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**F/YR24/0551/O**

**Applicant: Mr J Webb**

**Agent : Mr G Boreham  
Morton & Hall Consulting Ltd**

**Land South Of 34A To 34H, Newgate Street, Doddington, Cambridgeshire**

**Erect up to 3 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

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

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**Government Planning Guarantee**

**Statutory Target Date For Determination: 30 August 2024**

**EOT in Place: Yes**

**EOT Expiry: 23 October 2024**

**Application Fee: £1734**

**Risk Statement:**

**This application must be determined by 23<sup>rd</sup> October 2024 otherwise it will be out of time and therefore negatively affect the performance figures.**

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**1 EXECUTIVE SUMMARY**

- 1.1 This application seeks outline planning permission for the erection of 3 dwellings with matters committed in respect of access.
- 1.2 The application site is in Flood Zone 3, and is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests. As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and as such, should be refused on the basis of a lack of demonstrable evidence that the scheme would be acceptable in respect of flood risk.
- 1.3 Thus, given the following consideration of these planning policies, the proposal is considered unacceptable with regard to Flood Risk and is recommended for refusal.

**2 SITE DESCRIPTION**

- 2.1 The application site is located to the rear of 34A-34H Newgate Street and is presently paddock land with residential properties to the east of the site. The site is bounded by close boarded fencing.

2.2 The site falls within Flood Zone 3, with the access road falling within Flood Zone 1.

### 3 PROPOSAL

3.1 This application seeks outline planning permission for the erection of 3 dwellings with matters committed in respect of access. This would utilise the existing access track between Nos. 34 and 34A. The indicative layout shows 3 dwellings with parking space to the front and private amenity space to the rear.

3.2 Full plans and associated documents for this application can be found at: [F/YR24/0551/O | Erect up to 3 x dwellings \(outline application with matters committed in respect of access\) | Land South Of 34A To 34H Newgate Street Doddington Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/F/YR24/0551/O)

### 4 SITE PLANNING HISTORY

Pertinent planning history:

Reference	Description	Decision
F/YR16/0930/F	Erection of 3 x 2-storey 4-bed dwellings with detached double garages (Plots 1 and 3) involving demolition of garage  (Land South Of 32C To 34A Newgate Street Doddington)	Granted 08/12/2016
F/YR15/0222/O	Erection of 2 dwellings involving demolition of existing stables  (Land South Of 32D - 34H Newgate Street Doddington)	Granted 12/05/2015
F/YR14/1014/O	Erection of 4no dwellings (max) involving demolition of existing stables  (Land South Of 32D - 34H Newgate Street Doddington)	Refused 12/02/2015
F/YR05/1458/F	Erection of 4 x 3-bed semi-detached houses and 2 detached garage blocks	Granted 24/03/2006

### 5 CONSULTATIONS

#### 5.1 Doddington Parish Council

*At last nights meeting of Doddington Parish Council members objected to the above planning application on the basis that the site is located in Flood Zone 3 on the Environment Agency Flood Risk Extract Map. Despite comments made in the Flood Risk Assessment, no consideration appears to have been given over the very soft and boggy condition that the ground shows following a period of rain.*

#### 5.2 FDC Environmental Health

*I confirm receipt of the above application details and have considered the implications of the proposed development in terms of:*

*Noise  
Air pollution  
Contaminated land  
Artificial light*

*I conclude that there are no 'No Objections' to the proposal from an Environmental Health standpoint.*

### **5.3 CCC Highways**

#### *Recommendation*

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

#### *Comments*

*The applicant has proposed a shared use access this being 5m wide for the first 10m, which is acceptable to the LHA. The development also benefits from an existing access with the highway.*

#### *Conditions*

*Vehicle access - Prior to first occupation the vehicle access will be constructed as per the approved plans and be a minimum of 5m for the 10m in to the property.*

#### *Informatives*

*Works in the Public Highway*

### **5.4 Local Residents/Interested Parties**

1 letter of objection has been received with regard to this application from an address point at Newgate Street. The reasons for objection are summarised as follows:

- Boundary wall damage between 34 and 34a Newgate Street due to large vehicles accessing the site during the development of other properties
- Parking and access
- Contractor vehicle parking
- Mental Wellbeing

21 letters of support have been received with regard to this application (10 from Newgate Street; 2 from Thistledown; 2 from Ronalds Way; 1 from Benwick Road; 1 from Church Lane; 1 from New Street; 1 from Kingsland Close; 1 from Cowslip Close; 1 from High Street and 1 from The Rowans ). The reasons for support are summarised as follows:

- Dwellings next to the site with infrastructure installed
- Infill
- Additional housing for village
- Security
- Family homes
- In keeping
- Parking
- Not visible from streetscene
- Support village amenities

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

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

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

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

Determining a Planning Application

### **7.3 National Design Guide 2021**

Context

Identity

Built Form

Movement

Homes and Buildings

### **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy

- LP4 – Housing
- LP12 – Rural Areas Development Policy
- LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
- LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
- LP16 – Delivering and Protecting High Quality Environments across the District
- LP19 – The Natural Environment

