

09/00789/WCPP: REMOVAL OF CONDITION 8 (RIDGE HEIGHT) OF PLANNING PERMISSION REF 03/01174/R4OUT TO REMOVE RIDGE HEIGHT RESTRICTION ON PLOTS 1-5 AT HUNTLY LODGE THE VILLAGE ORTON LONGUEVILLE PE2 7DN

VALID: 20 JULY 2009
APPLICANT: MR JAY LUMSDEN-DIN
AGENT: CHRIS EYRES DESIGNS
REFERRED BY: INTERIM HEAD OF PLANNING SERVICES
REASON: IN VIEW OF PREVIOUS MEMBER INTEREST
DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS
TELEPHONE: 01733 454412
E-MAIL: louise.lewis@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The implications of the restriction on design of the dwellings
- Impact of a change in ridge height on the setting of the Listed building and the character of the area.

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below.

The Peterborough Local Plan (First Replacement)

DA1 – Development should secure high quality urban design appropriate to the area

DA2 – Development should be in keeping with the character of the area and have no adverse impact on the area or neighbours

CBE3 – Development within or close to a Conservation Area should enhance or maintain the character of the Conservation Area

CBE7 – Permission will not be granted for development which would be detrimental to the setting of a Listed Building

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 – Securing Sustainable Development – seeks to ensure the delivery of sustainable development through the planning system.

PPS3 – Housing – Seeks to ensure that a variety of good quality sustainable housing is maintained and created.

PPG15 – Historic Environment – Seeks to ensure that development respects the Historic Environment

3 DESCRIPTION OF PROPOSAL

This application is to remove the Condition restricting ridge height imposed when permission was granted in 2003.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is contained within the historic walled garden of Orton Hall. Until some years ago it accommodated the Huntly Lodge School, which was demolished in about 2004. The site is currently vacant, with the ground slab of the demolished school building remaining and a variety of trees. In places the wall has fallen down or been otherwise removed, and railing put in place. There are no immediately adjacent buildings. The surrounding area is largely wooded.

5 PLANNING HISTORY

Application No.	Description	Decision	Closed Date
03/00790/CON	Demolition of former school buildings	Consent	28.07.2003
03/01174/R4OUT	Erection of five dwellings	Consent	29.10.2003
98/00888/R3FUL	Use of whole building for educational purposes (pupil referral unit)	Consent	30.09.1998
06/01340/WCPP	Variation of Condition 1 of planning permission 03/01174/OUT to allow a further 3 years for submission of reserved matters	Consent	20.11.2006
06/01688/REM	Erection of five dwellings	Refused	22.12.2006
08/01192/DISCHG	Erection of 5 dwellings - Discharge of conditions 3,4,7,9, and 11 of planning permission 03/01174/R4OUT	Comments	09.12.2008
08/01204/LBC	Widening of existing entrance and infilling of existing openings	Consent	31.12.2008
08/01484/DISCHG	Erection of five dwellings - discharge of conditions 6, 9, 10 and 12 of planning permission 03/01174/R4OUT	Under consideration	
09/00615/REM	Construction of a detached dwelling and separate garage	Withdrawn	04.08.2009

6 CONSULTATIONS/REPRESENTATIONS

NEIGHBOURS

- Letters of objection have been received from one neighbour commenting that the increase in height would be detrimental to the overall appearance of the project; and that there is a covenant requiring that the wall and the Hall are visible from each other.

COUNCILLORS

- Cllr Winslade has indicated that she has no objection to the application.

7 REASONING

a) Introduction

This application follows pre-application discussion with Officers.

Outline permission was granted in 2003, for the development of the site for 5 dwellings. At the time it was anticipated that one developer would build out the whole site, and that discussions and negotiations would involve only one applicant.

However the purchaser of the site wishes to sell it on as five separate plots for individuals to develop their own dwellings. This has resulted in several applicants and architects being involved, each with their own design ideas.

