

Planning and EP Committee 13 October 2015

Item 3

**Application Ref:** 15/01129/FUL

**Proposal:** Erection of HMO providing 6 bedsitting rooms with shared kitchen and dining facilities

**Site:** Cranford Drive Boiler House, Hartwell Court, Westwood, Peterborough

**Applicant:** Sharman Architecture

**Agent:**

**Referred by:** Director of Growth and Regeneration

**Reason:** Significant local objection from residents and Stewart Jackson MP

**Site visit:** 05/08/15

**Case officer:** Mrs A Walker

**Telephone No.:** 01733 454418

**E-Mail:** astrid.walker@peterborough.gov.uk

**Recommendation:** GRANT subject to relevant conditions

## **1 Description of the site and surroundings and Summary of the proposal**

### **Site Description**

The application site comprises an irregular shaped parcel of land, previously occupied by a boiler house. This has now been demolished and enclosed by herras style fencing. The ground within the fencing is uneven with grassed and planted bunds of earth and sits at a lower level than the houses further to the rear of the site. The rear part of the site is grassed and adjoins the wider open space that extends to the east. There are five mature trees located within the application site. The site is accessed via Hartwell Court.

The surrounding character is residential in nature. To the south and south west of the site are terraces of mainly two but some three storey dwellings. To the north of the site is a large two storey Residential Care complex. Open space sits to the east of the site.

### **Proposal**

Permission is sought for the construction of a detached two storey building for use as a House in Multiple Occupation (HMO) comprising of six bed sits with shared kitchen and dining facilities. The building will be positioned centrally on the site, with seven car parking spaces provided to its north side, accessed off the existing highway (Hartwell Court). An enclosed cycle store is proposed to the north east side of the building. A communal bin store and collection point are proposed to the west side of the building. A fully enclosed shared amenity space is proposed to the rear (south) side of the building. It is proposed that four of the five trees on the site are retained and new soft landscaping added to the site.

The applicant has advised that the site will be managed by a private landlord.

### **Background**

It should be noted that planning permission was granted for the construction of two three bed roomed semi-detached houses on the site in 2011. This permission has since lapsed but remains a material consideration (see principle of development in report below).

## 2 Planning History

Reference	Proposal	Decision	Date
11/01014/FUL	Demolition of boiler house and construction of two x 3 bed semi-detached residential dwelling houses	Permitted	06/09/2011

## 3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### National Planning Policy Framework (2012)

#### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

### Peterborough Core Strategy DPD (2011)

#### **CS10 - Environment Capital**

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

#### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

### Peterborough Planning Policies DPD (2012)

#### **PP01 - Presumption in Favour of Sustainable Development**

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

#### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

#### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

#### **PP04 - Amenity Provision in New Residential Development**

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including

highway safety.

### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **PP20 - Development on Land affected by Contamination**

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

## **4 Consultations/Representations**

### **PCC Tree Officer (01.09.15)**

No objection to the proposals following revisions to the layout enabling the retention of four out of the five trees on the site. Conditions should be imposed on the Decision requiring the agreement of Tree Protection Measures and an Arboricultural Method Statement prior to the commencement of the development.

### **PCC Pollution Team**

No objection. It is unclear from the submitted information what the ground conditions beneath the old boiler house are like. Recommend the imposition of a condition requiring that in the event that unsuspected contamination is found during development, works cease until appropriate remediation measures are agreed with the Local Planning Authority.

### **Environment Agency (20.07.15)**

No comment. This application falls outside the Scope of matters on which the Environment Agency is a statutory consultee.

### **Archaeological Officer (21.07.15)**

No objection. The proposed development site and surrounding area (250m radius) contain no known heritage assets. Therefore there is no need to secure a programme of archaeological work.

### **Building Control Manager**

Building Regulation Approval Required.

### **PCC Transport & Engineering Services**

No objection. Recommend conditions on the decision to secure visibility splays, provision and retention of car and cycle parking, bin collection point and temporary facilities during construction.