## 7.5 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
- LP20: Accessibility and Transport
- LP22: Parking Provision
- LP24: Natural Environment
- LP25: Biodiversity Net Gain
- LP28: Landscape
- LP32: Flood and Water Management

## 7.6 Supplementary Planning Documents/Guidance

Cambridgeshire Flood and Water SPD (2016)

## 8 KEY ISSUES

- Principle of Development
- Character and Amenity
- Access and Parking
- Flood Risk
- Biodiversity

## 9 BACKGROUND

- 9.1 As detailed within the planning history section above, application reference F/YR16/0930/F was granted for the erection of 3 dwellings opposite the site, utilising the same access road. It should be noted that this site is situated predominantly within Flood Zone 1 (dwelling and access). The garage and area to the front of Plot 3 is situated within Flood Zone 3.
- 9.2 Application reference F/YR15/0222/O was also approved which included the application site under this application. It should be acknowledged however that the site area under this application was proposed to be utilised as paddock land associated with the 2 dwellings only.

9.3 Application reference F/YR14/1014/O which incorporated the current site was refused for the following reason:

1. *The proposal is contrary to LP14 of the Fenland Local Plan and Section 10 of the National Planning Policy Framework in that the development is located in a high risk flood area and the applicant has not provided any evidence to establish that there are no other reasonably available sites in areas with a lower probability of flooding. The proposal therefore fails the sequential approach to flood risk as the development will result in an unwarranted intrusion into an area susceptible to flooding.*

9.4 Application reference F/YR05/1458/F was also approved, albeit under a previous development plan. However, it should be noted that the site area under this application was proposed to be utilised for garage blocks, not dwellinghouses.

9.5 In summary, there is no planning history on the site itself for dwellinghouses.

## **10 ASSESSMENT**

### **Principle of Development**

10.1 Policy LP3 of the Fenland Local Plan 2014 states that Doddington is identified as a Growth Village where 'development and new service provision either within the existing urban area or as small village extensions could be appropriate.

10.2 Having regard to the site in the context of the village, it is concluded that the site would fall within the built settlement. As such the principle of development for three market dwellings is acceptable, subject to compliance with relevant policies of the development plan.

10.3 In this regard, Local Plan policy LP12 (Part A) sets out criteria (a - k) for new development in village locations, which are required to be met. These are considered below.

### **Design Considerations and Visual Amenity of the Area**

10.4 Details of appearance, layout, scale and landscaping are to be submitted at Reserved Matters stage. The submitted indicative site plan offers limited details with respect to these matters, albeit it does detail an indicative layout of the three dwellings, alongside parking spaces and private amenity space. The plots appear suitably sized to allow for appropriate levels of amenity for future occupants.

10.5 The application site respects the natural boundaries of the site and will not result in incursion into the agricultural land to the east. Providing the natural boundaries at the site are suitably retained, it is likely that the site can be appropriately developed to maintain the overall residential character of adjacent dwellings without detriment to the character and appearance of the area and to offer acceptable levels of residential amenity.

10.6 Neighbouring comments are acknowledged with regard to the impact that building works on site will have neighbouring properties. It is not considered that the erection of 3 dwellings would significantly impact upon neighbouring amenity.

- 10.7 Neighbouring comments are also acknowledged with regard to damage to a boundary wall from previous developments adjacent to the site. This is a civil matter and not something that can be addressed by the planning authority.
- 10.8 In summary, subject to securing a suitable design at reserved matters stage, development of the site is not anticipated to result in harm to the character of the countryside or the local setting in accordance with policies LP12 (Part A)(a to i)

### **Access and Parking**

- 10.9 Access has been committed at outline stage. The application proposes to utilise the existing access which also serves the development to the east. CCC Highways have raised no objection to the access arrangements proposed subject to conditions. Furthermore, a suitable scheme for parking within the site and sustainable connectivity to the wider highway network is likely to be achievable, subject to detailed design.
- 10.10 As such there are no issues to address with regard to Policies LP12(Part A)(k) LP15.

### **Flood Risk**

- 10.11 The application site is situated predominantly within Flood Zone 3, the area at highest risk of flooding, with only the access road situated within Flood Zone 1. Policy LP12 (Part A) (j) and LP16 (m) seeks to avoid placing people and property in danger from identified risks e.g., flooding. Policy LP14 requires development proposals to adopt a sequential approach to flood risk from all forms of flooding, and states that development in an area known to be at risk will only be permitted following the successful completion of a Sequential Test, an Exception Test, and the demonstration that the proposal meets an identified need and appropriate flood risk management.
- 10.12 The application is accompanied by a Flood Risk Assessment that does not include consideration of the Sequential and Exception Tests and appears to rely on the applicant's advice that there has been no flooding at the site since their ownership and from the review of previous FRA's which advise that there is no known flooding at the site within the last 100 years. The FRA also states that in a flood event, there are many hectares of agricultural land that would flood first. The Flood and Water SPD and national planning practice guidance is explicit in setting out that the existence of defences should be disregarded in undertaking the sequential test, as they can fail.
- 10.13 It is the applicant's responsibility to provide evidence that there are no other development sites at a lower risk of flooding within Doddington, which are reasonably available and appropriate for the proposed development. Reasonably available sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
- 10.14 Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a

flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. It is highly likely that there are a number of sites available within Doddington which could accommodate 3 dwellings (either singularly or in a group).