Among other conditions, were two conditions controlling the amount of development. These restricted the overall height of development, and the overall footprint of development, to those of the (now demolished) school. The school was a maximum of 7.3m high, and had a built footprint of 1200 sq m.

b) Policy Issues

The relevant Policies mainly cover design matters, and also are concerned to protect the setting of a listed building. The general aim of the policies relating to design is that the aim should be to achieve good design.

c) Implications of height restriction for the new dwellings

The footprint restriction of 1200 square metres, when divided (unequally) between the five plots, results in large dwellings. Large houses with large footprints will normally have large spans, and this, taken with the design style of the building, will dictate the ridge height. The average footprint of the five new houses will be 240 sq m – to give a comparison, the footprint of the nearby new rectory is about 145 sq m with a ridge height of about 8.1m.

The provenance of the restrictive conditions is not clear, however the intention appears to have been to place a quantifiable restriction on the amount of development. Schools and dwellings are different styles of building with different demands for internal spaces and the relationships between spaces, and the resultant designs are quite different. What worked for the school turns out, in practice, not to work for the dwellings.

It has become clear that the restriction on ridge height is a significant constraint to securing high quality design on the site. It is not practical to restrict spans or storey heights to the extent that would be required in order to secure an appropriate roof pitch with an overall height below 7.3 metres.

Officers have spent a great deal of time discussing the design issues with applicants and architects, without any solution being reached. Should the height restriction not be lifted Officers would be in the unfortunate position of having to either refuse applications for well designed houses because they did not comply with the height restriction, or approve applications for houses that are architecturally unbalanced, but which do comply with the height restriction.

d) Impact on the listed buildings and surroundings

Officers have drafted a set of design guidelines which should help to achieve a cohesive development across the site. The guidelines cover separation distances, materials, landscaping and also set out that dwellings should have a two storey, mainly masonry front elevation. These guidelines are broadly acceptable to all the plot developers, and have been amended at an all-party discussion which was felt to move all concerned towards an understanding of how to achieve an overall excellent development. These guidelines include a requirement for dwellings to be a certain distance from the listed wall.

The wall itself is of brick, and is about 2.6m high. It is proposed to impose a replacement height condition on dwellings restricting development to a maximum of 8.5m, which will give sufficient height for roof pitches which suit the styles of the proposed dwellings to be accommodated.

The additional ridge height, to a maximum additional 1.2m, will have no harmful impact on the setting.

The dwellings would always have been visible above the wall although due to the wooded nature of much of the surroundings, views would be fleeting. Most clear views of the development would be from part of the car park and grounds of the Orton Hall Hotel, the listed building of which the garden originally formed part. Orton Hall has a variety of roof styles, heights and pitches, but the main two storey part has a steeply pitched roof. Officers have not advised that development should copy or be unduly influenced by the Hall, and good modern architecture would be supported, but development must be sympathetic to the setting of the Hall and enforcing a height restriction which will necessarily result in squat buildings will not create sympathetic development.

e) Other matters

A neighbour has mentioned a covenant. Legal covenants are not material planning considerations and are a matter of private law, therefore cannot be considered when determining this application

Increasing ridge height will not unduly affect views. The dwellings will be well spaced and both wall and Hall will be visible from most viewpoints.

8 CONCLUSIONS

Allowing a variation in the height restriction of the proposed new dwellings will enable good sympathetic design in keeping with the character of the area and appropriate to the setting of the Listed Orton Hall. This proposal to vary the Condition is therefore in accordance with Saved Policies of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