### **Cambridgeshire Fire & Rescue Service**

No comments received

### **Waste Management**

No objection. The applicant has indicated that they will use two Taylor type bins to serve the development which is appropriate. The location and size of the bin collection point is acceptable.

### **Police Architectural Liaison Officer**

No objection.

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

Initial consultations: 85  
 Total number of responses: 6  
 Total number of objections: 5 including a petition with 49 signatures  
 Total number in support: 0  
 Total number neither objecting to/or in support of: 1

Six letters of representation, including a petition with 49 signatures have been received, objecting to the development on the following grounds:

- Concerns over lack of parking in the area and the impact of this development on available car parking spaces.
- Concerns that the development is not appropriate in an area where lots of families live.
- Concerns that the development will have an adverse impact on the elderly persons home opposite the site in terms of noise, nuisance, type of person living in and attracted to the building.
- The proposal will lead to a cramped form of development and the overdevelopment of the site.
- The access road is inadequate in width and too narrow for two cars to pass.
- Increase in noise arising from the HMO.
- Concerned about increase in cars and road safety.
- The development will result in the loss of trees which should be protected by TPO.

### **Stewart Jackson MP**

Objects to the development on the grounds that the proposed HMO is out of keeping with the area, particularly given the position of the site adjacent to the elderly persons home at Hartwell Way, and will have an adverse impact on the quality of life and residential amenity of this quiet residential area.

## **5 Assessment of the planning issues**

### **Principle of development**

Planning permission for a pair of three bedroom semi-detached properties on the site was granted in September 2011. Whilst this development never commenced, and the permission has since lapsed (in September 2014) it is considered that the principle of residential development on the site has been established and that the planning history forms a material consideration in assessing the acceptability of the submitted application. The proposal although for six bedsits is not significantly different in size to the previously approved development, with a slightly smaller footprint. It would therefore be difficult for the Local Planning Authority to resist the development in principle.

### **Design and impact of the development on the character of the area**

The application site is located within a residential area. Quinton Garth and Horton Walk (to the south and south east of the site) are characterised by terraces of primarily two storey dwellings of brick construction, with gable roofs, plain frontages and very little detailing. To the north of the site, Hartwell Court is a large two storey Residential Care complex.

The proposed building is of a similar height and design to the previously approved pair of semi-detached dwellings. Slightly more interest is offered to the elevations through the change in materials and the fenestration proposed. It is considered that the proposal would integrate with the existing built character and would not be harmful to the street scene. Appropriate materials, finish to doors, windows and rainwater goods can be secured via condition.

It is therefore considered that the development is in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP02 of the Peterborough Planning Policies DPD it would not result in an unacceptable impact on the character of the area.

### **Residential amenity**

The proposed development will be positioned centrally within the site, with parking to the front and communal bin store and cycle store to each side. A fully enclosed shared amenity area will be provided to the rear of the building. It is considered that the development along with the associated

facilities can be accommodated within the site with sufficient space so as the development will not appear unduly cramped or overdeveloped.

The internal layout shows a communal kitchen and 'plant room' situated beneath a bedroom/lounge. This is not considered an ideal arrangement. The agent has advised that the plant room is required for the water storage tanks and heating manifolds and as such he does not consider that it would emit harmful noise levels or that it would be detrimental to the future occupiers' residential amenity. Notwithstanding this it is considered that noise insulation will be covered as part of the building regulations application. The bedsits are proposed for rental on the private rental market and future occupiers will be aware of the layout and chose whether the accommodation is suitable for their requirements.

For the type of accommodation that the development is, i.e. a HMO, it is considered that the proposal would afford the future occupiers a satisfactory level of residential amenity, in accordance with Policy PP04 of the Peterborough Planning Policies DPD.

### **Impact of the development on neighbour amenity**

The proposed building is set back within the site and there is approximately 22 metres between the front of the HMO and the front of the residential care home to the north of the site. To the south of the site there is approximately 8 metres (at the closest point) between the rear of the proposed HMO and the side elevation of number 53 Clipston Walk. Given that there are no windows in the side elevation of this property this relationship is considered satisfactory. The properties further to the south east and west respectively are in excess of 20 metres away. It is not therefore considered that the development would cause any undue loss of outlook/privacy/overbearing or overshadowing.

