

10/00385/FUL: CONSTRUCTION OF TWO BED DWELLING AT LAND ADJACENT TO  
SOUTHCROFT, MAIN STREET, BARNACK.  
VALID: 16 APRIL 2010  
APPLICANT: MRS JOAN DEVANEY  
AGENT: MR COLAN BARTRAM  
REFERRED BY: BARNACK PARISH COUNCIL  
REASON: THE PLOT IS TOO SMALL FOR THE DEVELOPMENT  
DEPARTURE: NO  
  
CASE OFFICER: MISS ASTRID HAWLEY  
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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Design and impact on the character and appearance of the Barnack Conservation Area.
- Residential amenity.
- Impact of the development on neighbour amenity.
- Highway implications.

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**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

- CBE3: Development affecting conservation areas** - Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.
- DA1: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA6 Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.

**H16 Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.

**T1: Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

**T10: Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.

### **Material Planning Considerations**

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

### **National Planning Policy Statements**

**Planning Policy Statement (PPS) 5** ‘Planning of the Historic Environment’ March 2010

**Planning Policy Guidance (PPG) 13** ‘Transport’ April 2011

Barnack Conservation Area and Village Appraisal March 2008

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition 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.

## **3 DESCRIPTION OF PROPOSAL**

Permission is sought for the construction of one, two bedroom dwelling on land between Southcroft and Pasque Cottage. The proposal is one and a half storeys in height and incorporates a dormer window to Main Street with a single storey wing to the rear.

## **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The application site is located to the core of the Barnack Conservation Area on a parcel of land between Pasque Cottage and Southcroft, Main Street. All the buildings to this part of the street are listed with the exception of Southcroft. The application site previously formed part of Southcroft’s garden area. The land is presently overgrown and flanked by a brick wall of approximately 1.4m high.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
99/00479/FUL	Erection of two storey dwelling.	14.09.99	Permitted
03/01839/FUL	Renewal of planning permission 99/00476/FUL	18.02.04	Permitted

## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Conservation Officer** – No objection. Recommends the imposition of conditions relating to materials and finish of the development. (See Section 7c)

**Head of Transport and Engineering** – No objection subject to a condition which prevents doors and windows opening outwards onto the highway.

**Environmental Health** – No objections

**Archaeology** – No objection - Given the location of the development a programme of archaeological work should be required by condition.

### NEIGHBOURS

Letters of objection have been received from 3 local residents raising the following issues:

- Concerns regarding the design and height of the building in relation to the size of the plot and the adjacent dwelling, Pasque Cottage.
- Impact on the character of the Conservation Area and adjacent listed buildings.
- Need to retain the existing stone wall boundaries.
- Concerned regarding the storage and management of waste collection given that no rear access into the garden can be provided.
- Increased on street parking.
- Concerns about the noise and general disruption whilst development takes place.
- Concerns regarding the potential for damage to the adjacent Pasque Cottage arising from the building works.

### PARISH COUNCIL

The Parish Council objects to the application as it considers that the site is too small for the development proposed. In addition it is noted that access to the rear of the property is through the house only and the Parish would not wish to see refuse bins left on the public highway following collection.

## 7 REASONING

### a) **Introduction**

The principle of the development has been established under planning applications reference: 99/00479/FUL and 03/01839/FUL which granted approval for the construction of a two bedroom dwelling on the application site. The latter approval granted conditional consent for a five year period, which expired on 18 February 2009.

It should be noted that foundations were laid on site in January 2009. However, the applicant failed to discharge all the pre-commencement relating to the 03/01839/FUL application prior to its expiration on the 18 February 2009. The Local Planning Authority took the view that this permission had not therefore been implemented within the five year period of consent and advised that a new application would be necessary before continuing to build out the development.

It should be noted that the design of the dwelling is the same as that approved under 03/01839/FUL except for a reduced pitch of the roof and the height of the ridge and eaves so that they align with the adjacent Pasque Cottage. This is considered to be an improvement.

b) **Residential amenity**

The proposal results in a small dwelling that is consistent with the scale and form of the neighbouring property. A small area of private rear amenity space can be provided. No independent access can be provided. Future residents will therefore be required to pull their bins through the house to the public highway on collection days. Whilst it is noted that this situation is not ideal the constraints of the plot do not allow for any alternative and given that the principle of the development has been established and this arrangement previously accepted the Local Planning Authority would be unable to resist the application on these grounds. Ultimately these matters are for consideration by the future occupiers and it should be noted that Policy H20 of the Adopted Peterborough Local Plan encourages the provision of a range in housing scale and tenure mix in order to meet the varying needs of the housing market. On balance therefore it is considered that the proposal is in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

c) **Design and impact on the character and appearance of the Barnack Conservation Area**

The Conservation Officer does not object to the proposal.

Main Street has a distinct character of enclosure due to an almost unbroken facade of buildings set at the back edge to the footway and the high stone boundary wall of Kingsley House to the south of the application site. All these buildings are listed with the exception of the adjacent dwelling to the west, Southcroft, which has a large two storey rear extension. The only gap within the street scene therefore is the application site, which is presently flanked by an unattractive and modern brick wall. It is considered that the development would reinforce the enclosed character of this part of the Conservation Area which would be a positive feature.

