

APPLICATION: CONSTRUCTION OF FIVE-BED DWELLING AND DETACHED GARAGE ON LAND AT THE HAVEN WOTHORPE STAMFORD

NUMBER: 10/00204/FUL

APPLICANT: HERWARD HOMES LTD

AGENT: IPLAN

REFERRED BY: CLLR D. OVER

REASON: OVERDEVELOPMENT, BACKLAND, INADEQUATE ROADS, WATER SUPPLY AND DRAINAGE

DEPARTURE: NO

CASE OFFICER: DALE BARKER
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Brief Outline of Development

Construction of a 5 bedroom house at the rear of an existing house on Second Drift Wothorpe.

Main Issues.

- Amenity/overlooking/overshadowing
- Character of area
- Design/scale
- Trees
- Wildlife
- Access/road

Recommendation.

The Head of Planning Services recommends that the application is Approved subject to conditions and prior completion of a Section 106 obligation relating to a financial contribution to comply with POIS.

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

Peterborough Local Plan (First replacement)

Relevant policies are listed below. The most relevant policies are highlighted in bold for easy reference.

- | | |
|------|---|
| DA1 | Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact. |
| DA2 | Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties. |
| DA6 | Tandem, backland and piecemeal development. |
| H15 | Development to be carried out at highest net residential density |
| H16 | Residential density |
| LT20 | Car Parking Standards |

- T1** New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
- T9 Cycle parking requirements.
- T8** Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10** Car parking provision to be in accordance with maximum car parking standard
- IMP1** Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development

Planning Policy Statement 3 – Housing. This requires Local Planning Authorities to make best use of land for new residential development and that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

Material Planning Considerations

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

Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

City Centre Framework Implications: NO

Village Design Statement Implications: Wothorpe VDS sets out a series of guidelines on Architectural Character, Scale, Relationship between buildings, Overdevelopment, Location, Building lines, Building heights and Landscaping. However, the village design statement no longer forms part of the development plan therefore only very limited weight can be given to it in deciding this application.

3 DESCRIPTION OF PROPOSAL

Construction of a five bedroom house and garage within the garden of an existing house fronting Second Drift. The house has two storeys with no accommodation in the roof and is similar in its characteristics to the three houses built in recent years immediately to the south of the site. Access is via an existing gated access to the northern edge of the site.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is the rear half of a garden and measures approx 27m x 36m. It is served by an access drive approx 40m long which runs between The Haven and Cromwell House, approx 5 m from Cromwell House and 7m from The Haven. The site slopes in several directions and a small stream runs along the eastern edge. There are a number of trees within the site, most of which are to be retained.

There is a tradition of large plots, some with development in the rear, in Wothorpe, including adjoining sites where there is a bungalow and opposite where the replacement of one house with four new houses was allowed on appeal; despite this history, the character of the area remains one of large houses in large plots.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
01/00575/OUT	Erection of four dwellings	26.07.2001	WDN
01/01295/OUT	Erection of dwelling (Revised access)	12.03.2002	PER
02/00842/OUT	Residential development comprising one house and garage	24.09.2002	PER
03/00360/OUT	Residential development comprising two dwellings and garaging	14.05.2003	WDN
04/02018/WCPP	Variation of Condition 1 of planning permission 01/01295/OUT to allow a further three years for the submission of reserved matter	08.02.2005	PER
05/00477/WCPP	Variation of condition 1 of planning permission 02/00842/OUT (erection of house and garage) to allow a further three years for the submission of reserved matters	22.09.2005	PER
08/01203/REM	Reserved matters for the siting, design, external appearance of buildings, means of access and landscaping for a four-bed dwelling as consented under 02/00842/OUT	08.04.2009	PER

6 CONSULTATIONS/REPRESENTATIONS**INTERNAL**

Head of Transport and Engineering – Has no objection

Private Sector Housing – Has no objection subject to comments on layout.

