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**F/YR23/1073/F**

**Applicant: Mrs Stewart**

**Agent : Mr Nigel Lowe  
Peter Humphrey Associates Ltd**

**Land East Of Cirston House, Hockland Road, Tydd St Giles, Cambridgeshire**

**Erect 1 x dwelling (2-storey 3-bed) and garage, involving the demolition of existing stables**

**Officer recommendation: REFUSE**

**Reason for Committee: Representations against officer recommendation**

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**Government Planning Guarantee**

**Statutory Target Date For Determination: 9 February 2024**

**EOT in Place: Yes**

**EOT Expiry: 27 August 2024**

**Application Fee: £578**

**Risk Statement:**

**This application must be determined by 27/08/24 otherwise it will be out of time and therefore negatively affect the performance figures.**

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**1 EXECUTIVE SUMMARY**

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| <p>1.1 The application seeks full planning permission for the erection of a dwelling (2-storey 3-bed) and garage, involving the demolition of existing stables.</p> <p>1.2 The site has previously been refused planning permission for a 2-storey 4-bed dwelling owing to the encroachment into the countryside policy LP3 &amp; LP12, character LP16 and flood risk/sequential test LP14. This application has altered the red line boundary, number of bedrooms and architectural design of the proposal to overcome the reasons for refusal.</p> <p>1.3 The site is located within Flood Zone 3 and whilst a flood risk assessment has been submitted the sequential test is not considered passed. Therefore, the proposal is considered contrary to policy LP14 of the Fenland Local Plan 2014.</p> <p>1.4 As such, the recommendation is to refuse the planning permission.</p> |
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**2 SITE DESCRIPTION**

- 2.1 The site lies to the north of frontage properties along Hockland Road; with the southern boundary of the site addressing the rear garden of Sunnyside. The site currently consists of stables. The access to the site lies between Amberley and Sunnyside.

2.2 The site is located partially within Flood Zone 2 (Medium risk) along the access/driveway and then Flood Zone 3 (High Risk). The site is also located within the Flood Warning area.

2.3 The site is located in a Great Crested Newt Amber Zone.

### 3 PROPOSAL

3.1 The application seeks full planning permission to erect 1 x dwelling (2-storey 3-bed) and garage, involving the demolition of existing stables.

3.2 The dwelling would measure approximately:

- 12.6m max width
- 7m max depth
- 7.5m max ridge height

3.3 The proposed detached single garage would measure approximately:

- 7.3m length
- 3.3m width
- 3.9m max roof ridge height

3.4 The proposed materials are:

- Walls – Vandersanden Flemish antique
- Roof – Marley Mendip old English dark red
- Windows – UPVC anthracite grey

Full plans and associated documents for this application can be found at:

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

### 4 SITE PLANNING HISTORY

4.1 Pertinent planning history listed below:

Application	Description	Decision	Date
F/YR23/0439/F	Erect a dwelling (2-storey 4-bed) and detached garage, involving demolition of existing stables	Refused	04 Sep 2023
F/YR17/0145/F	Erection of a 2-storey 4-bed dwelling with detached double garage	Granted	13 Apr 2017
F/YR12/0956/F	Erection of a 2-storey 4-bed dwelling with detached double garage	Refused  (Granted at appeal APP/D0515/A/13/2196865)	20 Mar 2013  11 Sep 2013
F/YR12/0512/F	Erection of 3 x 2-storey 4-bed dwellings with detached double garages and stables	Refused	24 Sep 2012

		(Dismissed at appeal APP/D0515/A/13/2195101	11 Sep 2013
F/YR11/0611/F	Erection of 5 x 2-storey 4-bed dwellings with detached double garages	Refused	23 Sep 2011

## 5 CONSULTATIONS

### 5.1 Tydd St Giles Parish Council

*The Parish Council's Planning Committee considered this application at last night's meeting. The applicant outlined the changes made since the previous application under reference F/YR23/0439/F to address the issues set out in the decision notice to refuse that application. Several members of the public spoke against the application, highlighting concerns regarding access and flooding.*

*The Members of the Council discussed the revised proposal and agreed that the changes did not amount to material considerations. They resolved not to support the application.*

### 5.2 North Level Internal Drainage Board

*Please note that North Level District Internal Drainage Board have no objections to this application.*

### 5.3 Cambridgeshire County Council Highways Authority

*I have no objection to the above application from the highways perspective.*

#### **Comments**

*The proposed development's site access is from Hockland Road. The access appears to have appropriate visibility for the speed limit on Hockland Road linked to access which to scale 5m wide would appear to be appropriate for the shared use private driveway.*

*Ideally, the submitted plans submitted by the applicant should be dimensioned for clarity. That said it appears to be sufficient area set aside within the plot for parking and turning manoeuvres within the site.*

*An ACO drain is shown crossing the driveway, however it is unclear how this relates to the fall of adjacent surfaces. The applicant would be expected to ensure that water from private surfaces do not drain to the adjacent public highway. If the LPA are mindful to approve the application, please append the following Conditions to any consent granted.*

#### **CONDITIONS**

##### Highway Drainage:

*The approved access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.*

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

##### Gates Restriction:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, amending or re-enacting that order): No gates or other means of enclosure shall be erected across the vehicular access hereby approved;*

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

**Parking/Turning Area:**

*Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. 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).*

#### **5.4 Environment Agency**

*Thank you for consulting us on the above consultation. We have reviewed the documents as submitted and can confirm that we have no objection to the proposed development as long as you have considered Flood Risk fully. We have provided further details in the Flood Risk section below.*

**Flood Risk**

*The site is located within flood zone 3 as defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. You should ensure that you have checked that the proposed development passes the sequential and exception test.*

*We have reviewed the submitted Flood Risk Assessment (ref: FINAL REPORT ECL1020a/PETER HUMPHREY ASSOCIATES, DECEMBER 2023) with regard to flood risk sources and consider that the site is at low risk of flooding from these sources. As such, we have no objection to the proposed development on flood risk grounds. We strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) are adhered to. In particular, the FRA recommends that:*

- o Finished floor levels to be set no lower than 300mm above Ordnance Datum (AOD) Plus 300mm of flood resilient construction.*
- o The development to have at least two storeys.*
- o Flood resilience and resistance measures to be incorporated into the proposed development as stated in the submitted FRA (ref: FINAL REPORT ECL1020a/PETER HUMPHREY ASSOCIATES, DECEMBER 2023)*

**Flood Warnings**

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

*Flood warnings can give people valuable time to prepare for flooding – time that 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>.

