

**Application Number: F/YR12/0408/F**

**Major**

**Parish/Ward: Doddington Parish Council/Doddington**

**Date Received: 25 May 2012**

**Expiry Date: 17 July 2012**

**Applicant: Mr J Kingsland**

**Agent: Peter Humphrey Associates Ltd.**

**Erection of 2 x 2-storey 5-bed dwellings and 6 x 2-storey 4-bed dwellings with detached garages, involving demolition of existing dwelling**

**Location: 65 Newgate Street, Doddington.**

**Site Area/Density: 1.15 hectares (7 dwellings/ha)**

**Reason before Committee: The application is considered to be a wider interest proposal, is contrary to the views of the Parish Council and a departure.**

## 1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for 8 dwellings at 65 Newgate Street, Doddington. The proposal would result in the removal of an existing dwelling to gain access to a self contained infill area outside but attached to the existing village settlement.

The key issues to consider are:

- Policy and Principle
- Layout, Siting and Design
- Section 106 Agreement

The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be acceptable in terms of principle and design. It is considered that there will be no adverse environmental impacts on residential amenity, highway safety or the character of the surrounding area. Therefore the application is recommended for approval.

## 2. HISTORY

Of relevance to this proposal is:

2.1 **F/90/0289/O** Residential development Refused 06/09/1990

2.2 **F/90/0290/O** Residential development Refused 09/06/1990

## 3. PLANNING POLICIES

### 3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan,  
Paragraph 14: Presumption in favour of sustainable development.

### 3.2 East of England Plan

Policy ENV7 – Quality in the Built Environment.

### 3.3 Fenland Communities Development Plan Draft Core Strategy 2012:

CS1: Spatial Strategy, The Settlement Hierarchy and the Countryside,

CS2: Growth and Housing,

CS10: Rural Areas Development Policy,

CS14: Delivering and Protecting High Quality Environments across the District.

### 3.4 Fenland District Wide Local Plan:

H3 – Settlement Development Area Boundaries,

E1 – Conservation of the Rural Environment,

E8 – Proposals for new development.

## 4. CONSULTATIONS

### 4.1 *Parish/Town Council*

Strong objections. It is outside the development area and the Council do not support any back land development. The demolition of the bungalow to gain access will be detrimental to the street scene and in view of the sewage and drainage problems in the village at the present time a development of this size is not appropriate.

### 4.2 *CCC Highways*

Junction visibility appropriate for the speed restriction in place along Newgate Street should be indicated in full on the submitted plan. (Whilst from the layout plan submitted it appears as though the required 2.4m x 120m West and 2.4m x 43.0m East is achievable within the limits of the public highway, I strongly recommend that the frontage survey upon which the junction design has been based be submitted in support of the proposals.

The proposed junction should be located to avoid any part of the eastern radius kerbing being across the existing vehicular access of the adjoining property No 63 Newgate Street.

I assume that the new road will be offered for adoption (confirmation from the agent / applicant would be welcome) and in this regard I will accept the use of a shared surface street. However, the width of the shared street should be a minimum of 5.5m with 0.5m wide maintenance strip each side.

The junction requires special treatment in the form of a ramp / rumble strip which should be 2.0m deep commencing at the inner tangent point of the junction radii. The footway of Newgate Street should be taken round the junction radii and extended a minimum of 2.0m beyond the end of the ramp.

An appropriate note should be added to the layout plan indicating the necessity for the speed restriction sign, which will be directly affected by this development, to be relocated at the expense of the applicant.

Reconsultation:

The amended plan is acceptable from the highway point of view.

4.3 **CCC Archaeologist**

Our records indicate that the site lies in an area of high archaeological potential. Important archaeological remains survive on the site and that these would be severely damaged or destroyed by the proposed development. From crop mark evidence, the site has medieval ridge and furrow within its bounds which may mask earlier archaeological deposits. Finds of a prehistoric date are also known within the vicinity of the application area. In addition, the site is located on a small 'inlet' from the fens to the south, a similar 'inlet' to the south west has a known Roman site located on the edge of the fen island (HER No. MCB12793).