- 10.15 As such, the proposal fails to accord with the necessary requirements of Policy LP14, the SPD and the NPPF, and the flood risk avoidance aims of the NPPF. Consequently, the proposal would place people and property at an unwarranted danger of flooding and therefore fails to accord with policies LP12 (Part A (j)), LP14 and LP16 (m) of the Fenland Local Plan and the aims of Chapter 14 of the NPPF.

### **Biodiversity**

- 10.16 The application is accompanied by an Ecological Impact Assessment (EIA). The EIA states that no further surveys for protected species are deemed necessary. The EIA does also include a number of mitigation measures to ensure no significant adverse effects result from the development. The EIA also recommends the inclusion of bat and bird boxes. CCC Ecology were consulted on this application, however no consultation comments have been forthcoming. Notwithstanding this, subject to conditions, it is not considered that the proposal would introduce any detrimental impacts upon protected species in accordance with Local Plan policies LP16 and LP19.

### **Biodiversity net gain**

- 10.17 The application form states that the pre-development biodiversity value of onsite habitats is 0.49. The application is accompanied by a BNG Metric, Technical Report and Proposal Plan. The Metric details that 10% BNG can be achieved within the site. It would be expected that a suitable scheme to secure net gain could be secured through reserved matters.

### **Other Matters**

- 10.18 One resident has raised concerns over damage caused by large vehicles and contractor vehicle parking. Given the scale of the development, it is not anticipated that the construction phase would result in any significant issues, subject to various trades observing their obligations in respect of ensuring amenity is protected as far as practicably possible during works.

## **11 CONCLUSIONS**

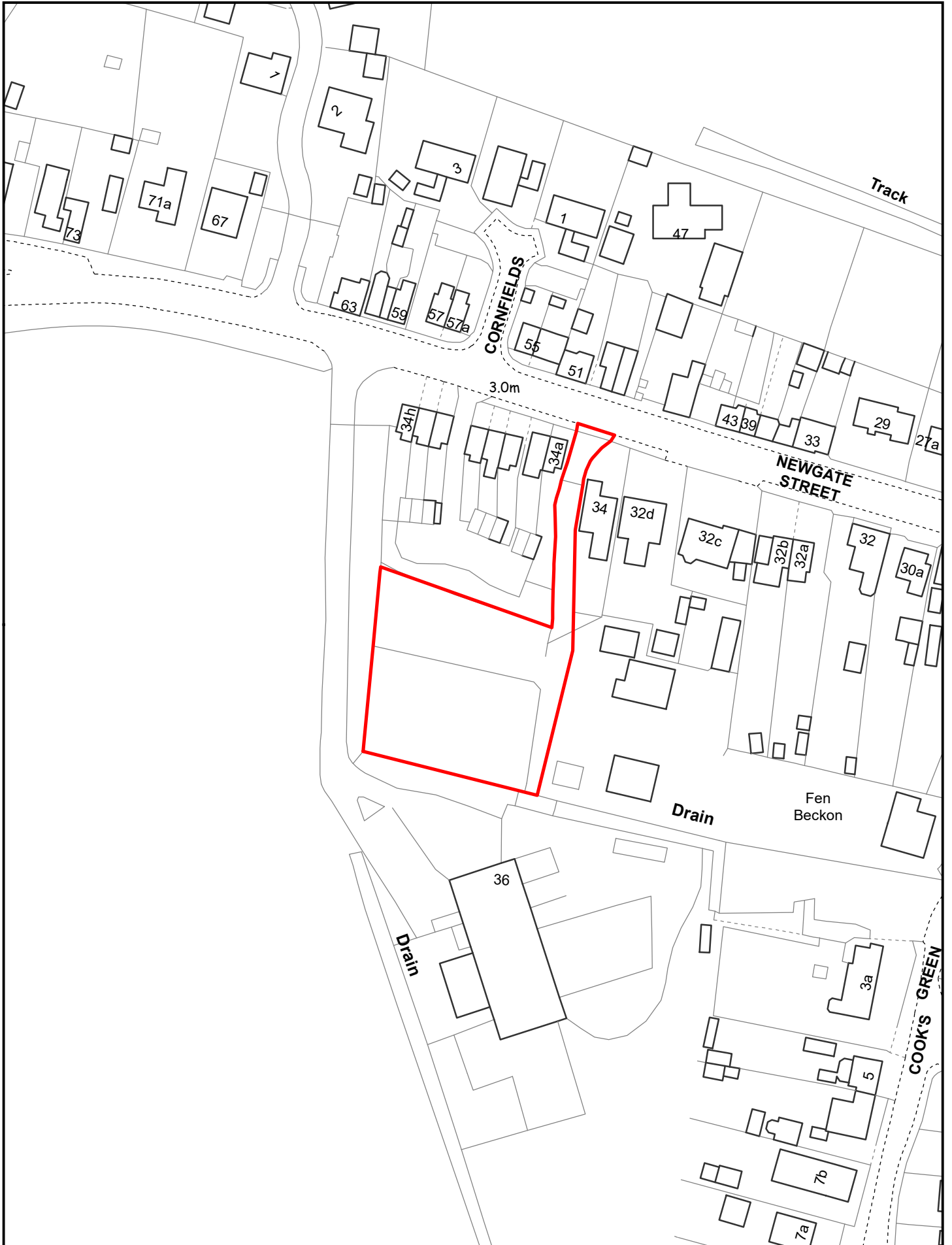
- 11.1 Notwithstanding any issues that could be resolved through submission of a detailed Reserved Matters applications, the application site is situated within Flood Zone 3. The application is not supported by sufficient evidence in respect of the Sequential or Exception tests and is therefore contrary to Policy LP14 and the adopted Cambridgeshire Flood and Water SPD or Section 14 of the NPPF. Furthermore, the development fails to accord with Local Plan policies LP12(Part A) and LP16(m) in that it would put future occupiers and their property at risk of flooding without justification.

