
F/YR22/0380/F

Applicant: Mr & Mrs G & L Robinson

**Agent: Mr Jordan Scotcher
Morton & Hall Consulting Ltd**

Land North West Of 35, Doddington Road, Benwick, Cambridgeshire

Erect 1 x dwelling (2-storey 3-bed)

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1. This application seeks to obtain full planning approval for the erection of a 2-storey, 3-bed dwelling on land north west of 35 Doddington Road, Benwick.
- 1.2. The proposal is a direct resubmission of an earlier refused scheme considered under F/YR21/1495/F, that was refused on the basis of backland development and flood risk, contrary to the policies of the Fenland Local Plan. The applicant has made no attempt to address the earlier reasons for refusal, nor have they appealed the original decision; instead opting to obtain 7 letters of support for the scheme to instigate the application being decided by Planning Committee in accordance with the Scheme of Delegation.
- 1.3. It is considered that the earlier reasons for refusal still stand as the scheme herein fails to comply with Policies LP12 and LP16(d) owing to the harm caused to the character and appearance of the area by virtue of the inclusion of backland development. The application has again failed to demonstrate how the development is unable to be accommodated on sequentially preferable sites, thus failing the Sequential Test; nor does the application offer any features to address sustainability, thus failing part (a) of the Exception Test and subsequently remaining contrary to Policy LP14.
- 1.4. The proposal is therefore considered unacceptable with regard to the aforementioned policies and hence is recommended for refusal.

2 SITE DESCRIPTION

- 2.1. The site is located in flood zone 3 on the north side of Doddington Road on the north-eastern fringe of the village of Benwick. The site comprises rear garden land of the host dwelling, No.35.

- 2.2. The host dwelling comprises a two-storey end-of-terrace property constructed of buff brick, with a slate gable roof and white uPVC fenestration. The site frontage includes a lawn front garden bounded by 1.2m picket fencing and gravel driveway to the west side of the dwelling, leading to the rear.
- 2.3. The rear of the site includes a gravel parking area, lawn, domestic outbuildings and a small stable outbuilding with the remainder of the land to the north west appearing as paddock land. The rear of the site is bounded by a mix of low level fencing, hedging and vegetation.

3 PROPOSAL

- 3.1. This application seeks full planning permission to erect a 2-storey, 3-bed dwelling on the site facilitated by the removal of existing outbuildings.
- 3.2. The dwelling is proposed to encompass a total of approximately 11.6m wide by 8.4m deep, each with a small central porch section measuring approximately 3.3m wide by 1.6m deep. The roof will be of a gable style, reaching approximately 6.4m to the ridge and 3.8m to the eaves.
- 3.3. The dwelling will appear as a chalet bungalow style with upper floor accommodation predominantly in the roof space. Upper floor dormer windows with pitched roofs reaching approximately 6m to their ridge are proposed to the front and rear.
- 3.4. The garden land is due to be subdivided widthways to the rear of an existing outbuilding associated with the host dwelling and bounded with 1.2m post and rail timber fencing. The existing access will be shared with the host dwelling and will lead to a gravel parking area providing 2 spaces for the new dwelling and 4 spaces retained for the host dwelling.
- 3.5. The dwelling is proposed to be constructed of Ibstock Lemon Glazed brickwork (or similar) with Sage coloured cladding to the porch section and dormers. The roof is proposed as Marley Edgemere interlocking concrete roof tile, with white uPVC fenestration.
- 3.6. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR21/1495/F	Erect 1 dwelling (3-bed 2-storey)	Refused 09.02.2022
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5 CONSULTATIONS

5.1. Benwick Parish Council

In respect of planning application Erect 1 x dwelling (2-storey 3-bed) at Land North West Of 35 Doddington Road Benwick Cambridgeshire,

This application appears to be almost identical to the application made last year F/YR21/1495/F and therefore our objections remain:-

1. *This application if approved would set a precedent which is not consistent with the unique character of this area of land up to the river in Benwick.*
2. *It is not consistent with the present building line.*
3. *The development raises a serious risk of parking on the highway which is already congested.*
4. *Benwick Parish Council seeks to avoid small individual building erections in the village while significant eyesore brownfield sites remain undeveloped. This policy I note is in line with our Year 2040 Vision as agreed with FDC.*

We request that this application be rejected.

5.2. Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

5.3. Environment Agency

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the relevant Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds.

5.4. CCC Minerals & Waste

Subject to no objections being received from Anglian Water, the MWPA has no objections to this proposal.

5.5. Anglian Water

As the proposed new dwelling is 190m aware from the Water Recycling Centre Anglian Water do not need to make further comments as the risk to its amenity is minimal and we would not expect its amenity to be impaired.

Therefore, we would not require a planning condition.

5.6. Local Residents/Interested Parties

7 letters of support for the scheme have been received from residents of Doddington Road. These letters were of limited detail, all of a similar typed 'pro-forma' style, with individual addresses, signatures and dates input by hand. Reasons for support included:

- Chalet style dwelling
- Additional dwelling within a growth village

One letter of objection to the scheme was also received from a Doddington Road resident. The reasons for objection were detailed as:

- Backfill
- Does not comply with policy
- Environmental Concerns

- Flooding
- Out of character/not in keeping with area
- Visual Impact
- Would set a precedent

The letter also noted that this proposal was very similar to a previously refused scheme.

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) July 2021

Para 2: NPPF is a material consideration in planning decisions.

Para 7: Purpose of the planning system is to contribute to the achievement of sustainable development

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 79: Housing should be located where it will enhance or maintain the vitality of rural communities.