## **5.5 Environment & Health Services (FDC)**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality.*

*Due to the proposed demolition of existing structures and close proximity of noise sensitive receptors, it is recommended that the following conditions are imposed in the event that planning permission is granted:*

### **UNSUSPECTED CONTAMINATION**

*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 (LPA)) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.*

### **WORKING TIMES**

*No demolition or construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

## **5.6 CCC Ecology (26/04/24)**

*It is not possible to determine if the scheme accords with Fenland Local Plan 2014 policies LP16 & LP19 which seek to conserve, enhance and promote the biodiversity interest. Nor, whether the LPA will meet its statutory duties to conserve biodiversity (Section 40, Natural Environment and Rural Communities Act 2006) and European protected species (Conservation of Habitats and Species Regulations 2017).*

*We are particularly concerned that the scheme may result in the loss of bat roosts, if present within the buildings proposed to be demolished.*

### **Great Crested Newts**

*A Great Crested Newt Assessment (Philip Parker Associates, 2024) has been submitted to the LPA to solely consider the impact of the scheme on Great Crested Newts.*

*The assessment has confirmed that the scheme is unlikely to impact Great Crested Newts.*

*Section 8.3 & 8.4 recommend mitigation measures to protect amphibians and small mammals during construction. If permission is granted, these mitigation measures should be secured through suitably worded planning condition (or part of a Conservation Ecological Management Plan (CEMP: Biodiversity)*

### **CCC Ecology (03/05/24)**

*We welcome the submission of the Preliminary Ecological Appraisal, which recommends further bat survey work due to the proposed demolition of a structure (stables) that has potential to support roosting bats. The survey work has not been completed and therefore, the LPA cannot determine the level of impact of the scheme on a European protected species (bats).*

### **CCC Ecology (01/08/24)**

*We welcome the submission of the Phase 2 Bat Survey Report.*

*The proposal is acceptable on ecology grounds, providing that the biodiversity compensation / mitigation measures and enhancements recommended within the Preliminary Ecological Appraisal and the Phase 2 Bat Survey Report 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. Landscape and Biodiversity Enhancement Plan demonstrating how mitigation / enhancement measures set out in the Preliminary Ecological Appraisal and Phase 2 Bat Survey Report will be implemented*
- 2. Lighting scheme sensitively designed for wildlife*
- 3. Time limit until update ecological surveys required*

*Conditions requested*

## **5.6 Local Residents/Interested Parties**

### **Objectors**

Seventeen letters of objection have been received, 10 letters from residents of Tydd St Giles and 7 letters from outside the District. The objection raised the following concerns:

- Flood Risk/sequential test not passed
- Inadequate Access
- Residential Amenity (Overlooking/noise)
- Ecological/Environmental Impacts
- No pedestrian access
- Sets precedence
- Refuge collection/bin storage
- Tydd St Giles village threshold number already breached
- No neighbourhood plan
- Not a robust consultation
- Character harm
- Backland development
- Emergency vehicle access (Fire/Ambulance)

### **Supporters**

Fifteen letters of support received, 5 letters from residents of Tydd St Giles, 1 letter from Newton on the Isle, 1 from Leverington, 2 from Gorefield and 6 from outside the district. Letters of support state:

- Good Design
- No overlooking
- In village boundary
- Housing stock
- Family home
- Application addressed previous reasons for refusal
- Highway Authority confirmed access suitable
- Progressive in thermal efficiency
- Replacement of a substantial stable block
- Dwelling not visible from Hockland Road

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **National Planning Policy Framework (NPPF)**

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

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

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

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

### **National Planning Practice Guidance (NPPG)**

Determining a Planning Application

### **National Design Guide 2021**

C1 – Context –How well does the proposal relate to the site and its wider context

I1, 2 & 3 – Identity Well-designed, high-quality places that fit with local character

H1 & H2 – Homes and Buildings healthy, comfortable and safe places well related to external amenity space

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP18 – The Historic Environment
- LP19 – The Natural Environment

### **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

- LP1: Settlement Hierarchy
- LP2: Spatial Strategy for the Location of Residential Development
- LP5: Health and Wellbeing
- LP7: Design
- LP8: Amenity Provision
- LP18: Development in the Countryside
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP27: Trees and Planting
- LP32: Flood and Water Management
- LP63: Residential site allocations in Tydd St Giles

### **Delivering and Protecting High Quality Environments in Fenland SPD 2014**

- DM2 – Natural Features and Landscaping Schemes
- DM3 – Making a Positive Contribution to Local Distinctiveness and character of the Area

### **Cambridgeshire Flood and Water SPD 2016**

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and Street Scene**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Highways Safety, Access and Parking**
- **Other Considerations**
  - **Ecology and Biodiversity**
  - **Bin Storage and Refuse Collection**
  - **Planning Consultations**

## **9 BACKGROUND**

- 9.1 An application for a dwelling on site was refused in September 2023. The current application has had slight amendments to the architectural design, siting of the



dwelling and the red line area. The reasons for refusal of the 2023 application were:

#### Reason 1

Policy LP3 of the adopted Fenland Local Plan 2014 sets out the settlement hierarchy within the District, setting out the scale of development considered appropriate to each level of the hierarchy. The application site is situated on existing paddock land on the edge of the settlement and beyond and is therefore classed as being located in an 'Elsewhere' location as defined under Policies LP3 and LP12. In such rural locations development is to be limited to specific uses only within a countryside location. The proposal is for the construction of an unjustified new residential property, not associated with any of the specified criteria and the proposal would therefore be contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014.

#### Reason 2

Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals are required to demonstrate that they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. The proposal is for the construction of a new dwelling on currently paddock land with a close relationship to the wider open countryside. The site is also classed as being backland development.

The result would be a development that results in harm to the existing distinctiveness and open character of the area which would be contrary to policy LP16 of the Fenland Local Plan (2014).