## **12 RECOMMENDATION**



12.1 **Refuse**, for the following reason:

1	<p>Policies LP12 Part A (j), LP14 and LP16 (m) of the Fenland Local Plan, Section 14 of the National Planning Policy Framework (2023) and Cambridgeshire Flood and Water Supplementary Planning Document (2016) require development proposals to adopt a sequential approach to flood risk from all forms of flooding. Policy LP14 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.</p> <p>The application does not include evidence in respect of the sequential or exception tests and therefore fails to provide demonstrable evidence that the scheme would be acceptable in respect of flood risk. The proposal is therefore contrary to Policies LP12 Part A (j), LP14 and LP16 (m) of the Fenland Local Plan (2014), Section 14 of the National Planning Policy Framework (2023) and Cambridgeshire Flood and Water Supplementary Planning Document (2016).</p>
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**F/YR24/0551/O**

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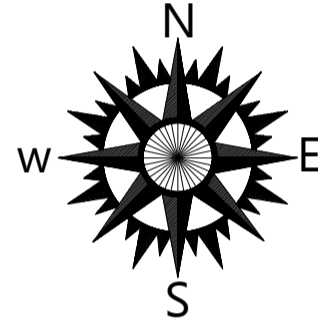




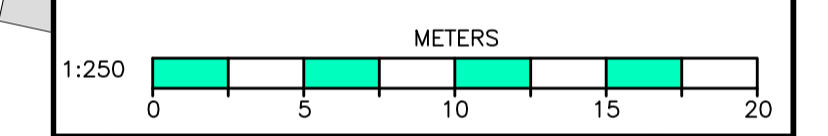
**LEGEND:**

-  EXISTING DWELLINGS
-  PAVEMENT
-  GRASS
-  PERMEABLE BLOCK PAVING (NON SLIP)
-  TARMAC
-  GRAVEL
-  SLAB PAVING
-  WHEELIE BINS
-  HEDGING
-  VEGETATION

**INDICATIVE PROPOSED SITE PLAN (1:250)**



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 Contractor to check all dimensions on site before work starts or materials are ordered. If in doubt ask. All dimensions are in mm unless stated otherwise.  
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 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer  
 All finishes, insulation and damp-proofing to architect's details



A	PLANNERS COMMENTS	JUL 2024
	REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**  
 CONSULTING STRUCTURAL ENGINEERS