7.2. National Planning Practice Guidance (NPPG)

Determining planning applications

7.3. National Design Guide 2019

Context, Identity, Built Form, 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, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

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

7.5. Supplementary Planning Documents/Guidance

Cambridgeshire Flood and Water SPD (2016)

8 KEY ISSUES

- Principle of Development
- Design and impact on character
- Residential amenity
- Access and sustainability
- Flood risk
- Other matters

9 BACKGROUND

9.1. The scheme submitted within this application is the same as an earlier refused scheme considered under F/YR21/1495/F. The previous scheme was refused under delegated powers for the following reasons:

- 1 By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Doddington Road to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).
- 2 The Sequential Test within the Flood Risk Assessment accompanying the application does not sufficiently justify why it is considered that there are no alternative sites available. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.

9.2. The scheme submitted for consideration herein has been resubmitted by the applicant with no apparent amendments since the earlier refusal. Rather than appeal the earlier refusal decision, or attempt to revise/justify the scheme to address the reasons for refusal, the applicant has seemingly opted instead to generate the necessary letters of support for the application to result in this needing to be decided by the Planning Committee.

10 ASSESSMENT

Principle of Development

10.1. The site is located in Benwick, categorised as a 'Small Village' within Policy LP3 of the Fenland Local Plan; where development will be considered on its merits but will normally be limited in scale to residential infilling. The Fenland Local Plan, under its glossary, defines residential infilling as "Development of a site between existing buildings". The Planning Portal further defines this as "The development of a relatively small gap between existing buildings." The site is proposed to the rear of existing frontage development, and hence the broad principle of developing the site for a single dwelling would be inconsistent with this policy, given its backland nature. However more detailed assessment of the proposal and its impacts must also be given with regard to character and amenity (Policy LP2 & LP16), and any site constraints, i.e. flood risk (LP14), highways (LP15), and servicing (LP16) that would render the scheme unacceptable.

Character and appearance

10.2. Policy LP12 of the Local Plan provides guidance as to the restriction of such development to ensure that it has an acceptable impact on the settlement and its character and requires development to meet certain criteria in order to be supported. The site must be in or adjacent to the existing developed footprint of the village, it must not result in coalescence with any neighbouring village,

and must not have an adverse impact on the character and appearance of the surrounding countryside and farmland.

- 10.3. Similarly, the proposal must be in keeping with the core shape and form of the settlement, without resulting in the extension of linear features or create ribbon development, and must retain natural boundaries, respect ecological features, important spaces etc. Finally, the proposal must be served by sustainable infrastructure, and must not put people or property in danger from identified risks.
- 10.4. In addition, Policy LP16 (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or landscape character of the surrounding area.
- 10.5. Within the vicinity of the site, Doddington Road includes a mixture of single and two-storey detached and terraced properties of mixed ages and characters. The host dwelling No.35 is the westernmost dwelling of a group of 4 terraced properties, all of similar styles. Further west, No.33A is a modest, detached buff brick bungalow. Opposite the site, No.30 is a detached 2-storey rendered property, and No.29B is a detached 2-storey red brick dwelling with accommodation within the roof space. All dwellings in the vicinity include a mix of styles and materials. As such, the proposed design and materials intended for the proposed dwellings are unlikely to be incongruous within the surrounds in this regard.
- 10.6. The proposed siting of the dwelling, to the rear of No.35, is intended to be set back approximately 74m from the nearest edge of Doddington Road. By virtue of the set-back position of the property, the siting of the dwelling is considered to be at odds with the prevailing building line and its encroachment into land behind existing development will be incongruent with the overall development pattern. Its position will enclose the openness of the wider vista currently afforded between and behind the frontage development along this side of Doddington Road. As such, it is considered that the application, overall, does not comply with Policy LP16 (d).

Impact on residential amenity

- 10.7. The proposed dwelling will be set at a significant distance from the host dwelling (approximately 50m) and further still from other dwellings within the vicinity. Owing to this separation the proposed dwelling is unlikely to result in adverse impacts to neighbouring residential amenity with regard to overlooking or overshadowing. As such, the proposal is considered compliant with Policy LP2 and LP16 (e) in this regard.

Flood Risk

- 10.8. 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 is located within Flood Zone 3.

