to detailed matters being acceptable at a later stage. Any subsequent approval would subject to conditions to ensure

appropriate and safe access is provided within the Reserved Matters submission.

Biodiversity

- 9.26. Policy LP19 requires development to conserve, promote and enhance ecological assets. The application was supported by the inclusion of a Preliminary Ecological Appraisal (PEA).
- 9.27. The PEA concluded that the site did not comprise any priority habitat nor were any priority species present, and that the proposed development would not result in undue impacts to habitats or species, providing best practice recommendations were followed, along with additional surveys should the proposal seek works/removal of any trees and/or hedgerow; the PEA offered suggestions of mitigation and enhancement where appropriate.
- 9.28. Consultations were undertaken with CCC Ecology with respect to the submitted PEA, and it was concluded that there was no objection in principle, providing the recommendations and mitigations outlined within the PEA were followed. Accordingly, subject to conditions, the proposal complies with Policy LP19.

Public Benefit

- 9.29. The above assessment outlines that the proposal will result in harm to the designated heritage assets of the nearby listed buildings and the wider historic semi-rural character of the area, contrary to Policies LP16 and LP18 of the Fenland Local Plan. Furthermore, with due regard of these policies, and further underpinned by Para.208 of the NPPF which states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*. Therefore, the public benefits of the proposal should be considered within the planning balance.
- 9.30. It is understood from the Parish Council comments received that the land is currently owned by a Parish charity, and the proceeds from sale of the land may be put forth to wider community use. The submitted Design and Access statement proffers that the application is put forth so that the Brigstock and Wrens Charity (who administer funds and manage land for the benefit of the inhabitants of the parish of Tydd St Giles) may *“explore the possibility of re-developing the existing grass paddock land as frontage building plots for the open-market and/or local self-builders. The charity would then roll the investment from the development into their future pledges...TBC”*.
- 9.31. Whilst it is acknowledged that the Charity is seeking to obtain funds from the sale of the land with planning permission for the erection of market dwellings, no additional supporting evidence with respect to how these funds may be reinvested to support the community has been put forward. In addition, no balancing exercise evidencing consideration, and ultimate discount of, alternative community uses of the land (such as for use as allotments, a public park, or other community facility) has been advanced to satisfy the LPA that the proposed residential use of the land is the only viable option.

- 9.32. As such, officers are unable to give much weight to the applicant's claim that proceeds from any sale would be utilised for community benefit in the planning balance. Therefore, by virtue of the absence of suitable evidence to the contrary, it is considered that the use of the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused by the development on the nearby listed buildings or wider historic character as previously outlined.