It is noted that residents have expressed concerns about the type of tenant that will be living in the HMO and whether the development is appropriate in the area given the large number of families and also elderly residents living in the residential care complex opposite the site. This is not a planning issue and cannot be controlled through the planning process. The applicant has advised that the HMO will be run by a private landlord and it will be the landlord's responsibility to ensure that the site is properly managed so as not to cause any detrimental impact to nearby neighbours. Should undue noise or disturbance arise from tenants in the future then this would be a matter for investigation by the Council's pollution control team.

It is also recognised that changes to The Town and Country (General Permitted Development Order) 2015 have made it easier for dwelling houses (C3) to be changed from a single occupancy family home to a House in Multiple Occupation (C4) with up to 6 bedsits without requiring planning permission. Therefore had the earlier dwellings been constructed they could have been changed to a 6-bed HMO without requiring planning permission.

It is not therefore considered that the development would give rise to an unacceptable impact on neighbour amenity. The development is therefore in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP03 of the Peterborough Planning Policies DPD.

### **Highways Implications**

The Local Highways Authority has not objected to the development.

It is noted that some of the objections received from neighbours relates to concerns about the lack of car parking in the area and the impact that this development will have on available spaces. For this type of development Policy PP13 of the Peterborough Planning Policies DPD requires a minimum of six car parking spaces - one for each bedroom. The development provides seven car parking spaces so exceeds the requirement and is therefore considered acceptable. The cycle parking is also in accordance with the policy requirement, with six covered and secure spaces indicated on the submitted plan.

It is recommended that conditions are imposed on the Decision requiring the provision of vehicle to

pedestrian visibility splays to the car parking bays, provision and retention of secure cycle parking, bin collection point and the provision of temporary facilities on site during the construction phase.

It is therefore considered that the development is in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD.

### **Landscaping Implications**

There are five trees located on the application site, none of which are covered by a Tree Preservation Order (TPO). However, the Tree Officer considers that given their quality and contribution to the character of the area three are worthy of TPO- the two field maple adjacent to the proposed car parking spaces and the Sycamore to the west side of the site.

The application as submitted indicated that all the trees were to be retained, however, it was not supported by any Arboricultural information showing how this would be possible. Given the ground conditions around the two field maple and the need to level this area to create the proposed car parking spaces the Tree Officer was unconvinced that it would be possible to retain these trees. Similarly from the location of the proposed building the Tree Officer considered that the proposed Sycamore would require such a significant amount of pruning that it would be better to remove the tree, which he would not support.

The previous planning approval on the site (11/01014/FUL) had a similar layout, with a private driveway/parking area shown adjacent to the two field maple. This application was accompanied with an Arboricultural Impact Assessment, and the removal of these two trees was accepted. The sycamore to the west was however retained, as the footprint of the approved dwellings was far enough away to allow for its retention. On this basis the applicant was asked to amend the layout so that the tree removals were no worse than what the Local Planning Authority agreed on the previous approval.

The applicant has now amended the layout and moved the footprint of the building away from the sycamore and indicated that this tree and the field maple closest to the road can be retained. The Tree Officer considers that the retention of these trees is feasible subject to securing an Arboricultural Method Statement and Tree Protection measures by condition.

It is therefore considered that given the planning history for the site this application will not result in an unacceptable impact on the existing landscape features of the site. The earlier approval resulted in the loss of both the field maple whereas this proposal allows for the retention of one. On balance, therefore, it is considered that the proposal is in accordance with Policy PP16 of the Peterborough Planning Policies DPD.

### **Contamination**

Pollution Control has not objected to the development. Given that a boiler house previously occupied the site it is recommended that an unsuspected contamination condition is imposed on the decision. This will ensure that in the event unsuspected contamination is discovered once development commences, works will cease until a remediation strategy is agreed with the Local Planning Authority.