We therefore consider that the site should be subject to a programme of archaeological investigation and recommend that this work should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a condition.

4.4 **Scientific Officer  
(Contaminated Land)**

Attach the contaminated land condition.

- 4.5 **Middle Level Commissioners** The nearest Board's drain is approximately 650 metres south west of the site. It is considered that aspects of the submission are inappropriate and require revision, the applicant has not yet provided adequate evidence to prove that a viable scheme for appropriate water level/flood risk management exists and that further engineering information is required. The Board oppose this application.
- 4.6 **FDC Section 106 Officer** In accordance with Policy CS3 of the emerging Core Strategy, Affordable Housing provision is required on this site. Given the nature of the development the Council conclude that providing the Affordable Housing on the site is not achievable, as such a contribution in lieu of provision on site will be required. The policy requires all sites between 5-9 dwellings to provide 20% Affordable Housing, this equates to 1.6 dwellings A contribution of £75,051.20 is now being sought.
- 4.7 **Local Residents:** 2 letters of contribution  
We do not have any objections but would like to clarify the boundary position at the side of the garage,  
With reference to House 8 we would wish this to be built as far away as possible from the boundary fence as possible as it appears the sun will be blocked to our living room,  
We ask that House 8 has permitted development rights removed in order that no windows are added to the side elevation and assume the existing windows will be frosted,  
Would like to be assured that the roots of tree T19 will not be damaged and not become dangerous.

## 5. **SITE DESCRIPTION**

- 5.1 The site currently comprises an existing dwelling which will be removed to create an access to a sizeable rear garden space where 8 dwellings and garages are proposed. The area has been landscaped as a private garden for the dwelling and has a number of trees and decorative ponds. It is well contained by boundary hedging and trees.

Trees on the site can be classified as decorative garden trees and would not be considered suitable for retention through a Tree Preservation Order. The overall site measures approximately 1.15 hectares. Most of the site sits outside but adjoins the Development Area Boundary of Doddington.

The site is mainly surrounded by agricultural land to the north, east and west and established residential dwellings and gardens on its southern boundary fronting Newgate Street. Access to the site is taken from Newgate Street and is intended to be made up to County Highways standard and adopted. The 8 dwellings sit within generous sized plots with proposed soft landscaping and water features which will be retained and created to add interest and biodiversity opportunity within the area. Parking and garaging to the required standard is proposed. A mix of 2 storey detached dwellings with living accommodation in the roof space is proposed. Affordable dwellings are not proposed in which case a financial contribution will be required. The development links with the village centre thus illustrating the sustainable nature of its location.

## 6. **PLANNING ASSESSMENT**

6.1 The key considerations for this application are:

- Policy and Principle
- Layout, Siting and Design
- Section 106 Agreement

### Policy and Principle

The site is outside but adjoins the Development Area Boundary of Doddington as shown in the Local Plan. However, the emerging Fenland Communities Development Plan Draft Core Strategy 2012 identifies Doddington as a limited growth village where under policy CS1 a small amount of development and new service provision will be encouraged and permitted in order to support their continued sustainability (up to 9 dwellings or 12 if it includes 9 affordable housing units). This policy steers most new development to those larger settlements that offer the best access to services and facilities thus reducing the need to travel, as well as making best use of existing infrastructure and previously developed land. The contained nature of the site and its location adjacent to existing development within Doddington lends itself to this expansion without setting a precedent for further development in the area. It is considered that the design proposal together with the contained shape and size of the site is such that the development satisfactorily sits within its setting. The development of this site is considered to be in line with emerging policy and, albeit to the rear of existing development, acceptable in the context of village form at that location - subject to acceptable layout, siting and design and a Section 106 affordable housing contribution – with these aspects being considered below.

### Layout, Siting and Design

This application seeks full planning permission for 8 dwellings. The layout has been designed to take advantage of, and sit within, the contained nature of the existing extensive garden area.