Education – No objections

Senior Engineer Drainage – The watercourse to the north east should be protected and building control should approve any soakaways on site. (The watercourse is unaffected by the proposal).

EXTERNAL

Wothorpe Parish Council – Objects. Loss of amenity to adjoining neighbours, excessive height, trees on site should be retained.

NEIGHBOURS

Letters of objection have been received from 6 local residents raising the following issues:

- Increased scale, size and mass.
- Design/Style of the dwelling
- Overbearing impact, overdevelopment of the plot, loss of amenity, privacy and open aspect, for neighbouring properties,
- Height and bulk results in dominance/The dwelling should be restricted to 1¹/₂ storey
- Trees on site should be protected/loss of Leyland Cypress and other trees.
- High levels of public disquiet.

- Contrary to policies DA1, DA2 and DA6 of the Local Plan.
- Inadequate infrastructure,
- Lack of regard for the Wothorpe VDS.
- Additional dwellings in gardens should be discouraged on the basis that the neighbourhoods were originally designed with specific environmental and aesthetic considerations, providing privacy and security
- Condition of, capacity of, and damage to the road, the Drift is not wide enough to support three further properties, reduced safety for children playing in the road.
- Possible flooding from excess surface water.
- Loss of character of the area.
- Gardens should not be developed.

7 REASONING

a) Introduction

This application seeks to use an area of land at the rear of The Haven which has previously had planning permission for a dwelling and detached garage. The principle of building a house in this location has therefore been established and the issues involved with this application relate to the change in impact of the proposal.

b) Policy issues

The site is within the Village Envelope for Wothorpe where the principle of residential use is acceptable. The controlling policies are DA1, DA2, DA6 and T1.

c) Amenity/Overlooking/Overshadowing

The proposed dwelling is sited in generally the same place as the previous approval (08/01203/REM), although the distance to the northern boundary has been reduced from approx 7m to approx 5.5m and the northern wing of the dwelling has increased to 1½ storeys.

The house will be approx 29m obliquely from the rear of Cromwell House (the approved house is approx 24m away). It will only be approx 8 m from the bungalow known as Willowbrook (the approved house is approx 9m away), but due to the orientation of the buildings the relationship is unlikely to result in any loss of amenity, overshadowing or overlooking. If the boundary vegetation was to be removed the proposed house may result in some overshadowing, but the level would be less than currently caused by the trees and therefore there would be no material loss of amenity or overlooking.

The height of the proposed house is 0.2m lower than the approved property at approx 8.3m, it is set down into the ground in the same way as the approved property. The wing closest to Willowbrook is 1½ storey, whilst the approved house is single storey, but the 2.5m increase in height at an oblique angle will result in no material loss of amenity.

Relationships with other nearby properties all exceed the Council's normal minima by significant amounts and will not result in material problems.

d) Design/Scale

The design of the proposed house is similar in character to the three houses recently built at the top of Second Drift, materials are limestone and slate, windows are small with opening casements and the character is reminiscent of a farmhouse. It will be appropriate in this location. The scale of the house is comparable with nearby houses it is well proportioned and neatly articulated. It has a smaller footprint than some nearby dwellings, it is not over large and the garden is large, comparable with many houses in the vicinity.

e) Wildlife

Although there is a stream running through this site there are no particular wildlife issues subject to the retention, enhancement and creation of natural features within the site, the retention, enhancement and creation of wildlife corridors and the use of native species in landscape planting.

f) Landscape

The application proposes to retain all of the significant vegetation on site. This results in sizeable root protection areas which will make the construction process difficult;

nevertheless, the retention of the vegetation is desirable to reduce the change in character of the area and to establish the new dwelling into the landscape. As a consequence, the routes available for services are constrained, but routes are available which avoid tree protection areas and can be controlled by condition. An Arboricultural Method statement will also be required to ensure the development does not damage the retained trees. Further planting will also be needed to ensure that the new dwelling settles comfortably into the landscape. However, it must be appreciated that the trees are not protected by Tree Preservation Orders and are not within a Conservation Area. The trees are not of a quality or species that would justify a Tree Preservation Order. This being the case, the trees can be taken out or pruned/reduced. Conditions are proposed which promote retention of the trees and their inclusion within a landscaping scheme to be submitted, however, these conditions only take effect if the development commences. Prior to that the trees could be removed.