#### Reason 3

Policy LP14 of the Fenland Local Plan 2014 and paragraph 161 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The sequential test has not been passed. It has not been demonstrated that there are no alternative sites within Fenland with a lower probability of flooding. As such the proposal would be contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, Paragraph 161 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 The foot notes of policy LP12 of the Fenland Local Plan 2014 define the developed footprint of a settlement:

\*The developed footprint of the village is defined as the continuous built form of the settlement and **excludes**:

(b)gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement.”

- 10.2 The site currently consists of a stable block on the edge the existing built form of Tydd St Giles. The red line boundary of the site now follows the existing rear boundary of Cirston House and dwellings to the west of the site and does not extend into the open land beyond this. The proposed dwelling would be located almost directly east of Cirston House. Therefore, the site is now considered to relate more to the built form of the settlement than the countryside beyond the settlement.
- 10.3 Policy LP3 of the Fenland Local Plan sets out the District’s strategy for sustainable development, the spatial strategy and the settlement hierarchy. The focus of the majority of growth is in and around the four market towns. Tydd St Giles is a small village where development will be considered on its merits but will normally be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity.
- 10.4 Owing to the red line area of the site now following the existing rear line of the development of the village and the existing positioning of Cirston House the principle of development in this location is considered acceptable subject to further policies being considered below.

#### **Character and Street Scene**

- 10.5 Policy LP16 (d) states the proposal should demonstrate that it makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the built environment 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.
- 10.6 The proposal is for a dwelling to the rear (north) of Sunnyside and east of Cirston House. The site is not under the ownership of residents at Sunnyside. Sunnyside is a 400-year-old traditional pink cottage with a grey slate roof and is of a modest scale comparative to more modern 2-storey dwellings. The ridge height of the proposed dwelling is shown in the submitted street scene as appearing higher than the ridge line of Sunnyside and above the height of the existing conifers located along the boundary between Sunnyside and the application site. However, given the distance which the new dwelling would be set back from Hockland Road this visual impact is not considered to be unacceptable.
- 10.7 To the southwest of the site is Amberley which is a 1.5 storey dwelling with dormers set into the roof. There is a house opposite the site to the rear of Amberley (Cirston House) which is a detached 2-storey white rendered property. The proposed dwelling is 2-storeys albeit with the height limited through having half-dormer windows and utilising the roof space. The proposed dwelling is of a more traditional architectural design than the property opposite at Cirston and sits on a smaller plot than properties surrounding with a smaller garden space. The proposed dwelling materials would be Marley Mendip Old English Dark Red, Anthracite UPVC windows and Vandersanden Flemish Antique Brick. Owing to the mix of materials visible surrounding the site the materials are not considered to harm the character of the area.
- 10.8 The proposed dwelling would be set back from the road more than 60m. And is considered back land development. Cirston House opposite is also considered

backland development and was permitted on appeal. Consequently, it would be difficult to argue that the principle of another backland dwelling in this location would be unacceptable

- 10.9 The rear garden of Sunnyside has large established conifer trees/hedging along the north and west boundary which would mostly screen the proposed dwelling from the road. Back land development in the area is not always considered appropriate however the principle has been established by the granting of the house to the rear of Amberley at appeal (Cirston House).
- 10.10 Due to the variation in architectural design and scale of surrounding dwellings, as well as the lack of views from the public domain of the site, the proposed dwelling is not considered to significantly adversely harm the character of the area.

### **Residential Amenity**

- 10.11 Policy LP16 (e) seeks to ensure that development does not adversely impact on the amenity of neighbours through significant increased noise, light pollution, loss of privacy or loss of light.
- 10.12 Policy LP16 (h) states that development should provide sufficient private amenity space, suitable to the type and amount of development proposed; for dwellings other than flats, as a guide and depending on the local character of the area, this means a minimum of a third of the plot curtilage should be set aside as private amenity space. The proposed development meets this requirement.
- 10.13 The Council's Environmental Health team have considered the application and have no objections. They stated that the increased traffic of 1 or 2 cars would not be considered to pose significant harm to neighbouring amenity in terms of noise or air pollution. Representations have raised concerns over noise during construction however this is considered to be a temporary impact and not one which is material to the determination of the application.
- 10.14 The rear garden of Sunnyside has large established Conifer trees/hedging along the north and west boundary (approx 5.8m high) which would largely prevent overlooking from the proposed dwelling. The proposed dwelling would be approximately 48m away from the rear elevation of Sunnyside which is considered a significant distance and even without the presence of the conifers the distance would limit the chance of overlooking from the proposed dwelling into the rear of Sunnyside. If the conifers were to be removed there may some risk of overlooking of the rear garden of Sunnyside however given the overall length of this garden this is not considered to cause significant demonstrable harm and would not warrant refusal of the application.
- 10.15 Cirston House to the west would be approximately 18m away from the western elevation of the proposed dwelling. There are no windows proposed on the western elevation of the proposed dwelling.
- 10.16 The proposed dwelling would face onto the conifers to the rear of Sunnyside. The Conifers would be approximately 3.7m away from the windows in the front elevation of the proposed dwelling and approximately 5.8m in height. Therefore, owing to the position of the dwelling it is not considered that there would be significant overshadowing or loss of light into the proposed dwelling that would harm the amenity of future occupiers. The site is approximately 440msq and the amenity space available would be approximately 156msq which works out at more than 1/3 of the plot.

10.17 Owing to the position of the proposed dwelling, the distance between properties, window positions and existing boundary treatments, no significant harm to residential amenity is anticipated in terms of overlooking, loss of light, noise or overshadowing. Therefore, the proposal is considered acceptable under policy LP16 (e) and (h) of the Fenland Local Plan 2014.

### **Flood Risk and Drainage**

10.18 Planning policy LP14 (B) states that all development should adopt a sequential approach to development on sites that are considered at risk of flooding, development on these sites will only be permitted following the successful completion of a sequential test, and where necessary an exception test. The proposal should demonstrate the need for the development. A Flood Risk Assessment should be submitted to include flood risk management detail and appropriate safety measures and a positive approach to reducing flood risk overall.