Sequential Test

- 10.9. It is for the applicant to demonstrate through an assessment that the Sequential Test has been met. In February 2018, the Council amended the approach by agreeing the scope of the Sequential Test to a settlement by settlement basis, instead of the entire district as set out in the Cambridgeshire Flood and Water SPD (2016). As such, the settlement of Benwick is the area of search for the Sequential Test for this application.
- 10.10. The application is accompanied by a Flood Risk Assessment, which includes a section relating to the Sequential Test. The assessment details the relevant stages of the Sequential Test and details recent granted planning permissions that offer a similar quantum of development as to the proposed, concluding that based on their assessment there are no reasonably available sites with a lower probability of flooding and that they consider the Sequential Test to be passed. The submitted Sequential Test highlights the following sites with planning permission (excluding those for replacement dwellings) for the same or similar development:
- Land west of 42 Ramsey Road F/YR15/0132/F (3 dwellings)
 - Benwick Methodist Church, High Street F/YR19/1040/F (1 dwelling)
 - Land south of 16A Doddington Rd F/YR20/0422/O (2 dwellings)
 - Change of Use Bank Farm Whittlesey Road F/YR21/0267/F (5 dwellings)
- and sets out the flood zone, surface water flooding probability, reservoir flooding probability and distance from River Nene for each site.
- 10.11. It is acknowledged that the Benwick Methodist Church site (F/YR19/1040/F) appears to not be reasonably available.
- 10.12. The proposal at Bank Farm (F/YR21/0267/F) was for the conversion of an existing agricultural building and as such would not be sequentially comparable in this case and as such should be discounted.
- 10.13. Notwithstanding, the Sequential Test is deficient as it does not include sufficient documentation to demonstrate that the remaining sites at 42 Ramsey Road and 16A Doddington Road (F/YR20/0422/O) are not available.
- 10.14. The site at 42 Ramsey Road has an extant permission for 3 dwellings, with, it appears, only one plot currently implemented. However given the permission has been implemented the site would be considered as unavailable for the purposes of the sequential test.
- 10.15. The extant outline permission at 16A Doddington Road under F/YR20/0422/O has subsequent reserved matters approval under F/YR21/1340/RM, approved in January 2022. As the applicant has not evidenced that this permission has been implemented, it is considered that this site would be capable of accommodating the proposed development.
- 10.16. Thus for the purposes of the Sequential Test as set out in the SPD, without sufficient evidence to the contrary, the site at 16A Doddington Road is classed

as being available for development, and as such the sequential test is considered to be failed.

10.17. Consultation with the Environment Agency offered no objection to the scheme on the basis that the main source of flood risk at this site is associated with watercourses under the jurisdiction of Middle Level Commissioners Internal Drainage Board (MLCIDB). Consultations with the MLCIDB resulted in no comments being received. Notwithstanding, the EA's comments of no objection and/or a lack of comment by MLCIDB should not be taken to mean that they consider the proposal to have passed the Sequential Test. As a matter of principle therefore refusal is required by the relevant planning policies as, owing to the lack of sufficient evidence to the contrary, the Sequential Test has not been passed.

Exception Test

10.18. Notwithstanding the failure of the sequential test, had this been deemed as passed it would then be necessary for the application to pass the Exception Test, which comprises of demonstration of the following:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

(a) Wider sustainability benefits

10.19. Section 4.5.8 of the Cambridgeshire Flood and Water SPD sets out the sustainability themes and issues which development could help to address in order to achieve wider benefits, which are:

- Land and water resources;
- Biodiversity and green infrastructure;
- Landscape, townscape and historic environment;
- Climate change mitigation and renewable energy;
- Flood risk and climate change adaptation;
- Pollution;
- Healthy and inclusive and accessible communities
- Economic activity; or
- Transport.

10.20. It is often possible to achieve wider benefits on smaller housing schemes though the inclusion of climate change mitigation and renewable energy features to a level which exceeds normal Building Regulations requirements. However, no such benefits have been offered within the scheme and as such it would not satisfy the Exception Test in relation to (a).

(b) Flood safety

- 10.21. The inclusion of flood mitigation measures including raised finished floor levels, flood resilient construction measures and sustainable drainage systems within the proposal are highlighted within the flood risk assessment that address the need for safety in times of flooding at the site, and as such would satisfy the Exception Test with regard to (b).

Flooding and Flood Risk – Conclusion

- 10.22. The submitted flood risk assessment for this application is the same version that was submitted with the earlier application considered under F/YR21/1495/F, that was refused on the basis of the failure of the Sequential and Exception Tests. No attempt has been made to rectify the issues relating to flood risk outlined in the original application assessment.
- 10.23. Therefore, as previously with F/YR21/1495/F, the evidence submitted has failed to fully demonstrate that there are no sequentially preferable sites that could accommodate the quantum of development proposed under the terms of the current scheme and thus the proposal has failed the Sequential Test. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. As such, it is considered that the current scheme is not compliant with Policy LP14 and should be refused.

Other Matters

- 10.24. There are no issues relating to private amenity space for either the proposed dwelling or the retained garden space for the host dwelling as these areas are in excess of a third of their respective overall plots.
- 10.25. No response was received from the Highways Authority (HA) in relation to the current application, however as the scheme is the same as the previous, the earlier HA comments relating to parking and access have been considered as relevant within this application. At the time, the HA returned no objection to the scheme, subject to condition relating to access construction and parking/turning retention. Thus, subject to conditions relating to the same, the current proposed access, parking and turning arrangements for both the host dwelling and the proposed dwellings can be considered acceptable in relation to Policy LP15.