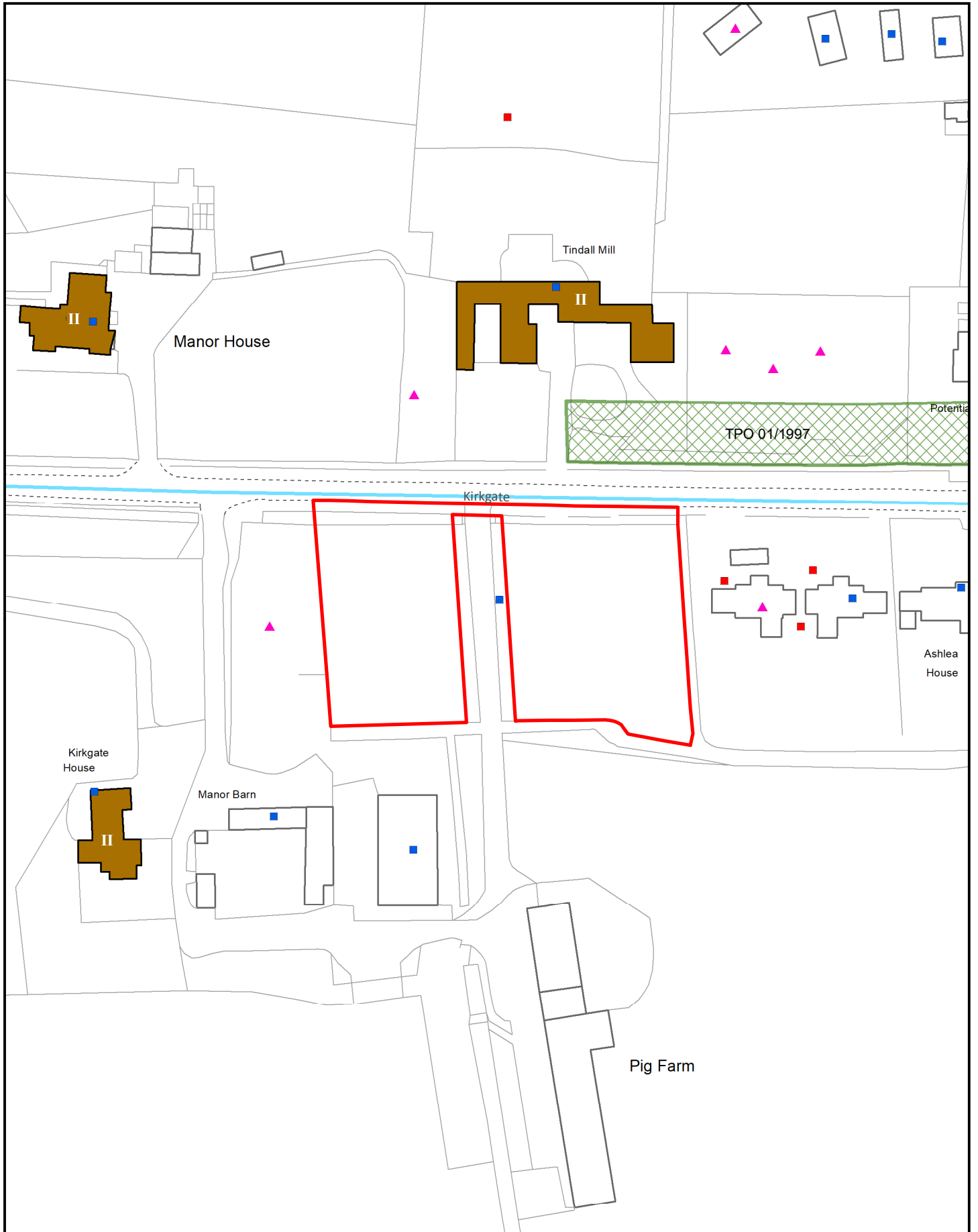
10 CONCLUSIONS

- 10.1. On the basis of the consideration of the issues of this application, conflict arises through the detrimental impact of development with respect to heritage and the character of the area, rather than as a result of matters that could be addressed at the detailed design stage.
- 10.2. The proposal will result in harm to the setting of the nearby grade II listed buildings, by virtue of the westward progression of the already harmful ribbon development that exists to the east, resulting in dominance and a permanent erosion of what is left of the remaining historic character along this part of Kirkgate. The submitted heritage statement provided no assessment of the significance of the designated heritage assets nearby, nor did it include any justification for the works, contrary to the requirements of Para.206 of the NPPF. In addition, by virtue of the absence of suitable evidence to the contrary, it is considered that the use of the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused to the listed buildings by the development, contrary to Para.208 of the NPPF. Accordingly, the application is contrary to Policy LP18 and the NPPF owing to the unacceptable impact on heritage.
- 10.3. Furthermore, the development of four executive style dwellings along with four separate accesses, in such close proximity to nearby historic buildings, will result in significant impacts to the rural character of the locality, by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the tranquillity and sense of privacy afforded to the area, detrimentally impacting the overall character of the area contrary to the requirements of Policy LP16 and the NPPF.
- 10.4. Therefore, given the above assessment, the application is recommended for refusal.

11 RECOMMENDATION

Refuse; for the following reasons:

1	<p>Policy LP18, supported by the NPPF, states that the Council will protect, conserve and seek opportunities to enhance the historic environment throughout Fenland. The application site is set immediately to the south and east of a cluster of three Grade II listed buildings. The proposal will result in harm to the setting of these listed buildings, by virtue of the westward progression of the already harmful ribbon development that exists to the east, resulting in dominance and a permanent erosion of what is left of the remaining historic character along this part of Kirkgate. The submitted heritage statement provided no assessment of the significance of the designated heritage assets nearby, nor did it include any justification for the works, contrary to the requirements of Para.206 of the NPPF. In addition, by virtue of the absence of suitable evidence to the contrary, it is considered that the use of the land for residential market dwellings would not result in a public benefit that would outweigh the harm caused to the listed buildings by the development, contrary to Para.208 of the NPPF. Accordingly, the application is contrary to Policy LP18 and the NPPF owing to the unacceptable impact on heritage.</p>
2	<p>Policy LP16 of the Fenland Local Plan seeks to ensure development makes a positive contribution to the local distinctiveness and character of the area, enhancing its local setting, reinforcing local identity 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. Criterion (a) of LP16, seeks to protect and enhance any affected heritage assets and their settings to an extent commensurate with policy in the National Planning Policy Framework and in accordance with Policy LP18. The development of four executive style dwellings along with four separate accesses, in such close proximity to nearby historic buildings, will result in significant impacts to the rural character of the locality, by virtue of unacceptable urbanisation of the area along with the resultant increased noise, movement, lighting, etc that will interrupt the existing tranquillity and sense of privacy afforded to the area, detrimentally impacting the overall character of the area contrary to the requirements of Policy LP16 and the NPPF.</p>