10.19 The proposal is located within Flood Zone 2 (Access) and 3 (Main dwelling) and the application has been accompanied by a Flood Risk Assessment. The NPPF and Cambridgeshire Flood and Water SPD requires that in high-risk flood zones a site-specific flood risk assessment is also required and that the proposed mitigation measures can protect against flooding. The submitted sequential test within the Flood Risk Assessment clearly identifies relevant applications for new dwellings in the parish and then goes on to say whether work has commenced or been completed. The sequential test identifies 4 sites available for development that have not commenced but has stated they are at a 'similar' level of flood risk. All of these sites would be sequentially preferable given permission are already in place.

10.20 Additionally, application F/YR22/0674/O is one of the permissions granted that the sequential test states is of a similar flood risk level however on looking at the documents submitted with that application that site is located within Flood Zones 1 and 2. Therefore, it is clear from the submitted information that there are sequentially preferable sites available and the sequential test has not been passed.

10.21 The determination of the application has been delayed owing to additional information being requested by statutory consultees. Subsequent to the application and sequential test being submitted, application F/YR24/0034/O has been granted permission and represents a further sequentially preferable site.

10.22 The Environment Agency Surface Water Flood Risk Maps indicate no recognised surface water flood issues at the site. It is recognised that there are drainage issues at Sunnyside but these are considered to be a localised issue. Should planning permission be granted for a new dwelling then a condition requiring a surface water drainage strategy could be imposed.

10.23 The Cambridgeshire Flood and Water SPD states what should be considered under the exception test. The SPD states that the assessment of wider sustainability benefits should refer to the Local Plans' Sustainability Appraisals, which identify key sustainability issues and objectives for each district. The Flood Risk Assessment states that the proposal meets the Exception test by meeting the demand for rural housing and by obtaining a high-grade dwelling with triple glazing, solar panels and an air source heat pump and by detailing flood mitigation measures. Whilst triple glazing, solar panels and an air source heat pump contribute to the sustainability goals set out in the Fenland Local Plan they are relatively commonplace in modern development and not considered an exception

to the rule. The flood mitigation measure stated are: a first floor for safe haven, all bedrooms on the first floor, occupants should sign up to the flood warning system run by the Environment Agency and finished floor levels proposed to be 0.3m above surrounding ground level with flood resilient construction 0.3m above finished floor levels. Demand for additional housing is not relevant when assessing the Exception test.

10.24 The sequential and exception tests are not considered passed and therefore the proposal is considered contrary to policy LP14 of the Fenland Local Plan 2014.

### **Highways Safety and Parking**

10.25 Policy LP15 states that development schemes should provide well designed, safe and convenient access for all.

10.26 Policy LP15 of the Fenland Local Plan 2014 states that development schemes should provide well designed car parking appropriate to the amount of development proposed, ensuring that all new development meets the councils defined parking standards as set out in Appendix A. The Fenland Local Plan 2014 Parking Standards require dwellings with up to 3 bedrooms to have 2 appropriately sized parking spaces available which may include a garage.

10.27 The submitted plan shows an appropriately sized garage for 1 parking space and sufficient room to the front of the garage for a second parking space. There is an area to the front of the property set for vehicles to be able to turn on site and leave in a forward gear.

10.28 A number of representations received objecting to the proposals raised concerns over the safety of the access to the site. The Highway Authority were consulted on the proposal and have no objections, stating: "The access appears to have appropriate visibility for the speed limit on Hockland Road linked to access which to scale 5m wide would appear to be appropriate for the shared use private driveway".

10.29 Therefore, the proposal is considered acceptable in terms of LP15 and Appendix A of the Fenland Local Plan 2014.

### **Other Considerations**

#### **Ecology and Biodiversity**

10.30 Policy LP19 of the Fenland Local Plan 2014 states that the council will work to conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland. Permission should be refused when it is considered that the proposal would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweighs the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.

10.31 The site is located in a Great Crested Newt amber zone. The first Ecology consultation response states that the proposed amphibian and small mammal mitigation measure are acceptable and should be conditioned. The proposal includes the demolition of an existing stable block. The ecologist requested a PEA and Bat survey which were submitted. The Ecologist has no remaining objections as no significant harm is anticipated and mitigation measures are considered appropriate and should be conditioned.

10.32 The proposal is therefore considered acceptable under policy LP19 of the Fenland Local Plan 2014.

#### Bin Storage and Refuse Collection

10.33 The submitted plans show bin storage for the site located along the private driveway close to the entrance from Hockland Road and to the front of Amberley. This is not considered ideal however it mirrors the arrangements for Cirston House and as such is not considered unacceptable.

#### Planning Consultations

10.34 Adjoining neighbours were notified of the application, and a site notice erected in line with the relevant statutory requirements.