11 CONCLUSIONS

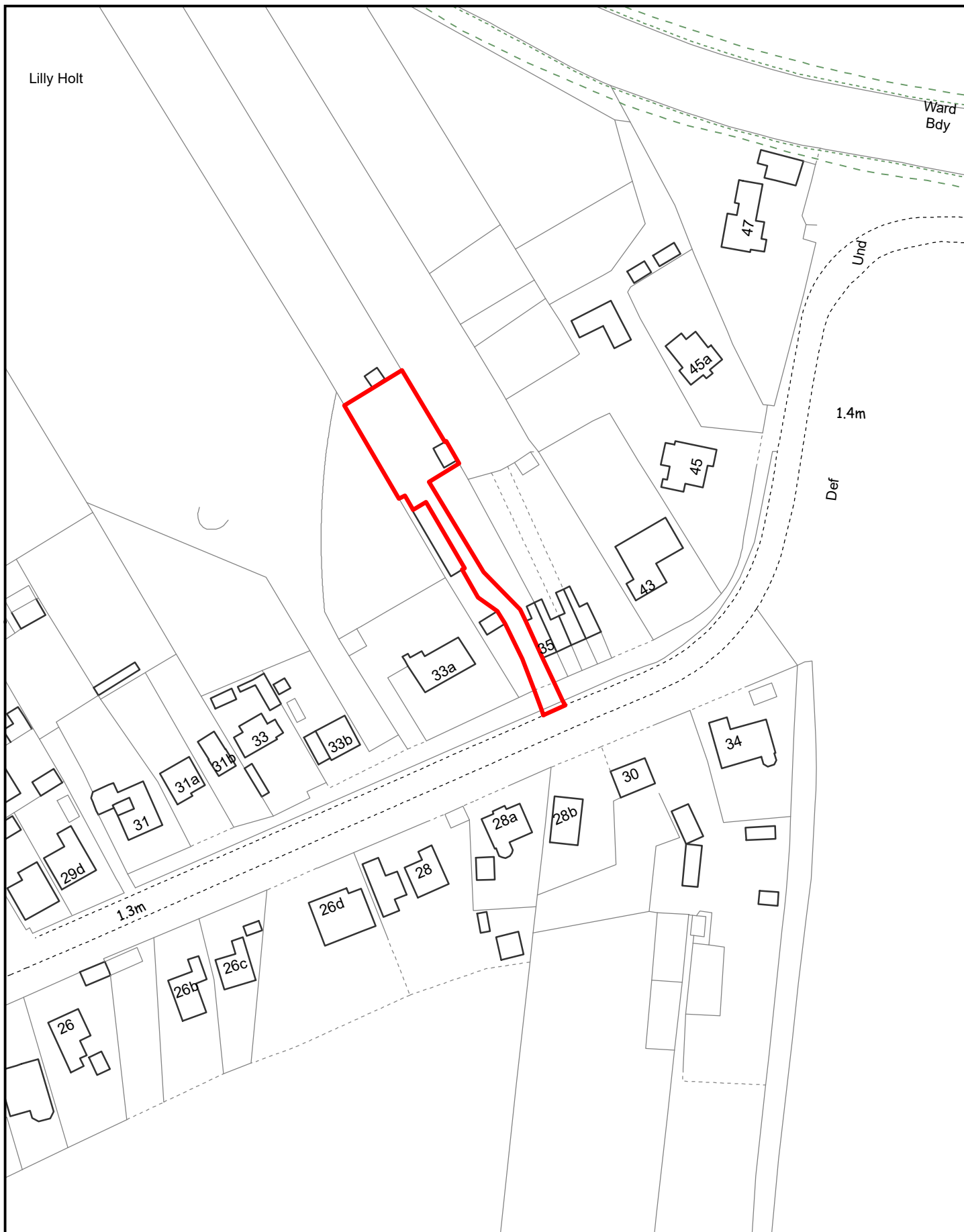
- 11.1. On submitting this application, the applicant has made no attempt to address or justify the issues relating to the reasons for refusal of the original scheme, nor did they consider appealing the previous refusal. The details provided with the application considered herein are the same as the original scheme submitted under F/YR21/01493/F, which was considered contrary to policy on the grounds of conflict with policy in principle and harm to character arising from the backland nature of the development proposed and flood risk.

- 11.2. On further consideration of the current application, the earlier reasons for refusal still stand as the scheme fails to comply with Policies LP12 and LP16(d) owing to the harm caused to the character and appearance of the area arising from the back land nature of the development. The application has again failed to demonstrate how the development is unable to be accommodated on sequentially preferable sites with planning permission for a similar quantum of development, thus failing the Sequential Test; nor does the application offer any features to address sustainability, thus failing part (a) of the Exception Test. Thus, the scheme is also contrary to Policy LP14.
- 11.3. It is therefore concluded that the application is contrary to the relevant policies of the development plan and should be refused.

12 RECOMMENDATION

Refuse, for the following reasons;

1	Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the district; Policy LP12 details a range of criteria against which development within the villages will be assessed and Policy LP16 seeks to ensure that proposed development responds to and improves the character of the local built environment. The application site proposes the construction of a dwelling located in existing garden land to the rear of frontage residential development along Doddington Road. By virtue of its backland nature, the proposed development would be discordant with the existing core shape and built form of the development along Doddington Road to the detriment of the character and appearance of the area and would create a precedent for further backland development at sites with similar geometry. Thus, the proposal would therefore fail to comply with the requirements of Policy LP12 and Policy LP16 (d) of the Fenland Local Plan (2014).
2	Policy LP14 of the Fenland Local Plan (2014) requires that development proposals within Flood Zone 3 are accompanied by a Sequential Test demonstrating how the development is unable to be accommodated in areas at a lower risk of flooding. This policy is compliant with section 14 of the National Planning Policy Framework, which also requires such a test to be satisfied prior to approving development within Flood Zone 3. The Sequential Test within the Flood Risk Assessment accompanying the application does not sufficiently justify why it is considered that there are no alternative sites available. Furthermore, the scheme fails to include features to address sustainability, such as, for example, through the inclusion of renewable energy sources. Thus, the scheme fails to pass part (a) of the Exception Test. The proposal is therefore contrary to both policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF as a result.



