

PLANNING COMMITTEE DATE: 8th February 2023

APPLICATION NO: F/YR22/0935/O

**SITE LOCATION: Land East Of Shallon, Cats Lane, Tydd St Giles,
Cambridgeshire**

UPDATE

Letter received from AAH Planning Consultants dated 30.01.2023

The below letter was received in respect of the reason for refusal on the basis of flood risk/sequential test. Please note, a copy of this letter was sent directly to Members by the signatory of the letter via email on 02.02.2023.

Dear Ms Brooke

Re: Planning Application Ref. F/YR22/0935/O – Land East Of Shallon, Cats Lane, Tydd St Giles

I write on behalf of the applicants, Mr and Mrs Grainger, in relation to the above-referenced application for outline planning permission to erect up to 3 dwellings. The application is accompanied by a flood risk assessment which includes a sequential test. The sequential test search area is limited to the village of Tydd St Giles and this approach was endorsed by the original case officer who was responsible for assessing the application. The applicants are therefore very disappointed that they are now being advised by the Council that a sequential test based on a district-wide search will be required.

There is no disagreement that a sequential test is required. However, the Council appears to have adopted an inflexible approach in relation to the scope of the test. National Planning Policy Guidance (NPPG) states that 'The planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies'. It is therefore clear that the Council has the discretion to agree the search area of the sequential test. The Cambridgeshire Flood and Water Supplementary Planning Document also makes clear that the geographical area over which the test is to be applied may be agreed in discussion with the Local Planning Authority.

However, neither Policy LP14 of the Adopted Fenland Local Plan (2014) nor Policy LP32 of the emerging Fenland Local Plan (2021-2040) provide any guidance in relation to defining an appropriate search area.

In the absence of any clear policy guidance at the local level on how to define the appropriate area of search, it is open to the Local Planning Authority to agree an appropriate search area based on local housing need in line with the approach agreed by the previous case officer.

Although the village boundaries are not formally defined by the Council, the enclosed historical maps clearly show that the village has historically extended to the east of Cats Lane, at least as far as the Manor House. Whilst the buildings have typically been accessed via Hockland Road and Kirkgate to the South, there is evidence of plots spanning between Kirkgate and Cats Lane to the North. More

recently, built form has been introduced to the north of the properties which front onto Hockland Road with access to the new residential accommodation provided from Cats Lane. The application site can currently be accessed via Kirkgate in the centre of the village, as the client's landholding spans from Kirkgate in the South to Cats Lane in the North. However, in order to provide a scheme which is sensitive to the established character of the village, the applicant opted for a frontage design facing Cats Lane. This approach is consistent with other established frontage properties in the area, including 'Shallon' immediately to the west. It can therefore be seen that the application site falls within the natural envelope of the village.

A sequential test has been carried out on a village-wide basis which confirms that there are no other sites that could be considered reasonably available within the village. The flood risk assessment which accompanies the planning application confirms that, during the preparation of this assessment, no evidence was discovered of historical flooding at the site and that the site has a low 'actual risk' of flooding. Moreover, the proposed dwellings will be constructed to minimise risks to future residents and their homes arising from potential future flood events, as per the recommendations within the flood risk assessment. These include the following measures:

- Floor levels of the dwellings will be 0.3m above surrounding ground level
- There will be 0.3m of flood resilient construction above finished floor level
- Sleeping accommodation will be on the first floor

The Council can secure the implementation of these measures through the imposition of appropriate planning conditions in the event that planning permission is granted.

In conclusion, it is within the gift of the Council to agree a locally defined search area for the sequential test. A village-wide approach would be a pragmatic approach that would assist in meeting local housing need. I trust the above information will assist you in your assessment of the planning application.

Yours Sincerely,

Chris Dale BA (Hons) MSc MRTPI
Planning Consultant

Officer response:

In respect of a previous case officer agreeing the area of search for the sequential test as Tydd St Giles only, the LPA has no record of this agreement, nor has evidence been submitted by the applicant nor their representatives to substantiate this claim. Notwithstanding, the requirement of a district wide area of search for the sequential test is in respect of the adopted and consistent stance applied with consideration to Local Plan Policy LP3 (Settlement hierarchy) and Policy LP14 (Managing the risk of flooding) and guidance in this regard within the NPPG and Cambridgeshire Flood and Water SPD.

Therefore, the stance is maintained that the scheme does not satisfy the requirements of the aforementioned policies and should be resisted on flood risk grounds; hence the reason for refusal on grounds of flood risk should remain.

Recommendation: REFUSAL – The above update does not alter the original recommendation as set out on page 148 of the agenda.