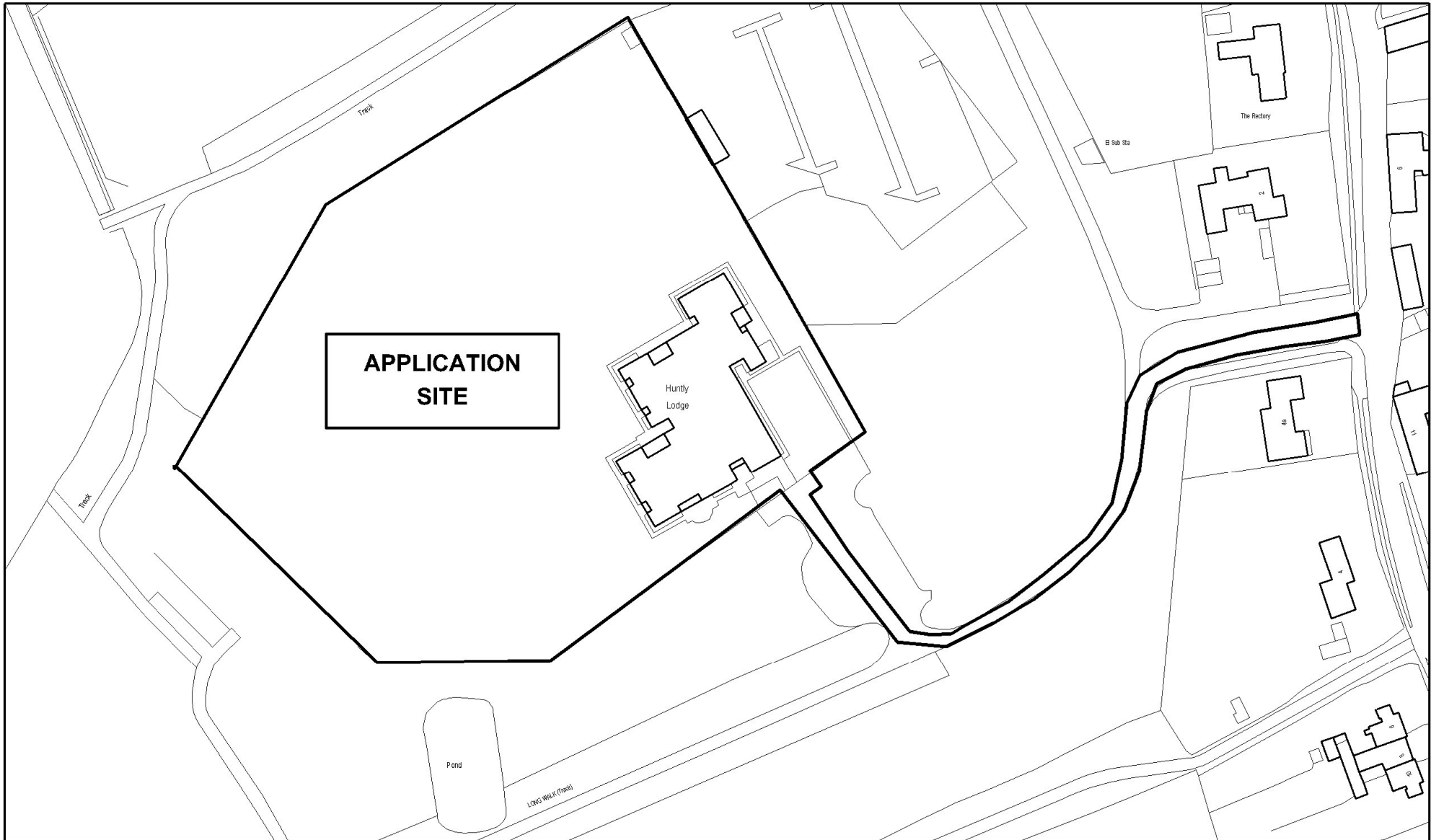
Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

Allowing a variation in the height restriction of the proposed new dwellings will enable good sympathetic design in keeping with the character of the area and appropriate to the setting of the Listed Orton Hall. This proposal to vary the Condition is therefore in accordance with Saved Policies of the Peterborough Local Plan 2005 (First Replacement).

C1 No part of the residential development hereby approved shall be higher than 8.5m (other than appropriately designed chimney stacks).

Reason: To protect the character of a building listed as being of architectural or historic importance and the character of the area in accordance with Saved Policies DA2 and CBE7 of the Peterborough Local Plan 2005 (First Replacement).

Copy to Councillors: J. Goodwin, G. Murphy, P. Winslade



LOCATION PLAN 09/00789/WCPP

Huntly Lodge, The Village, Orton Longueville, Peterborough

Scale 1:1250 **Date** 20/8/2009 **Name** MKB **Department** Planning Services

PCC GIS



This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council, 100024236, 2009.

This page is intentionally left blank