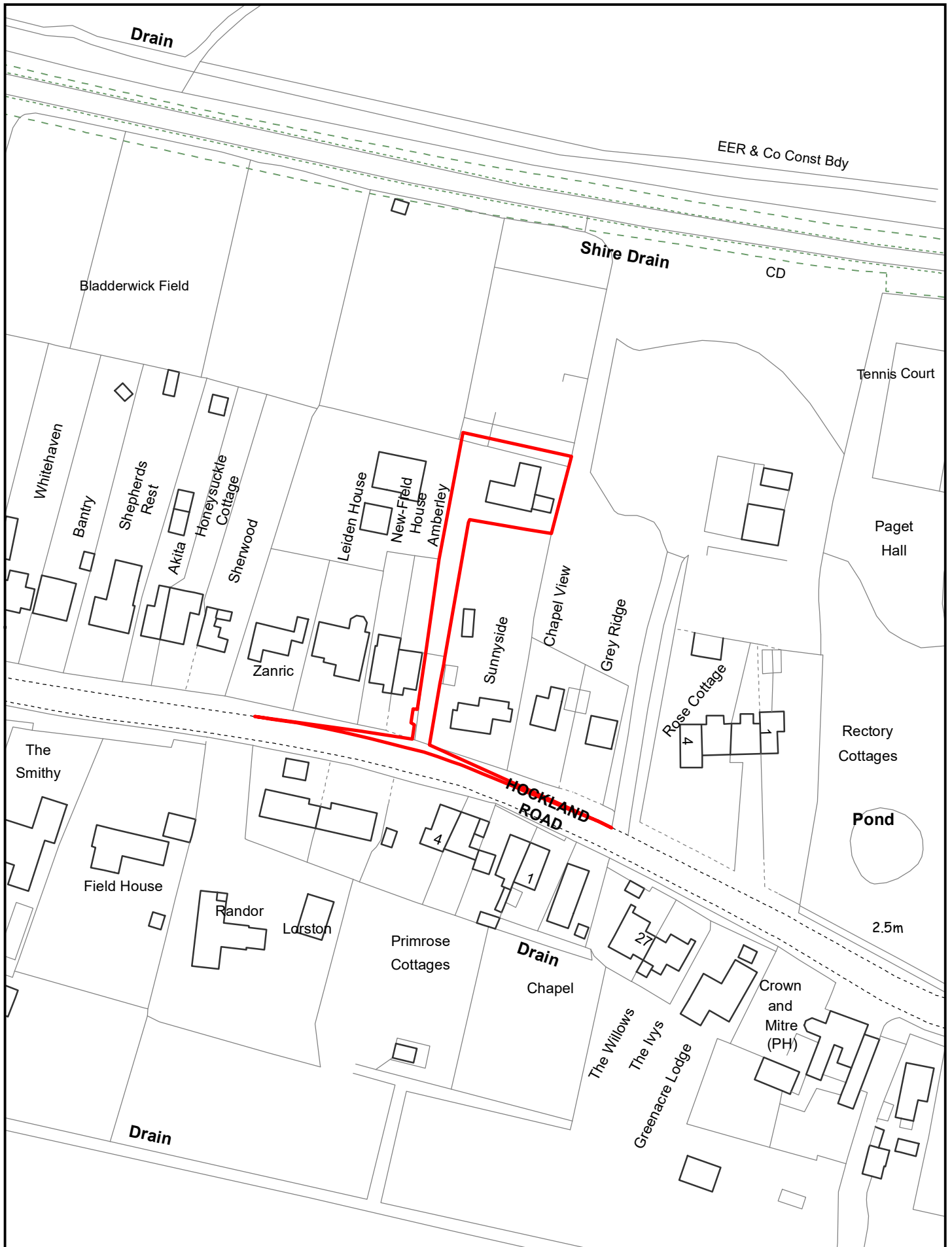
## 11 CONCLUSIONS

11.1 The broad principle of the development is considered acceptable, and no adverse character or amenity impacts have been identified. However, the sequential test and exception test have not been passed. Therefore, the proposal is considered unacceptable under policy LP14 of the Fenland Local Plan 2014.

## 12 RECOMMENDATION

**Refuse;** for the following reason:

1	Policy LP14 of the Fenland Local Plan 2014 and paragraph 167 of the National Planning Policy Framework state that all development should adopt a sequential approach to flood risk from all forms of flooding. Development in areas known to be at risk of flooding will only be permitted following the successful completion of a sequential test and exception test as necessary. The sequential test has not been passed. It has not been demonstrated that there are no alternative sites within Tydd St Giles with a lower probability of flooding. Additionally, no acceptable measures have been submitted which would render the Exception Test as being passed either. As such the proposal would be contrary to the requirements of Policy LP14 of the Fenland Local Plan 2014, Paragraph 167 of the National Planning Policy Framework and the Cambridgeshire Flood and Water Supplementary Planning Document.
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Created on: 11/01/2024

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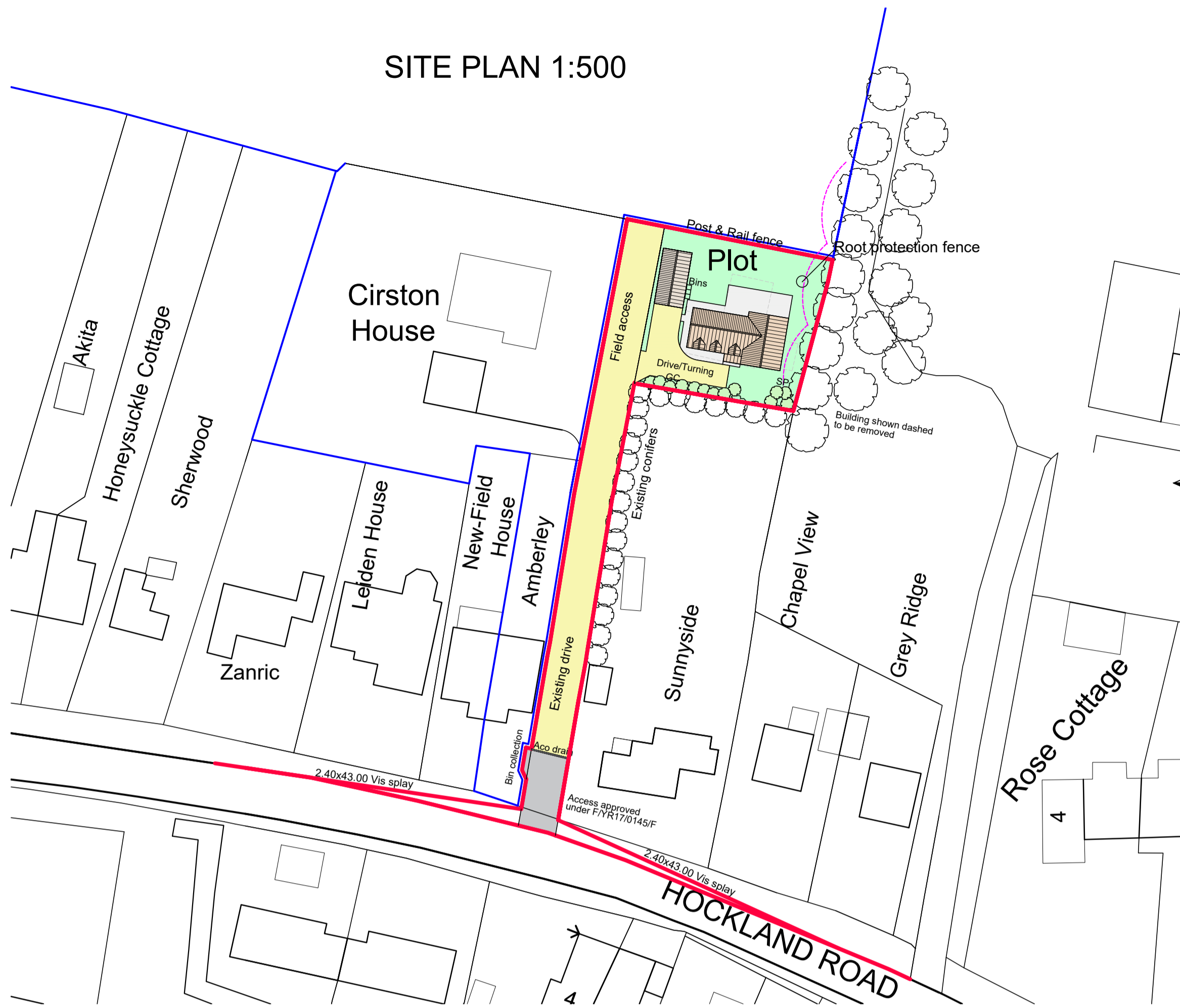
**F/YR23/1073/F**