The design of the proposal adopts a traditional form which is considered of an appropriate composition, scale and form for this part of the Conservation Area. The dwelling sits to the rear of the footpath, is one and a half storeys high, has a ridge parallel to the road and incorporates a dormer which is identical to Pasque Cottage, the adjacent listed building. In addition the proposal has been amended so that the pitch of the roof and the height of the ridge and eaves align with the adjacent Pasque Cottage. The applicant has also revised the front elevation to include a false window within the front elevation, to the left side of the front door. These modifications are all supported by the Conservation Officer. The proposed materials are appropriate to the local vernacular and it is recommended that conditions are imposed on the decision to secure all the details.

It is therefore considered that the development is of an appropriate design, scale and height and would not result in a significantly detrimental impact on the character or appearance of the Barnack Conservation Area. In terms of design and spatial impact, the proposal is consistent with the adopted Barnack Conservation Area and Village Appraisal March 2008. The proposal is therefore in accordance with Policies DA1, DA2 and CBE3 of the Adopted Peterborough Local Plan (First Replacement).

d) **Impact of the development on neighbour amenity**

The proposal aligns with the footprint of the adjacent Pasque Cottage and the single storey element is well set back from the common boundary. No windows are proposed to the side gable. It is recommended that a condition is imposed on the decision to secure the details of suitable boundary treatments.

Taking into account the position of the dwelling within the plot, the site orientation, arrangement of fenestration and separation distances the proposal will not result in any significant harm to the amenities of the occupiers of any nearby neighbouring dwellings.

The proposal is therefore in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

e) **Highway Implications**

The Local Highway Authority does not object to the proposal.

The development cannot provide any off road parking contrary to the Local Plan parking standards. Notwithstanding this it is not considered that in this location this situation would be sufficiently detrimental to warrant the refusal of the application. On street parking is available to the front of the application site and is not known to be oversubscribed in this area. In addition Planning Policy Guidance 13 encourages the Local Highway Authority to take a more pragmatic view of car parking provision in relation to the merits and context of the site. As there is no front garden, the Local Highway Authority has requested a condition be attached to any permission requiring that all doors and windows to the front of the property open inwards.

The proposal is therefore considered compliant with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

f) **Planning Obligation**

It should be noted that a S106 contribution of £4000 plus monitoring fee is required for the development in accordance with the Planning Obligation Implementation Strategy (POIS). The applicant has agreed to enter into S106 Obligation and the process is currently ongoing.

## **8 CONCLUSIONS**

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:

- The principle of the development has been established under planning applications 99/00479/FUL and 03/01839/FUL.
- The amended design results in an improved composition that is appropriate in scale and form and will reinforce the enclosed character of Main Street. The proposal will not therefore result in a significantly detrimental impact on the character or appearance of the Barnack Conservation Area.
- The proposal by reason of its design, scale and height will not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development is consistent with the character of the area and will provide adequate living conditions for residents.
- The proposal will not result in a detrimental impact on Highway Safety.

The proposal is therefore in accordance with Policies DA1, DA2, DA6, CBE3, H16 and T1 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

**C1 Works to which this consent relates shall be begun before the expiration of three years from the date of this consent.**

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C3 No development shall commence until details of the type, design and external finish of all windows and rooflights (including sill and lintel details), external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted in respect of windows and doors facing the highway shall demonstrate that no window or door will be capable of opening out onto the public highway. The development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C4 Notwithstanding the provisions of the Town and 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 order to protect the amenity of the area in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any elevation of the building hereby permitted other than those expressly authorised by this permission.**

Reason: In order to protect the amenity of the area in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

- C6 All pointing shall be done using a lime-based mortar and carried out in accordance with Cambridgeshire Conservation Note 4-Pointing.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C7 Windows shall be set back a minimum of 50mm in the reveals of their openings unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C8 Prior to the commencement of development a scheme for the hard landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwelling.**

**The scheme shall include the following details:**

- 1) Proposed finished levels or contours.**
- 2) Boundary treatments.**

Reason: In the interests of the visual amenity of the area in accordance with Policies CBE3 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

## Informatives

- 1) Pursuant to condition 3 the applicant is advised that windows shall be timber framed with discreet trickle vents. All doors and joinery should also be timber. Rainwater goods shall be black painted half round either cast iron or cast aluminium on rise-and-fall brackets.
- 2) Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).
- 3) Highways Act 1980 - Section 148, Sub-Section C  
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 4) Highways Act 1980 - Section 149  
If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 5) Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).
- 6) The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works. Normal and reasonable working hours for building sites are considered to be from 8.00 a.m. to 6.00 p.m. Monday to Friday, from 8.00 a.m. to 1.00 p.m. on Saturday and not at all on Sunday. If any activities take place on the site beyond these times, which give rise to noise audible outside the site, the Council is likely to take action requiring these activities to cease. For further information contact the Environmental and Public Protection Services Division on 01733 453571 or email [eppsadmin@peterborough.gov.uk](mailto:eppsadmin@peterborough.gov.uk).
- 7) This consent does not give any authority or permission to carry out any works on adjoining land. If there is the possibility that any part of the approved development including foundations, guttering, services, etc. will need to encroach on adjoining land, then the permission of the neighbouring owner will also be required before any works commence. You should refer to the Party Wall Act 1996, or alternatively guidance can be found on the following website <http://www.peterborough.gov.uk/page-102>, or by telephoning 01733 453422 or email [buildingcontrol@peterborough.co.uk](mailto:buildingcontrol@peterborough.co.uk).
- 8) This permission should be read in conjunction with, and the development is subject to, the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and associated legislation between Mrs Joan Devaney and Peterborough City Council dated - currently under preparation.

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

**R1** A request has been made by the Local Planning Authority to secure a contribution towards the infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillor David Over

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