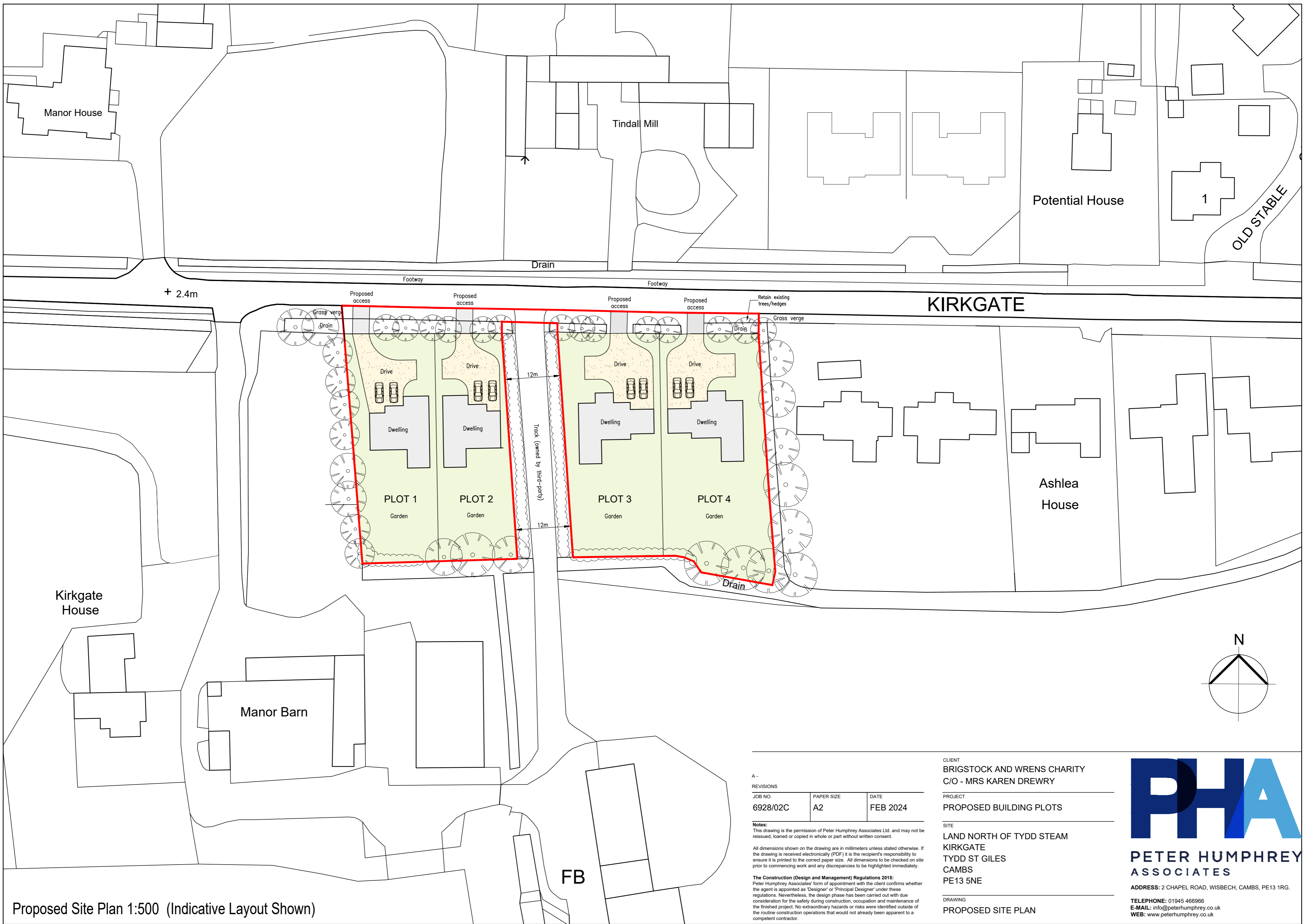
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Scale = 1:1,250





Proposed Site Plan 1:500 (Indicative Layout Shown)

A - REVISIONS		
JOB NO.	PAPER SIZE	DATE
6928/02C	A2	FEB 2024

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CLIENT
 BRIGSTOCK AND WRENS CHARITY
 C/O - MRS KAREN DREWRY

PROJECT
 PROPOSED BUILDING PLOTS

SITE
 LAND NORTH OF TYDD STEAM
 KIRKGATE
 TYDD ST GILES
 CAMBS
 PE13 5NE

DRAWING
 PROPOSED SITE PLAN



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