The low density allows the opportunity for water features and landscaping which will soften the development and provide biodiversity opportunity. The design of dwellings is considered to be acceptable in the setting. Each dwelling has its own rear private amenity space, a driveway and garage/parking spaces thus allowing vehicles to park clear of the highway. Access for refuse vehicles will be available from the cul-de-sac road within the site which will be built to adoptable standards. The Local Highway Authority has raised no objection to the scheme and is content with the proposed layout. The Middle Level Commissioners concerns can be accommodated by way of a condition regarding foul/surface water drainage. There are not considered to be any adverse impacts upon residential amenity in the surrounding area as a result of this proposal which was amended to take into account views from 2 adjoining residents. A condition is recommended to control window openings on house no 8. The layout, siting and design of the proposed development are considered to be acceptable and will fit in with the visual character of the area subject to conditions.

### Section 106 Agreement

The Section 106 Agreement has been detailed in paragraph 4.6 above and should be concluded prior to the granting of planning permission.

## **7. CONCLUSION**

- 7.1 The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be acceptable in terms of the principle and design. It is considered that there will be no adverse environmental impacts on residential amenity, highway safety or the character of the surrounding area. Therefore the application is recommended for approval.

## **8. RECOMMENDATION**

**Grant – Subject to the prior completion of a Section 106 Agreement and the following conditions.**

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.**  
**Reason:**  
**To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2 No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved, unless otherwise approved in writing by the Local Planning Authority.**  
**Reason:**  
**To prevent environmental and amenity problems arising from flooding.**

- 3 All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.  
Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.**
- 4 Prior to the commencement of development, a scheme for the provision of external lighting both within the site and on the adjacent road shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.  
Reason - In order to ensure that the site meets the crime prevention guidelines.**
- 5 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.**
- (a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.**
- (b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.**
- (c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.**

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

**(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.**

**(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.**

**(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.**

**Reason - To control pollution of land or water in the interests of the environment and public safety.**

**6 Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.**

**Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding.**

**7 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.**

**Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy E7 of the Fenland District Wide Local Plan.**



- 8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for alterations in relation to house 8 shown on the application plan in respect of the installation of replacement or additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);**

**Reason:**

**To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.**

- 9 Prior to the commencement of development in respect of the individual dwellings hereby approved all access roads and footways linking the development to the existing highway network at Newgate Street shall be laid out in accordance with the approved plans and constructed to base-course level in accordance with the details shown on Drawing Reference: 4683\_(P)\_09B date stamped 06 September 2012. Where roads are shown to be constructed to adoptable standards, they shall be completed to that standard prior to occupation of 50% of the dwellings hereby approved for construction on site.**

**Reason:**

**To ensure adequate temporary facilities during the period of construction, in the interests of highway safety and to minimise interference with the free flow and safety of traffic on the adjoining public highway.**

## **10 Approved Plans**

### **9. UPDATE**

Members will recall that this application was reported to Planning Committee on 17<sup>th</sup> October 2012 when Members resolved to grant planning permission subject to the above conditions and a S106 Obligation which would secure a contribution in lieu of affordable housing provision on site. In accordance with policy relating to sites between 5-9 dwellings the obligation requires 20% Affordable Housing, this equates to 1.6 dwellings. A contribution of £75,051.20 was therefore sought.

Since the application was last considered the Applicant's Agent has submitted a viability assessment. The National Planning Policy Framework and the Growth and Infrastructure Act 2013 both create a framework which allows for the relaxation of obligations when they are deemed to result in development schemes becoming unviable. An open book assessment has been submitted which identifies that this proposal is one such scheme. Indeed on deletion of the S106 contribution the scheme remains, in the opinion of the author of the submitted assessment unviable as it would only provide a profit level 2.5% under the accepted norm of 17.5%.