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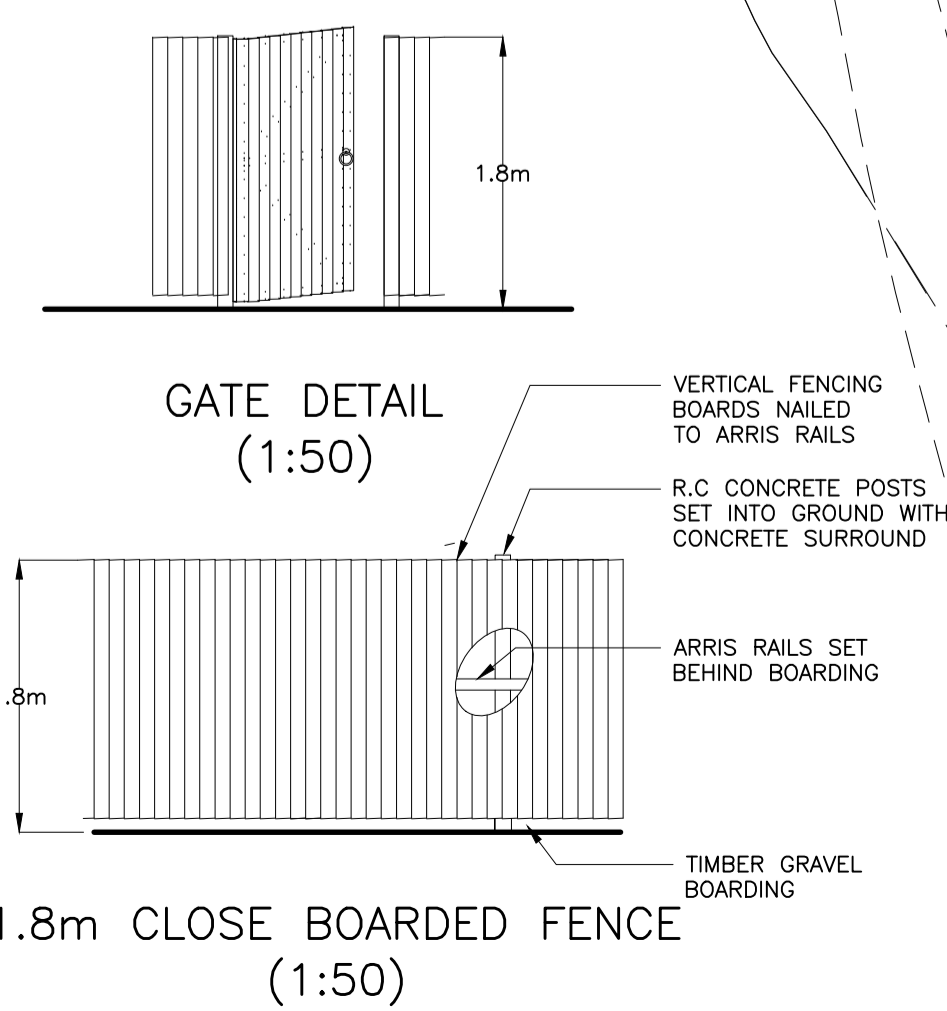
**Fenland District Council**  
 Building Design Awards  
 winner

CLIENT  
 Mr J Webb

PROJECT  
 Land to the Rear of 34 – 34H Newgate Street  
 Doddington, Cambridgeshire  
 PE15 0SR

TITLE  
 Proposed Site Plan  
 With Indicative Layout

DRAWN G. Boreham	DATE OF ISSUE
CHECKED	
DATE Feb 2024	DRAWING NUMBER H9573/03A
SCALE As Shown	