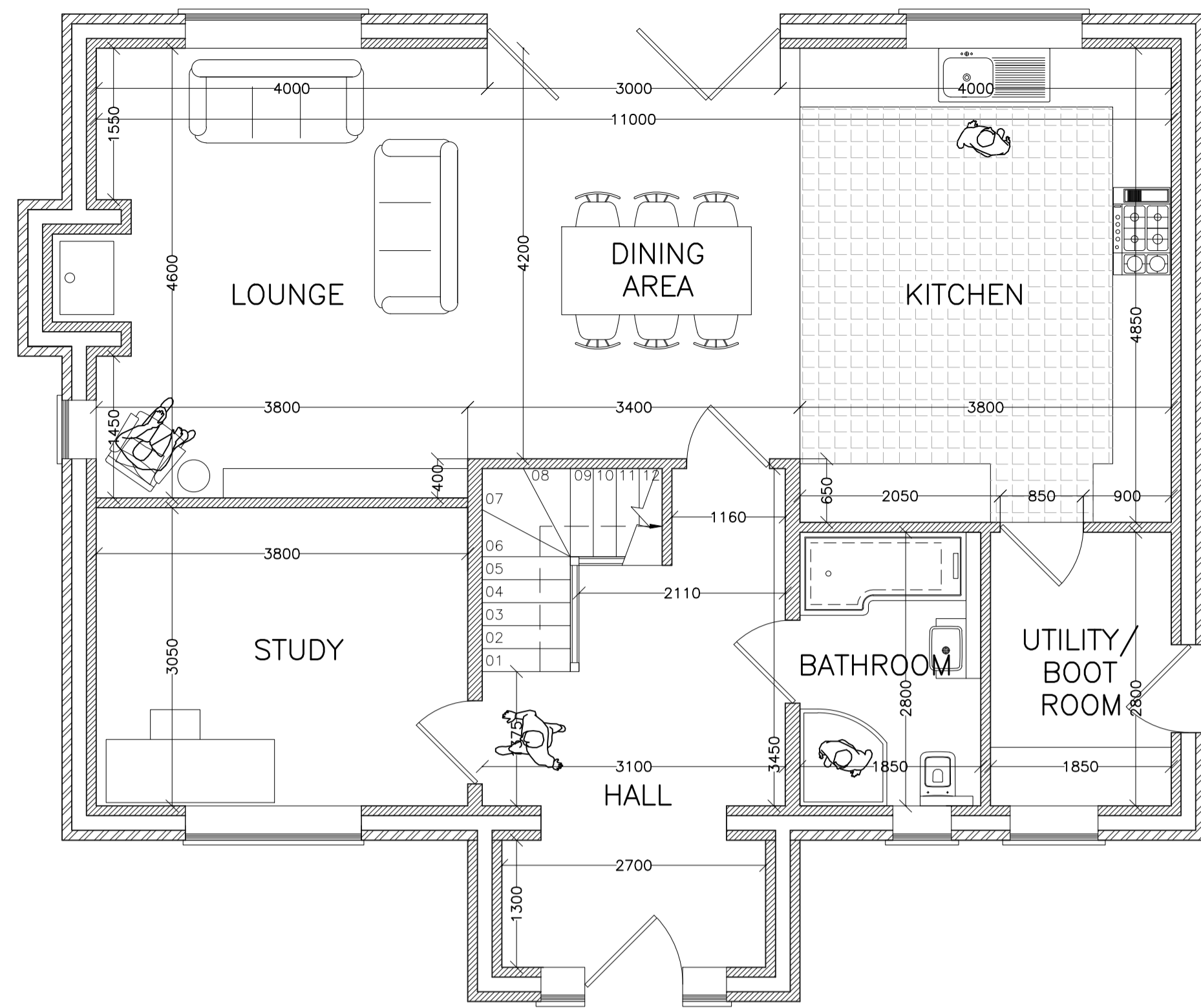
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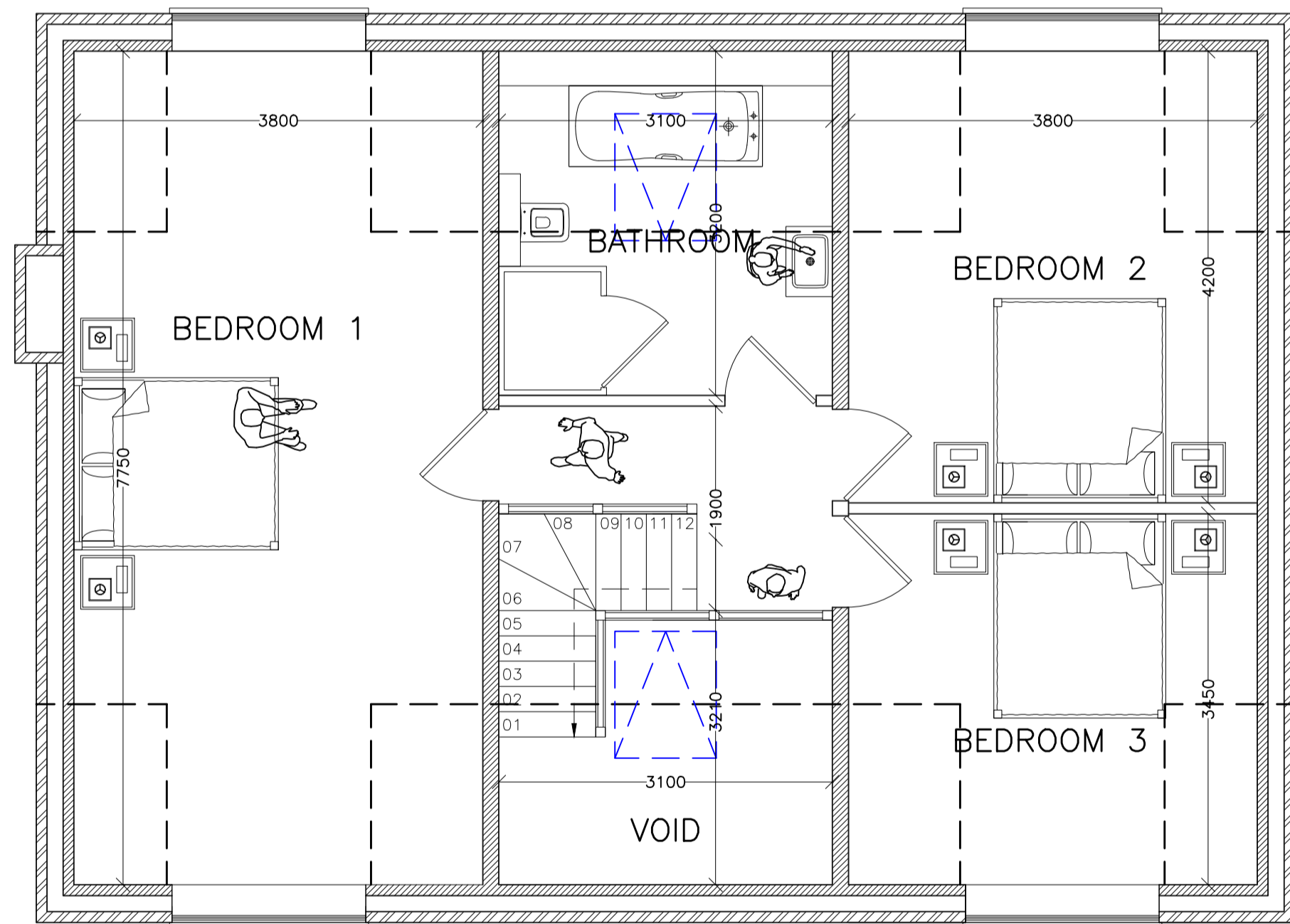
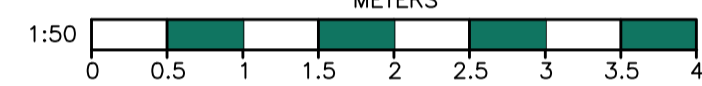