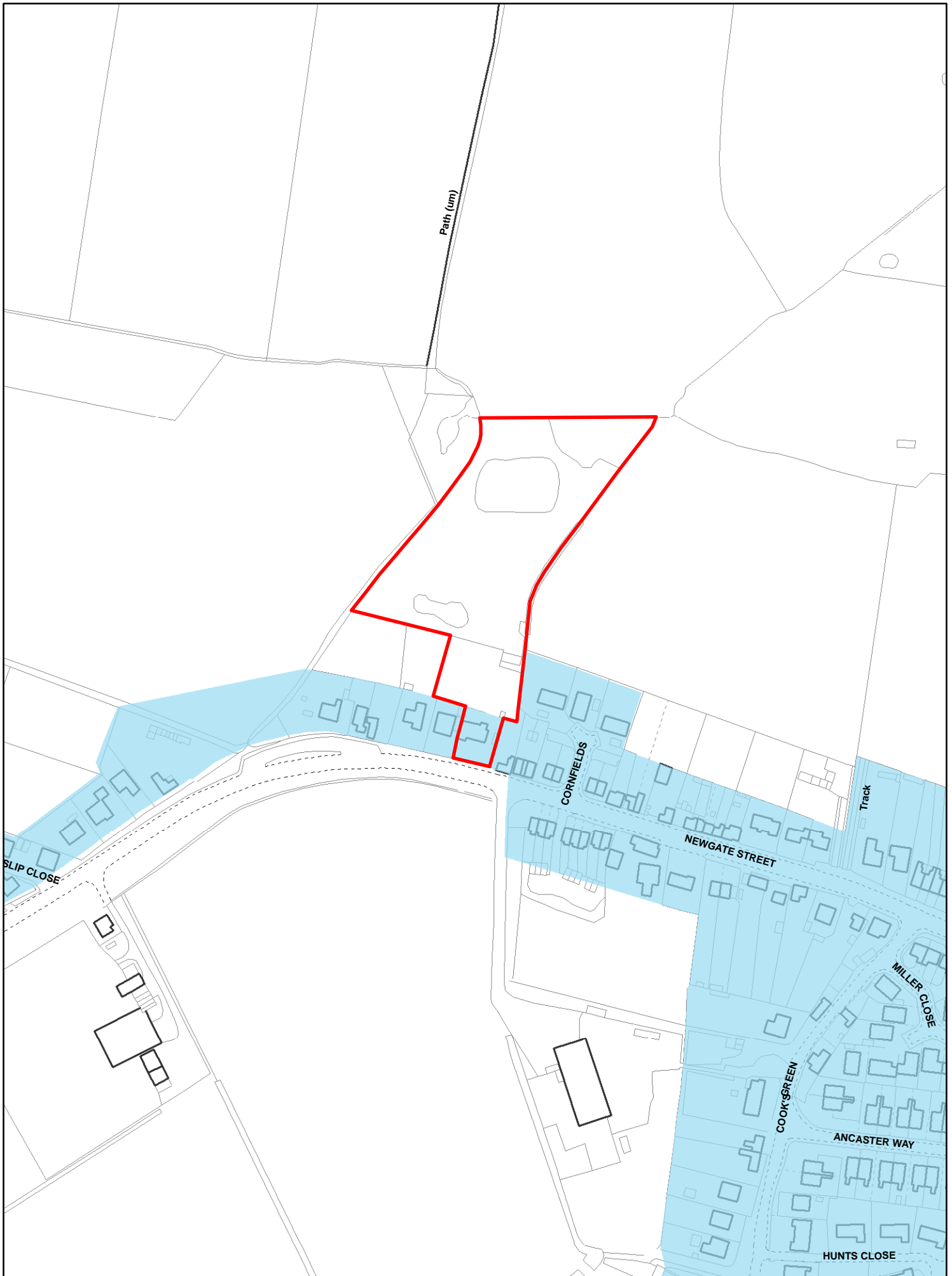
The submitted has been evaluated by Independent Assessors who concur with the assessment made in that the site is unable to viably provide any affordable housing or other S106 contributions. They further recommend that a review mechanism be included in the S106 agreement, whereby the viability of the scheme can be re-assessed when the final figures are known on or before occupation of the last unit on the scheme.

Whilst this 'mop up' suggestion is noted, Officers are mindful that this is a relatively small scale development which has demonstrated there would be a certain amount of developer risk attached to bringing it forward. Accordingly it would not appear in the spirit of the NPPF guidance to place such a future burden on the developer. The consent will remain valid for 3-years from issue and should it not come forward for development within this timeframe the Local Planning Authority will have a future opportunity to consider viability, or otherwise.

As such Officers recommend that the scheme be granted as reported without such a requirement.