Scale = 1:1,250





SITE PLAN 1:500



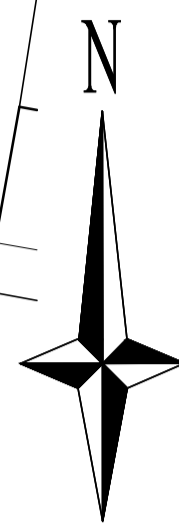
Beaumaris Woodstone Bat box  
South East Elevation



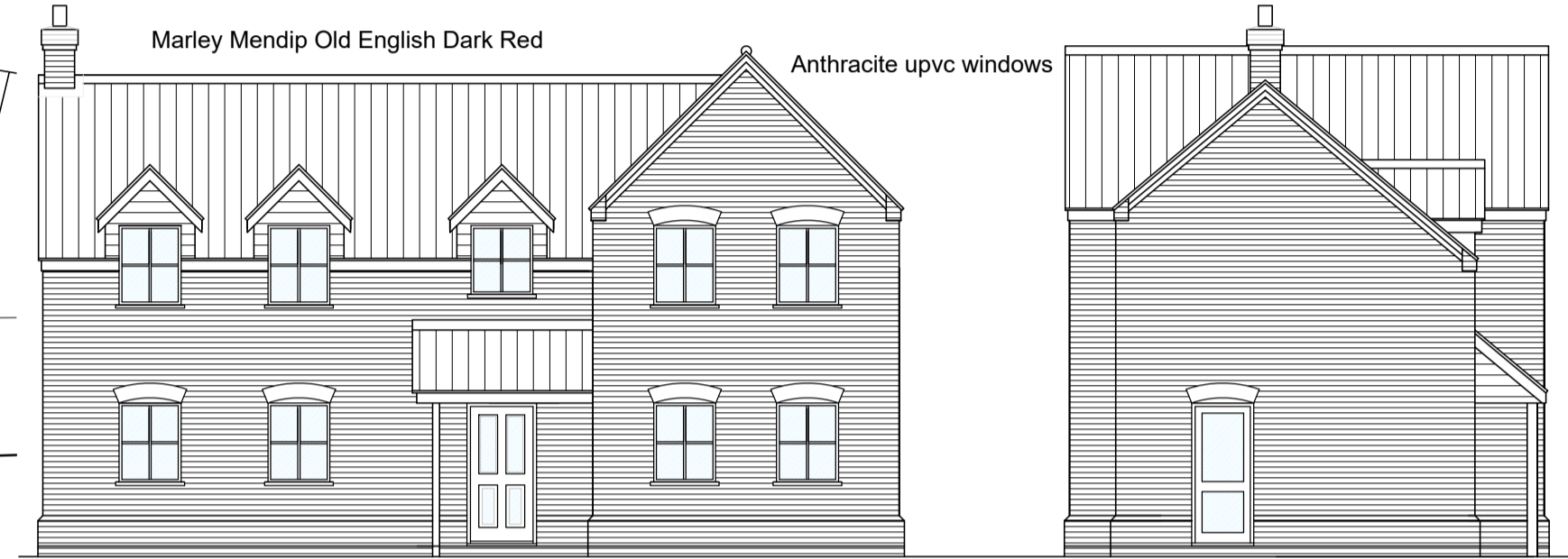
Schwegler triple cavity swift box  
East elevation