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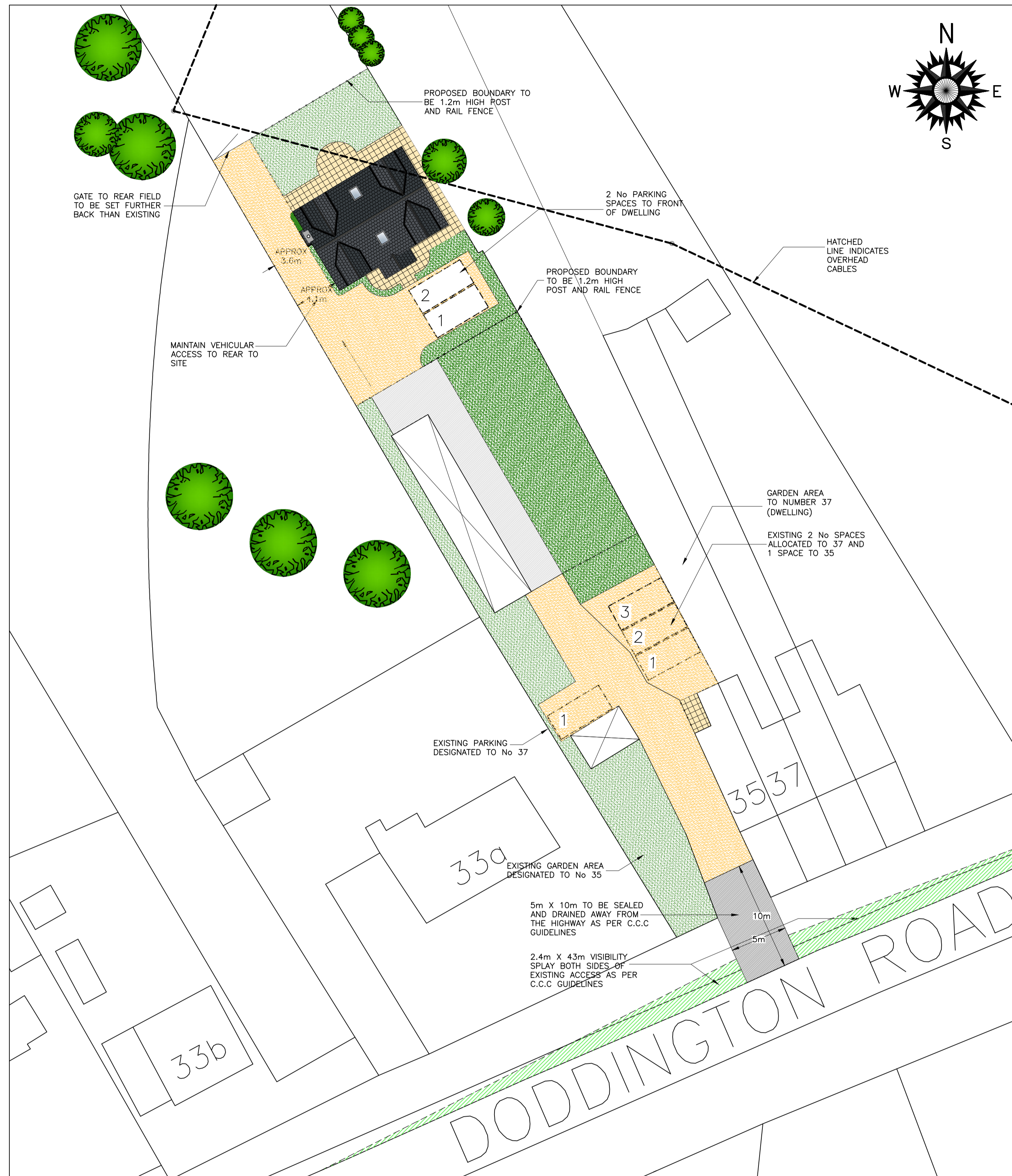
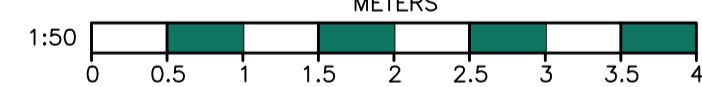