## **10. RECOMMENDATION**

**Grant – Subject to the conditions listed above (Section 8) without S106 obligation.**



Created on: 30/05/2012

F/YR12/0408/F

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Scale = 1:2,500



**Key to Symbols**

- A** 1.8 m high Wall
- B** 1.8m Close Boarded Fence
- C** 600mm Post & Rail Fence
- BRINDLE BLOCK PAVIORS**  
200 x 100 x 60 thick Marshall Mono concrete block pavers  
Colour: Brindle  
50mm compacted sharp sand to BS.12  
100mm min sub-base
- GRAVEL ROAD**  
2-8mm clean stone over Infillex membrane  
250mm Minimum Sub-base 5-20mm clean crushed stone
- PATIO AREAS**  
In Precast Concrete slabs  
Colour: Yellow Buff  
Size: 500 x 600 x 50  
Laid on 50mm sharp sand  
100mm consolidated hardcore
- SHRUB/ LANDSCAPE PLANTING**  
(with reference)
- EXISTING TREE**  
(See Arboricultural Report)
- EXISTING TREE - Removed**
- INDICATIVE TREE PLANTING**  
see reference below

**LANDSCAPE SCHEDULE**

Trees Species	Ref.
Robinia Pseudacacia Frisia Pseudo	t 1
Pseudolatanus Brilliantissimum	t 2
Sorbus Aria Whitebeam	t 3
Gleditsia Triacanthos Skyline	t 4
Aesculus Carnes Briotii	t 5
Acer campestre	t 6
Alnus glutinosa	t 7
Betula pendula	t 8
Fraxinus excelsior	t 9

Shrubs	Ref.
Viburnum Tinus	s 1
Elaeagnus Ebringii	s 2
Phornium Tenax Variegata	s 3
Berbens Thumbergii Rose Glow	s 4
Cotinus Coggugria Royal Purple	s 5

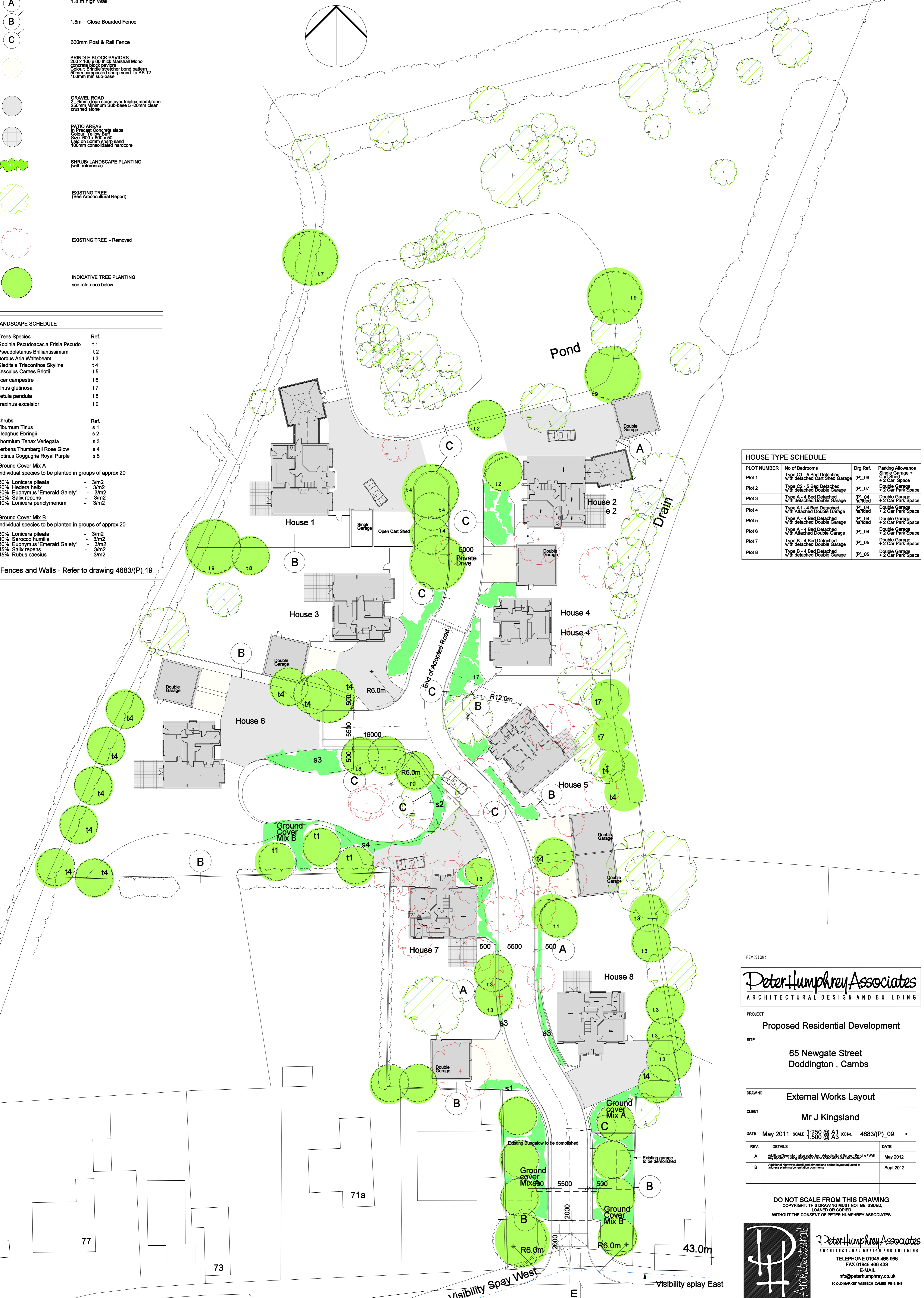
**Ground Cover Mix A**  
Individual species to be planted in groups of approx 20