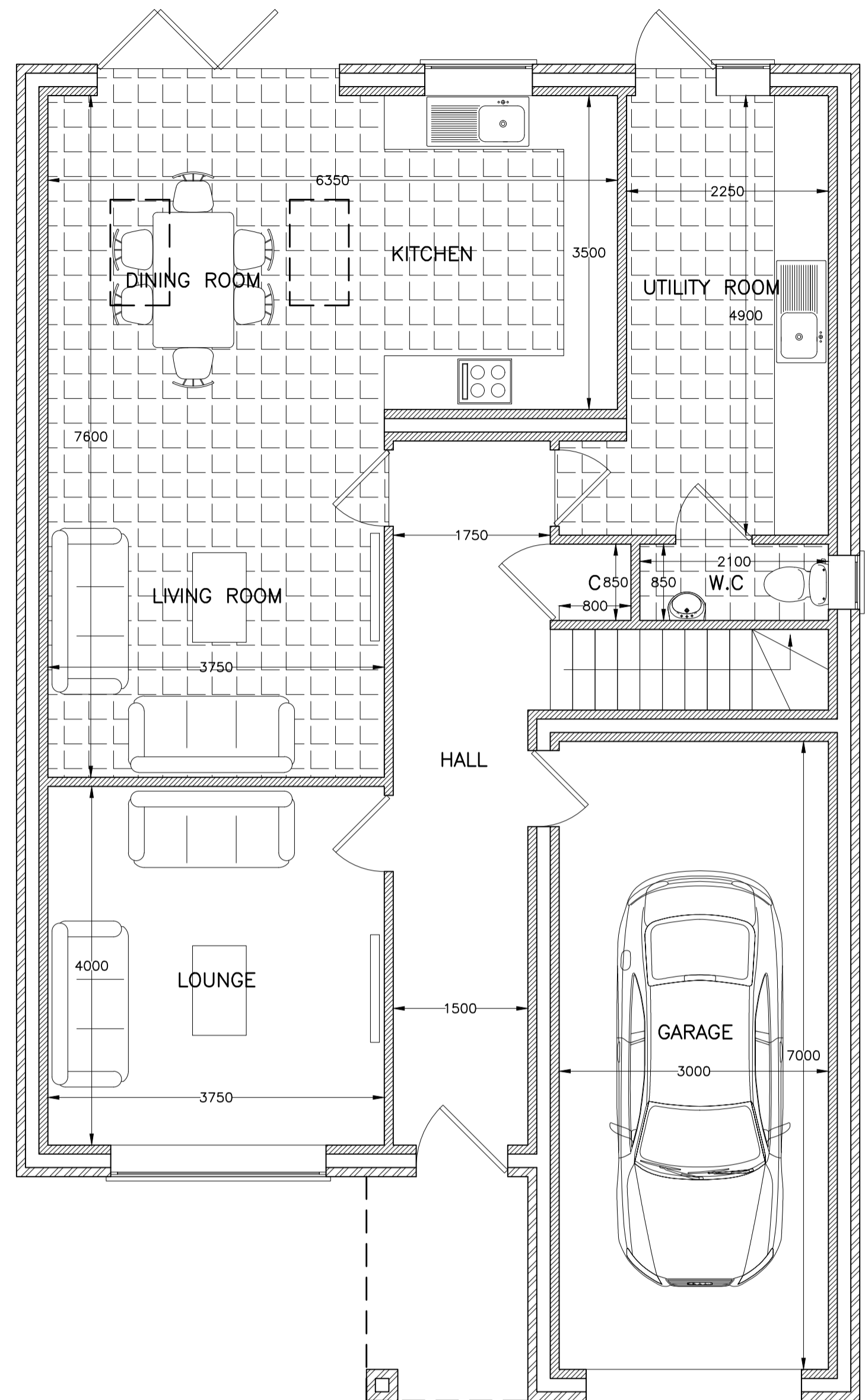


1.8m CLOSE BOARDED FENCE (1:50)

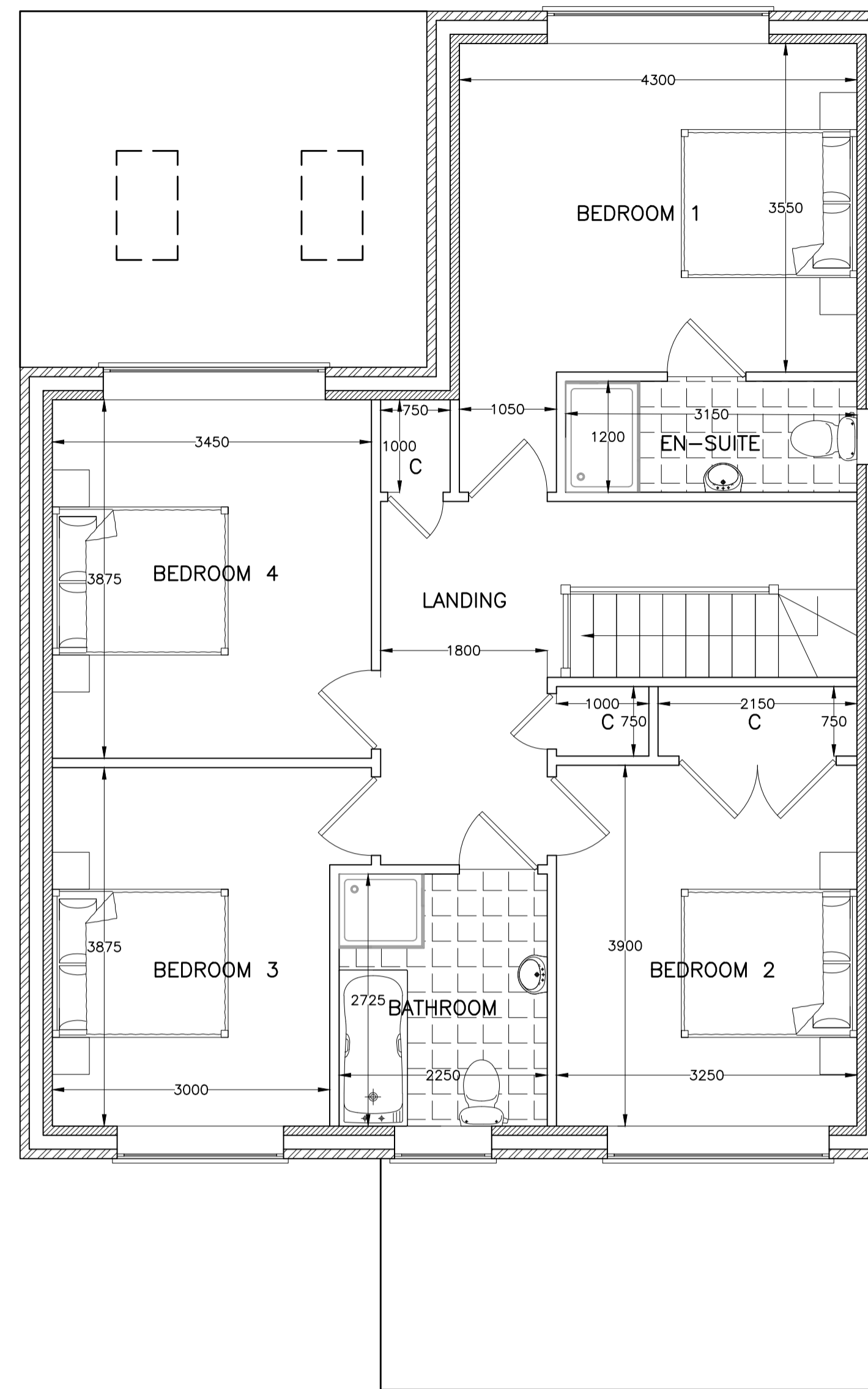
ACCESS APPROVED UNDER APPLICATION F/YR16/0930/F