PROPOSED GROUND FLOOR PLAN (1:50)



PROPOSED FIRST FLOOR PLAN (1:50)



PROPOSED SITE PLAN (1:250)

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

- MATERIALS:**
- WALL: IBSTOCK LEMON GLAZED BRICKWORK (9719) OR SIMILAR & SAGE CLADDING RAL(6021)
 - DORMER CHEEK: SAGE CLADDING RAL(6021)
 - ROOF: MARLEY EDGEMERE INTERLOCKING SLATE CONCRETE ROOF TILE
 - JOINERY: WHITE UPVC UNITS
 - DOORS: WHITE /SAGE RAL(6021) UPVC UNITS
 - BOUNDARY : TIMBER POST AND RAIL FENCE TREATMENT (SEE DETAIL FOR EXAMPLE)

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 Please read, if in doubt ask. Change nothing without consulting the Engineers.
 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.
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
 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

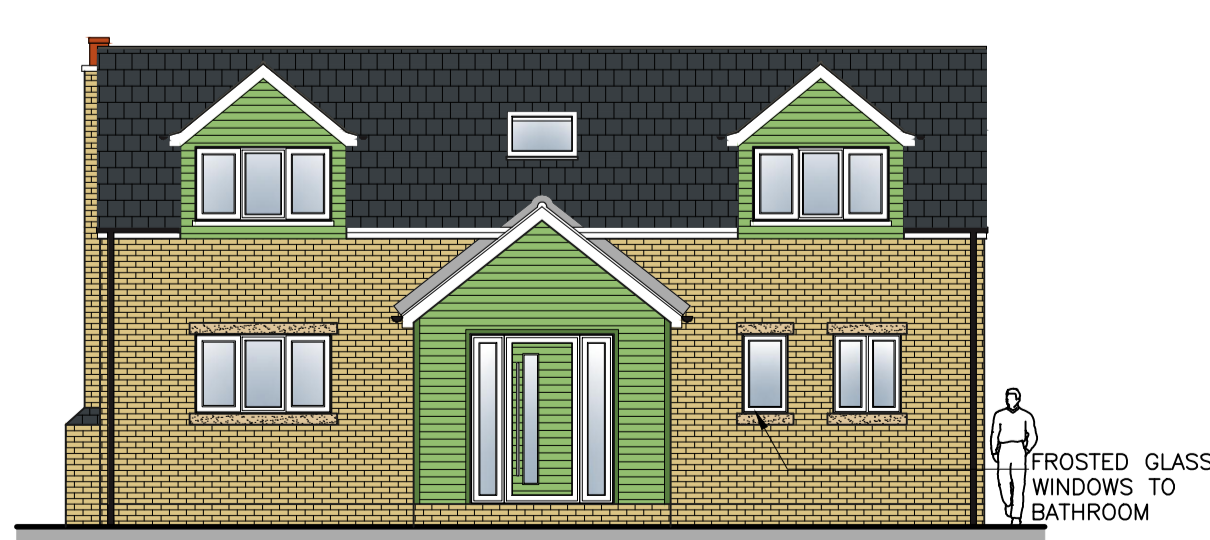
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A	CLIENTS COMMENTS	NOV 2021
	REVISIONS	DATE

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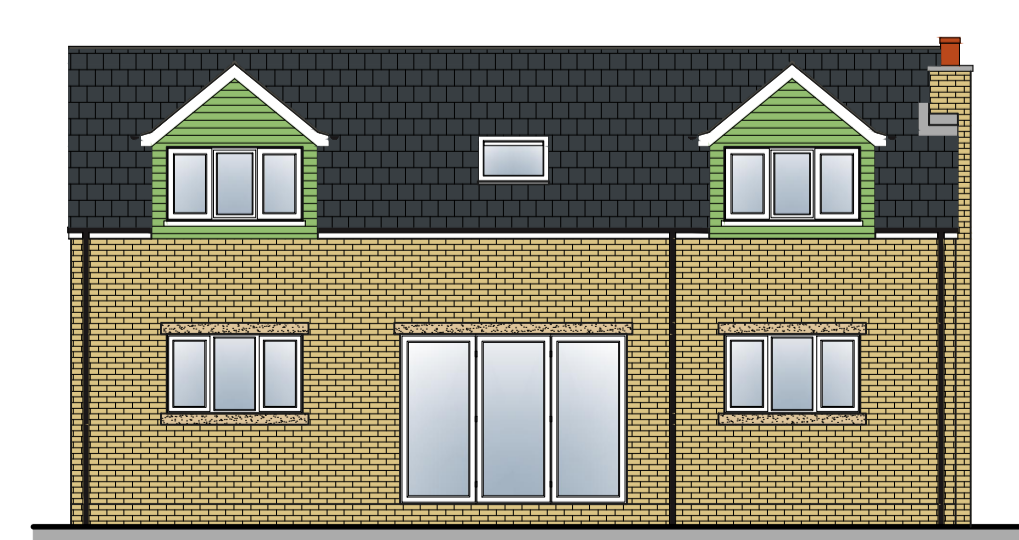
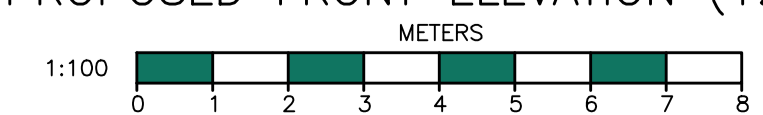
1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
 Tel: 01354 655454 Fax: 01354 660467
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ABC Fenland District Council Building Design Awards winner