30% Lonicera pileata	- 3/m2
20% Hedera helix	- 3/m2
20% Euonymus 'Emerald Gaiety'	- 3/m2
20% Salix repens	- 3/m2
10% Lonicera periclymenum	- 3/m2

**Ground Cover Mix B**  
Individual species to be planted in groups of approx 20

30% Lonicera pileata	- 3/m2
10% Saroccco humilis	- 3/m2
30% Euonymus 'Emerald Gaiety'	- 3/m2
15% Salix repens	- 3/m2
15% Rubus caesius	- 3/m2

**Fences and Walls - Refer to drawing 4683/(P) 19**



**HOUSE TYPE SCHEDULE**

PLOT NUMBER	No of Bedrooms	Drig Ref.	Parking Allowance
Plot 1	Type C1 - 5 Bed Detached with detached Cart Shed Garage	(P)_06	Single Garage + 2 Car Space
Plot 2	Type C2 - 5 Bed Detached with detached Double Garage	(P)_07	Double Garage + 2 Car Park Space
Plot 3	Type A - 4 Bed Detached with detached Double Garage	(P)_04	Double Garage + 2 Car Park Space
Plot 4	Type A1 - 4 Bed Detached with Attached Double Garage	(P)_04	Double Garage + 2 Car Park Space
Plot 5	Type A - 4 Bed Detached with detached Double Garage	(P)_04	Double Garage + 2 Car Park Space
Plot 6	Type A - 4 Bed Detached with Attached Double Garage	(P)_04	Double Garage + 2 Car Park Space
Plot 7	Type B - 4 Bed Detached with detached Double Garage	(P)_05	Double Garage + 2 Car Park Space
Plot 8	Type B - 4 Bed Detached with detached Double Garage	(P)_05	Double Garage + 2 Car Park Space

REVISION:

**Peter Humphrey Associates**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
**Proposed Residential Development**

SITE  
**65 Newgate Street  
Doddington, Cambs**

DRAWING  
**External Works Layout**

CLIENT  
**Mr J Kingsland**

DATE May 2011 SCALE 1:250 @ A1 1:500 @ A3 JOB No. 4683/(P)\_09

REV.	DETAILS	DATE
A	Additional Tree Information added from Arboricultural Survey - Fencing / Wall Key updated - Existing Bungalow Outline added and Red Line omitted	May 2012
B	Approved highway design and dimensions added layout updated to address parking consultation comments	Sept 2012

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