## **6 Conclusions**

- The design of the development is satisfactory and will not result in a detrimental impact on the character of the area.
- The development has a satisfactory relationship to neighbouring dwellings and will not result in an unacceptable impact on neighbour amenity.
- Car and cycle parking provision is in accordance with the policy requirement for a HMO.
- The majority of the existing Trees on site will be retained, with appropriate protection and arboricultural method statement secured by condition.

The development is therefore in accordance with Policies CS14 and CS16 of the Peterborough

Core Strategy and Policies PP02, PP03, PP04, PP12, PP13 and PP16 of the Peterborough Planning Policies DPD.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is GRANTED subject to the following conditions and reasons:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 No above ground development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- External materials
- Windows
- External doors
- Rainwater goods

The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 3 Notwithstanding the submitted information, no development shall take place above slab level until the following hard landscaping details have been submitted to and approved in writing by the Local Planning Authority

- All hard surfacing materials
- All boundary treatments
- Bin storage area, enclosure details and collection point.

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the HMOs.

Reason: In the interests of visual amenity in accordance with policy CS16 of the adopted Core Strategy and Policy PP02 of the Peterborough Planning Policies DPD.

C 4 No development shall take place above slab level until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments only)

The approved soft landscaping scheme shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved in writing by the Local Planning Authority as part of the submitted landscape scheme.

Reason: In the interests of visual amenity and then enhancement of biodiversity in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.

- C 5 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 6 No work shall take place on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and Finalised Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology has been submitted to and approved in writing by the Local Planning Authority that identifies (not exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application site;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions;
- Details of all facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Signs will be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because it is necessary to ensure that the retained trees can be adequately protected throughout the development phase and that works will be carried out in a way that will not be harmful to them.

- C 7 No work shall take place on the application site until a site meeting between the site agent/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer has been undertaken. Thereafter, the developers chosen arboriculturist will conduct site supervision as agreed during the site visit for the duration of the project to ensure that all protection measures and activities (including tree fencing, ground protection and landscaping) are being implemented and maintained as per the agreed Tree Protection Plan/Arboricultural Method Statement (pursuant to condition C6 above). A log of site supervision shall be kept in the site office for inspection by the Local Planning Authority.



Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because it is necessary to ensure that the retained trees can be adequately protected throughout the development phase and that works will be carried out in a way that will not be harmful to them.

- C 8 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

- C 9 Prior to the first occupation of the development hereby permitted the vehicle to pedestrian visibility splays shown on drawing no. WW/05 Rev E shall be implemented on site in accordance with the approved details and shall subsequently be retained free of any obstruction over a height of 600mm in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD.

- C10 Prior to the first occupation of the development hereby approved space shall be laid out on site for 7 cars to park in accordance with the approved plan reference: Proposed Site Plan WW/05 REV E. That area shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of the building as a HMO.

Reason: In the interests of highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD.

- C11 Notwithstanding the submitted information and prior to the first occupation of the building hereby permitted details of a secure, covered cycle shelter with a minimum of six cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented on site in accordance with the approved details and subsequently retained as such.

Reason: In the interests of residential amenity and to encourage sustainable modes of transport in accordance with Policy CS10, CS14 and CS16 of the Peterborough Core Strategy and Policies PP04, PP12 and PP13 of the Peterborough Planning Policies DPD.

- C12 Prior to the commencement of development details of the temporary facilities that shall be provided clear of the nearby public highway for materials storage and for the parking/turning/loading/unloading of all vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because it is necessary to establish that suitable temporary facilities can be provided on site and the development will not result in a detrimental impact on the adjacent road network and highway safety.

- C13 No development other than ground works shall take place until details of existing and proposed levels including details of finished floor levels, road levels and levels for parking areas have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance policy CS16 of the adopted Core Strategy.

- C14 Prior to the first occupation of the HMO details of the proposed lighting scheme for the site (including the design, location, levels of luminance and a LUX plan) shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be implemented on site in accordance with the approved details before the first occupation of the HMO.

Reason: In the interests of highway safety and public amenity in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy and Policies PP03 and PP12 of the Peterborough Planning Policies DPD.

- C15 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors: E Murphy, G Nawaz