Boundary fence to have 1 hedgehog gravel board to each boundary



LOCATION PLAN 1:1250



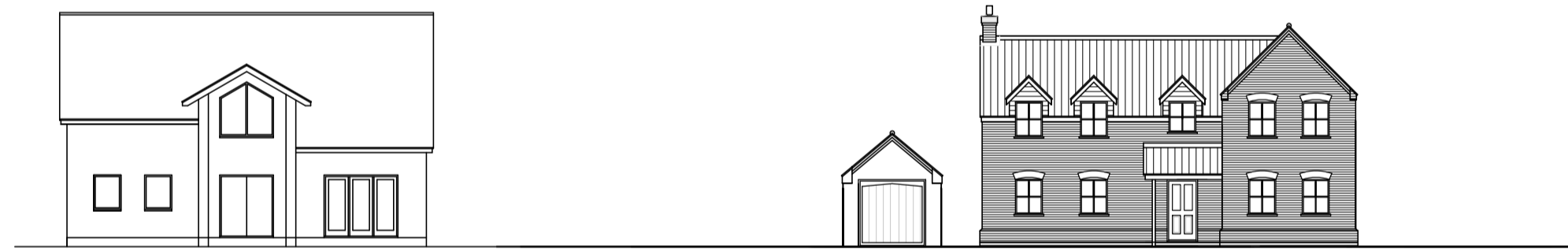
FRONT ELEVATION  
SCALE 1:100

SIDE ELEVATION  
SCALE 1:100

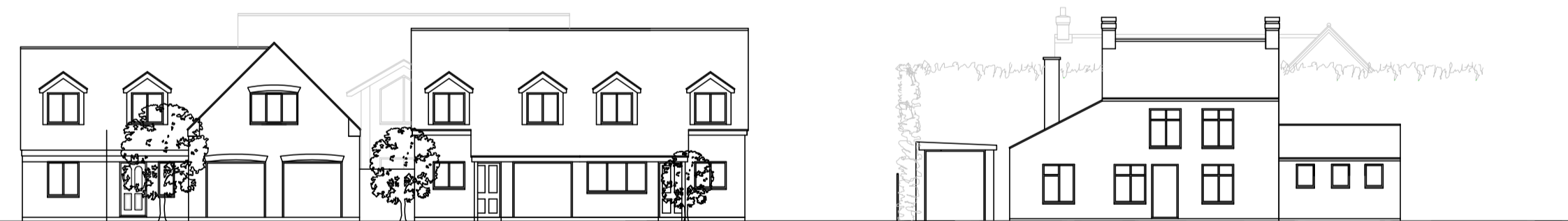


REAR ELEVATION  
SCALE 1:100

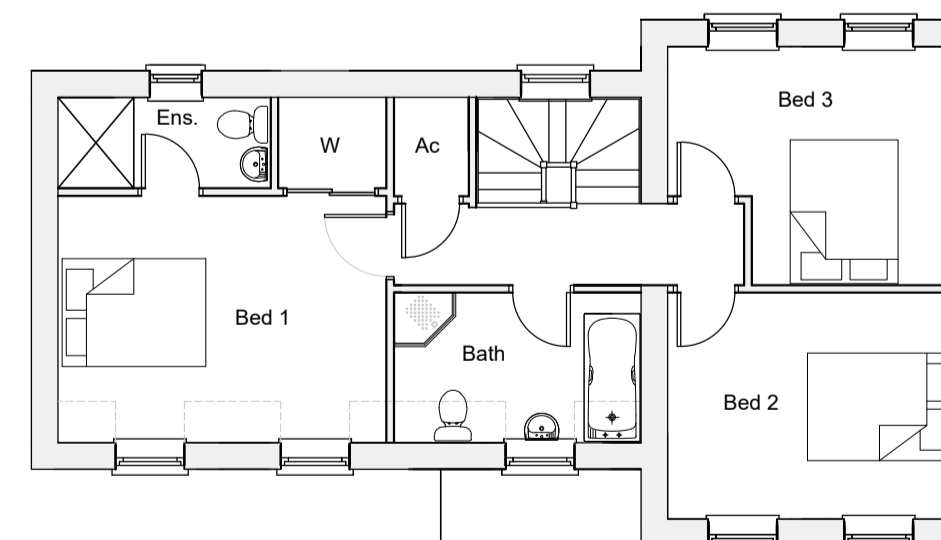
SIDE ELEVATION  
SCALE 1:100



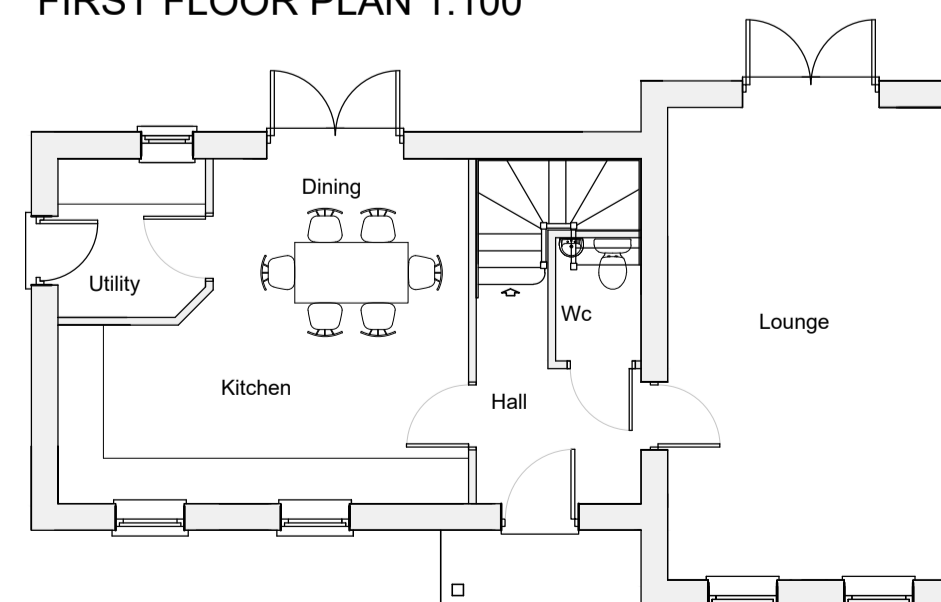
INTERNAL STREET SCENE  
SCALE 1:200



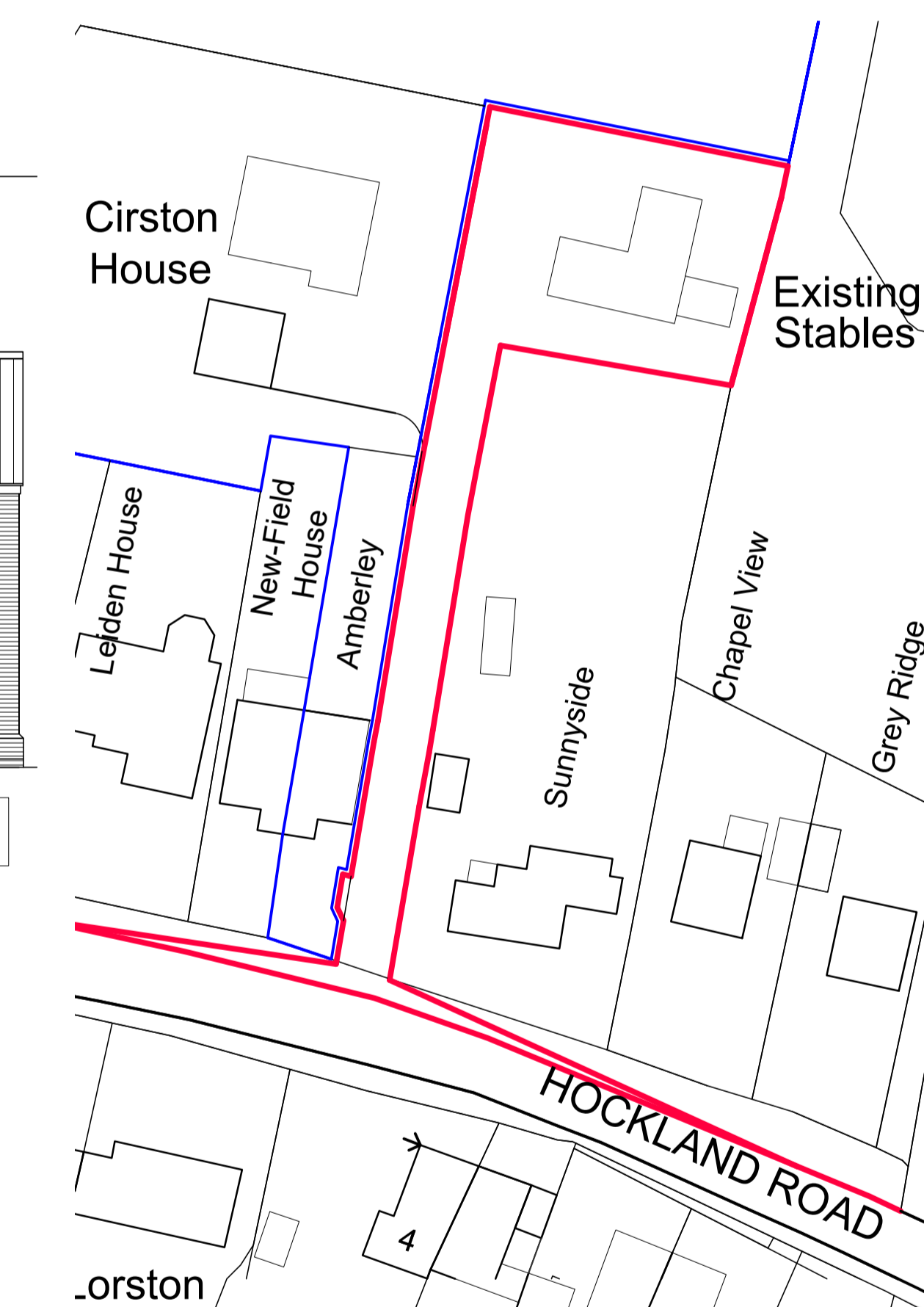
Hockland Road street scene  
SCALE 1:200



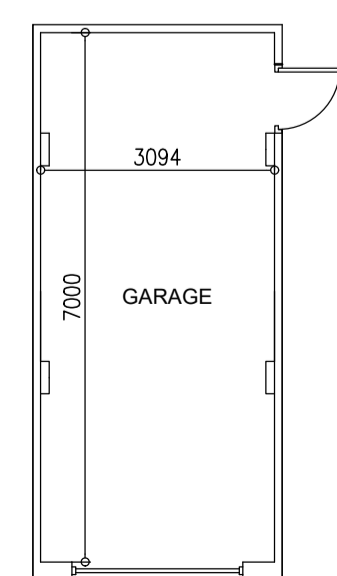
FIRST FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100



EXISTING SITE PLAN 1:500



Floor Plan 1:100

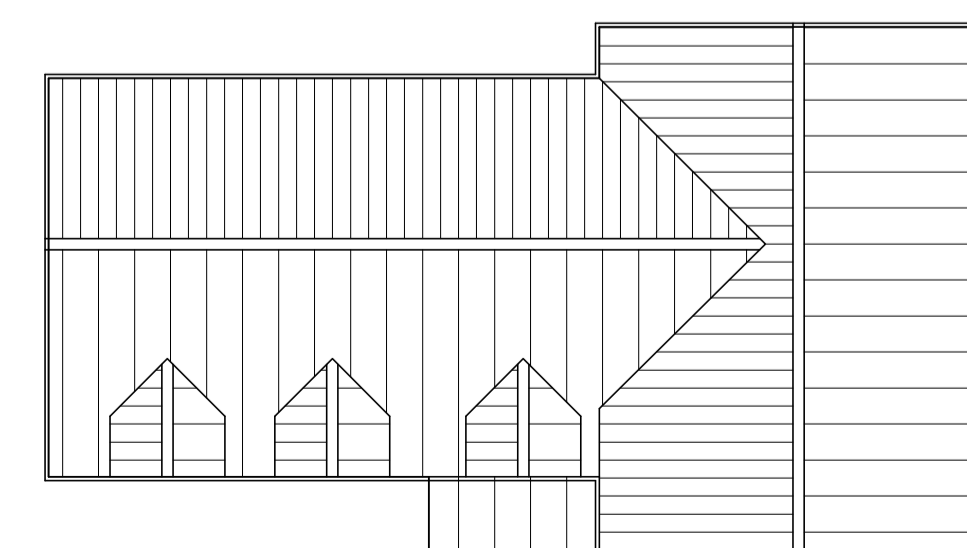


Front Elevation 1:100

Side Elevation 1:100

Rear Elevation 1:100

Side Elevation 1:100



ROOF PLAN 1:100

SP SHRUB PLANTING TO INCLUDE  
BARBERY (BERBERIS) GUELDER ROSE (VIBURNUM)  
BUDDLEIA DAVID FORSYTHIA X INTERMEDIA LYNWOOD  
MOCK ORANGE (PHILADELPHUS) SNOWY MESPILUS (AMELANCHIER)  
C3 POT SIZE  
PLANTING SIZE 40-60cm  
PLANTED AT 750mm cts

GC GROUND COVER PLANTS  
COTONEASTER HORIZONTALIS,  
HEDERA HELIX, LAVANDULA SPICA  
6 PLANTS PER METRE SQ.

PLANTING SIZE 1.200m height  
Planted at 450mm cts in a staggered double  
row 450mm apart

REVISIONS



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CLIENT

MRS STEWART

PROJECT

PROPOSED DWELLING

SITE

EAST OF CIRSTON HOUSE  
HOCKLAND ROAD  
TYDD ST GILES  
PE13 5LF

DRAWING

PLANNING

JOB NO.

6759-PL02

PAPER SIZE

A1

DATE

NOV 2023

Notes:  
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Peter Humphrey Associates' form of appointment with the client confirms whether  
the agent is appointed as 'Designer' or 'Principal Designer' under these  
regulations. Nevertheless, the design phase has been carried out with due  
consideration for the safety during construction, occupation and maintenance of  
the finished project. No extraordinary hazards or risks were identified outside of  
the routine construction operations that would not already be apparent to a  
competent contractor.