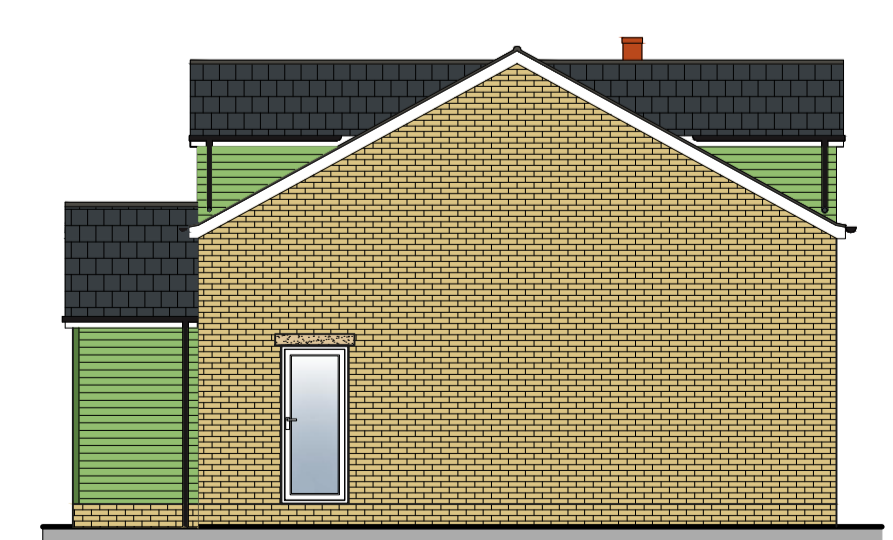
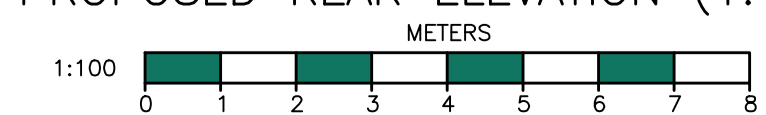
CLIENT	
Mr & Mrs Robinson	
PROJECT	
Land Rear of 35 Doddington Road, Benwick, Cambridgeshire PE15 0UT	
TITLE	
Proposed Floor Plans, Elevations & Section (Scheme 1)	
DRAWN: J.Scotcher	DATE OF ISSUE
CHECKED:	
DATE: Oct 2021	DRAWING NUMBER: H7919_02B
SCALE: As Shown	



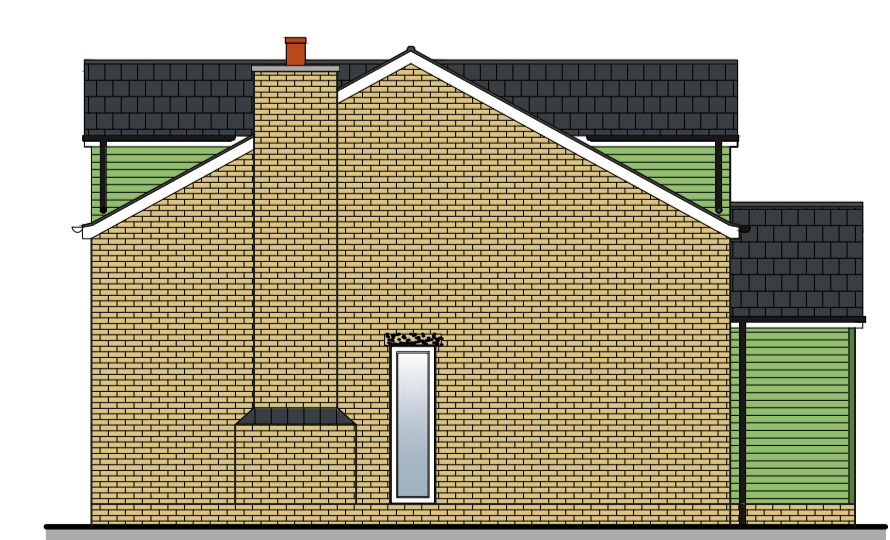
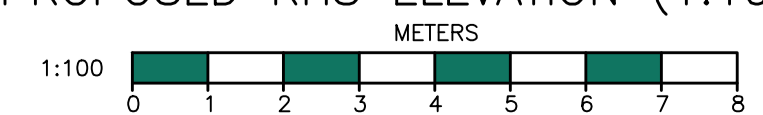
PROPOSED FRONT ELEVATION (1:100)



PROPOSED REAR ELEVATION (1:100)



PROPOSED RHS ELEVATION (1:100)



PROPOSED LHS ELEVATION (1:100)