FIRST 10% OF ACCESS TO BE TO CAMBRIDGESHIRE COUNTY COUNCIL SPECIFICATIONS, DRAINED AND SEALED AWAY FROM HIGHWAY



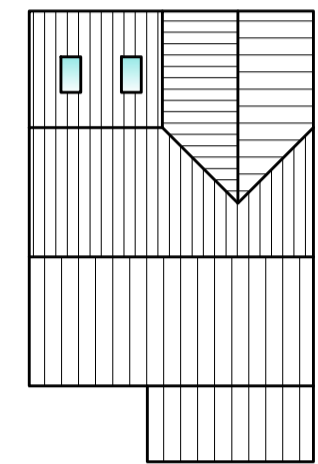


PROPOSED GROUND FLOOR PLAN  
(1:50)



PROPOSED FIRST FLOOR PLAN  
(1:50)

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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
All finishes, insulation and damp-proofing to architect's details



PROPOSED ROOF PLAN  
(1:250)

REVISIONS	DATE

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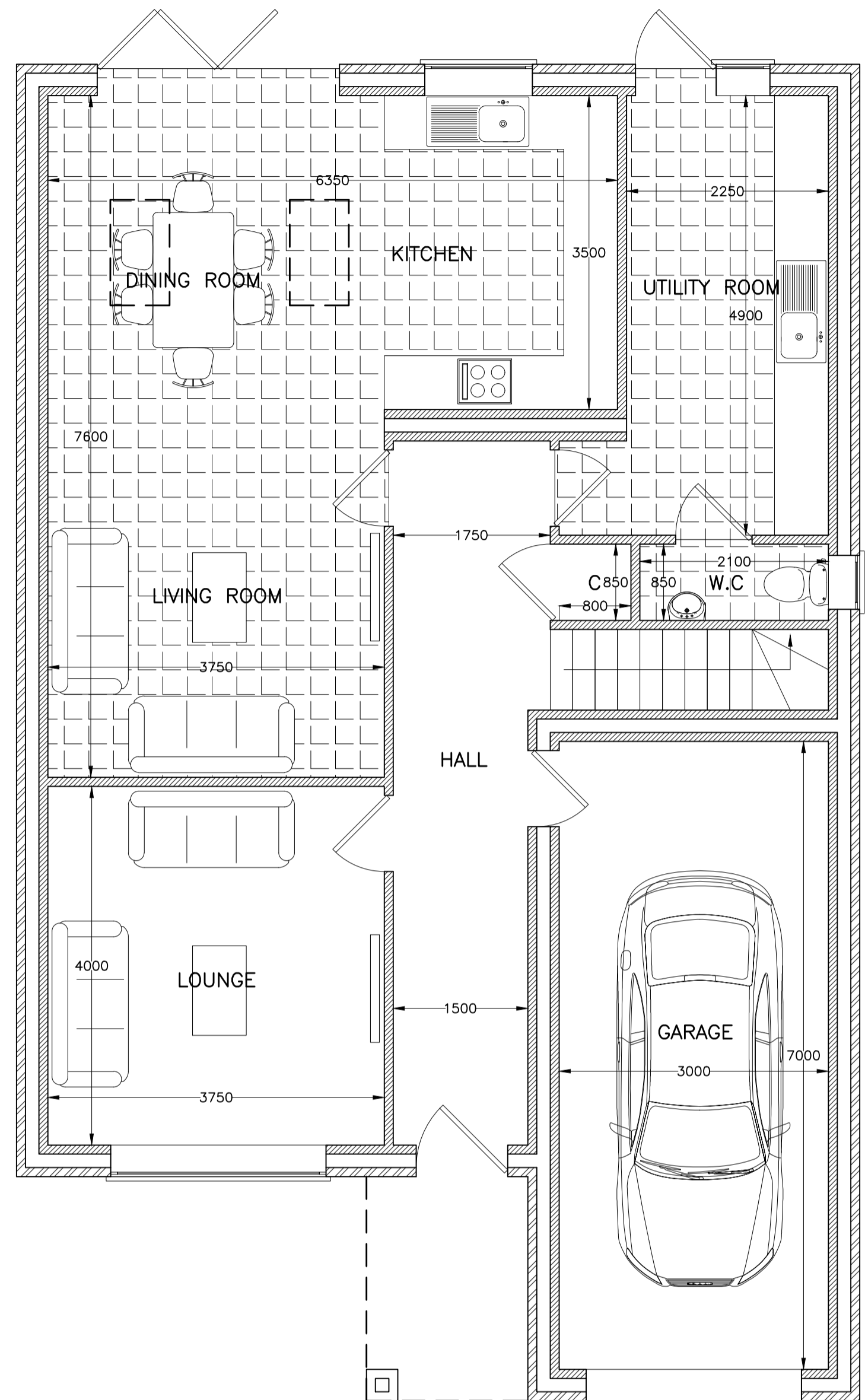
Fenland District Council Building Design Awards winner