g) Access

Second Drift is an unadopted road which is not maintained by the Council. Previous developments have resulted in some improvements and surfacing works to the road, but it is not possible to require developers to surface areas that are owned by third parties. The approach taken at St Martin's Lodge on First Drift was to require a condition survey of the drift before work begins and to agree a scheme of repairs post construction. However, as the land is outside the full control of the applicant, this approach should not be taken again.

h) S106

The applicant has agreed to enter into a S106 Obligation to make a contribution under POIS.

8 CONCLUSIONS/REASONS FOR RECOMMENDATION

Overall, it is considered that this proposal meets the objectives of the VDS and policy DA6; when the material factors are considered, this application comes to a matter of judgement, is it satisfactorily accommodated on the site, would it unacceptably harm the character of the area, would it have an unacceptably adverse impact on nearby properties, is the design appropriate and is the scale excessive? In view of the existing permission on site Members should concentrate on the details of the proposal rather than the principle and unless they are clear that this particular design is different to the previous approval in a material and damaging way, it should be approved.

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

The proposed house design is acceptable, will not cause any material loss of amenity, will provide acceptable access and parking and a contribution under the Council's POIS in accordance with policies DA1, DA2, DA6, T1 and IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that these applications are APPROVED subject to the following conditions and that if the S106 is not completed within reasonable time i.e. 4/5 weeks of this decision that the Head of Service be delegated to refuse the application:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C 2 Materials to be used in the construction of the approved development shall be as described in approved plan 2009/51-9c, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Prior to the commencement of development and not withstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained; retention, enhancement and creation of natural features within the site, the retention, enhancement and creation of wildlife corridors and the use of native species in planting. The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner.**
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C 5 No trees that are shown as being retained on the approved plan shall be felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the Planning Authority. If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the Planning Authority. If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the Planning Authority.**
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C6 The following activities must not be carried out under any circumstances.**
- **No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree on or adjacent to the proposal site.**
 - **No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,**
 - **No temporary access within designated Root Protection Areas without the prior written approval of the Planning Authority.**
 - **No mixing of cement, dispensing of fuels or chemicals within 10 metres of the tree stem of any retained tree on or adjacent to the application site.**
 - **No soak- aways to be routed within the Root Protection Areas of any retained tree on or adjacent to the application site.**
 - **No stripping of top soils, excavations or changing of levels to occur within the Root Protection Areas of any retained tree on or adjacent to the application site.**
 - **No topsoil, building materials or other to be stored within the Root Protection Areas of any retained tree on or adjacent to the application site.**
 - **No alterations or variations of the approved works or tree protection schemes shall be carried out without the prior written approval of the Planning Authority.**
- Reason: To safeguard all existing trees to be retained in the interests of amenity, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C7 No trees that are shown as being retained on the approved plan shall be cut back in any way without the prior written consent of the Planning Authority. All pruning works approved shall be to BS 3998-1989 Recommendations for Tree Work.**
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C8** No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the roadway and installation of service runs; has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/ Method Statement.
Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C9** The dwelling shall be constructed at the level shown on plan 2009/51-11A, unless otherwise agreed in writing with the LPA.
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C10** Surface water disposal shall be by means of soakaway unless percolation tests prove negative in which case an alternative means of disposal shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The soakaway or alternative approved means of disposal shall be implemented prior to the first occupation of the dwelling.
Reason: To prevent surface water flooding in accordance with the aims of PPS25.

Copy to Councillor Over

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