CLIENT  
Mr J Webb

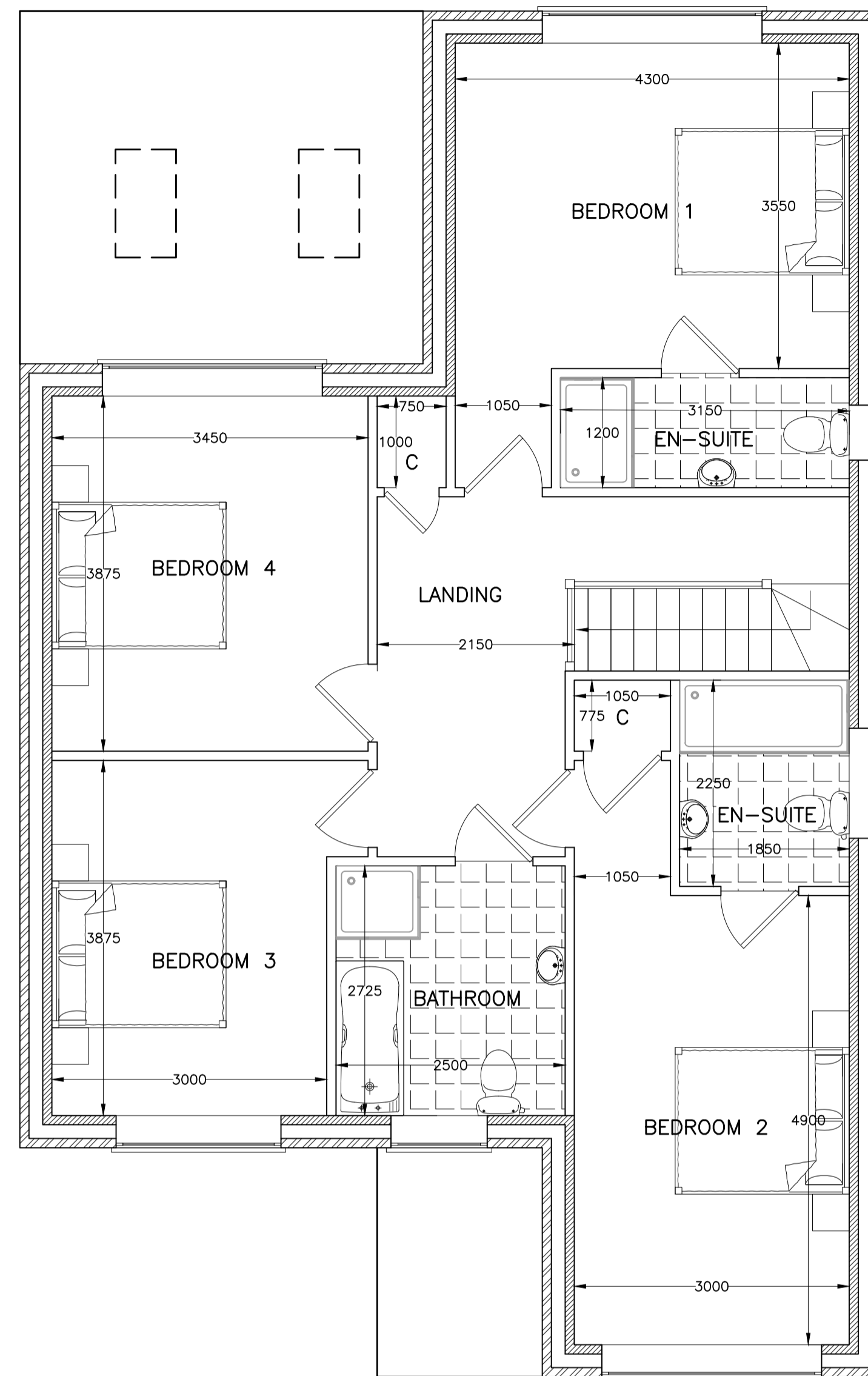
PROJECT  
Land to the Rear of 34 – 34H Newgate Street  
Doddington, Cambridgeshire  
PE15 0SR

TITLE  
Proposed Floor Plans  
INDICATIVE  
Plots 1 & 3

DRAWN G.Bohram	DATE OF ISSUE
CHECKED	
DATE Feb 2024	DRAWING NUMBER H9573/04
SCALE As Shown	

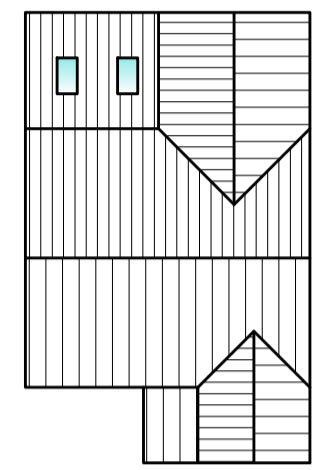


PROPOSED GROUND FLOOR PLAN  
(1:50)



PROPOSED FIRST FLOOR PLAN  
(1:50)

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Building Excellence in Fenland

CLIENT  
Mr J Webb

PROJECT  
Land to the Rear of 34 – 34H Newgate Street  
Doddington, Cambridgeshire  
PE15 0SR

TITLE  
Proposed Floor Plans  
INDICATIVE  
Plot 2

DRAWN G. Boreham	DATE OF ISSUE
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DATE Feb 2024	DRAWING NUMBER H9573/05
SCALE As Shown	