

10/00673/FUL: CONSTRUCTION OF 2 STOREY 3 BED DWELLING AT 219 BROADWAY,  
PETERBOROUGH.  
VALID: 10 JUNE 2010  
APPLICANT: MR AND MRS HOOTON  
AGENT: ACCENT AND WILKINSON ARCHITECTS  
REFERRED BY: CLLR PEACH  
REASON: DETRIMENTAL IMPACT ON THE CONSERVATION AREA  
DEPARTURE: NO

CASE OFFICER: MR A P CUNDY  
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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

### Brief Outline of Development

Construction of a single two storey 3 bedroom dwelling in the garden of 219 Broadway.

### Main Issues

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

### 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

**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.
- LNE9: Landscape Implications of Development Proposals** – Planning permission will not be granted for development unless it makes adequate provision for retention and protection of trees and unless there is adequate provision for landscaping of the site.
- 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**

#### **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

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**

Planning permission is sought to put a single 2 storey 3 bed dwelling in the garden of 219 Broadway. All three bedrooms are to be sited on the first floor. The ground floor will contain a lounge, kitchen, dining room and study. Access to the site will continue from Broadway and is to be widened from 3 to 5 metres. Car parking on site will be provided for 4 cars.

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

219 Broadway contains a relatively large, two storey, brick built detached house. The 4 bedroom dwelling was built in the 1960's and is located in a residential area on a generally level triangular shaped plot of land at the junction of Broadway and Eastfield Road. The site is within the Central Park Conservation Area (although previously on the edge of the Conservation Area, the subject property has only recently become absorbed, being approved in February 2007 by the City Council). The character and appearance of the area is typified by Victorian villa type properties sited some distance back from the highway and often within substantial grounds with significant trees lining the road.

The house faces northwards and is accessed by tarmac covered driveway off Broadway. A single garage is attached to the western side of the house and a large open car-port is positioned to the west of the garage.

There are a substantial number of trees and shrubs on this site, the majority of the large trees are growing along the boundary edges of Broadway and Eastfield Road. The heavily treed frontages to Broadway and Eastfield Road make a positive contribution to the character and appearance of the conservation area.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
09/01400/FUL	Construction of four bed dwelling	10.02.2010	Withdrawn

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Conservation Officer** – Recommend approval subject to conditions

**Head of Transport and Engineering** – No objections to the proposals subject to a series of conditions

**Environmental Health** – No observations

**Landscape Officer** – No objection

**Archaeology** – **No objection** – The proposed development site contains no known archaeological remains

#### **NEIGHBOURS**

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

- the scheme is detrimental to the character of the Park Conservation Area - we need to preserve it not alter it further
- contrary to the Park Conservation Area Appraisal Report and Management Plan, Section 5.9 which states that there will be a presumption against development in gardens

- removal of most trees from this prominently sited garden would have a major effect on the vistas of this prominent entrance to the Conservation Area – Section 5.13 refers to the Broadway/Eastfield Road junction as a “Gateway to the Conservation Area”
- most of the trees do not appear to be in the very poor condition implied in the assessment which gives the impression that few if any of the trees are worth retaining
- It is noted in the method statement for arboriculture work that the developer states that the conflict between canopies of retained trees and scaffolding will be dealt with by reduction of canopies
- It is unreasonable and inappropriate for the Council to rely upon a report on tree condition which is some three years old
- the design of the proposed house is a standard estate-type modern house with little attempt to blend in with the houses in the conservation area – the fact that 219 is a typical 1960s house is not an excuse for adding another that now be considered inappropriate for the Conservation Area
- there is no need to destroy such a garden
- Insufficient garden space available for both the new build and existing house.
- 1.8 metre high fence would be an eyesore and a magnet for graffiti and vandalism
- Would significantly degrade our amenity by replacing views of trees with views of a modern house
- will add to traffic at the junction of Eastfield Road/Broadway and create more traffic problems generally

### **BROADWAY RESIDENTS ASSOCIATION**

The residents association object and argue that the current proposal would be highly detrimental to the character of the conservation area and would have a markedly adverse effect on neighbours. Specifically the proposal is contrary to Section 5.7 and 5.9 of the Park Conservation Area Appraisal Report and Management Plan; that further development of the residential garden area would result in a significant loss of residential amenity to immediate neighbours; that a grant of planning permission would lead to a domino effect with applications for further intensive development; that multiple trees will be lost to facilitate this development.

### **COUNCILLORS**

Councillor Peach objects and argues, that the proposal would have a detrimental impact on the Park Conservation Area due to loss of tree and replacement with a modern house at a prominent and attractive entrance to the conservation area; that the proposal is contrary to planning guidance in relation to the Park Conservation Area; that it is contrary to the governments new directive removing gardens from the definition of brownfield sites and that there have been precedent of several appeal decisions relating to proposals in the conservation area which support refusal of this application.

## **7 REASONING**

### **Background**

Planning Application Ref: 09/01400/FUL for construction of a four bed dwelling was withdrawn on the 10<sup>th</sup> February 2010. In progressing the application officers had major highway safety, arboriculture and design concerns. In response the applicant has made the following changes:

- deleted the second access
- widened new shared access to 5 metres
- incorporated turning areas within the site so that cars can now leave in forward gear
- re-sited dwelling away from Taxus Baccata (conifer) and a Pinus Sylvestris (pine) tree
- reduced size of dwelling from 4 bed to 3 bed
- improved design of dwelling specifically the elevation fronting Broadway

### **Assessment of the Planning Issues**

- a) **The impact of the development on the Conservation Area (The duty placed on decision makers to consider whether or not any proposal would serve to preserve or enhance the character or appearance of the area – 4 tests)**

The site lies within the Park Conservation Area, therefore in accordance with PPS5, the proposal needs to be assessed in terms of whether the proposed development would preserve or enhance the character and appearance of the Park Conservation Area.

A starting point is to consider the character of the area. The Park Conservation Area Appraisal was adopted in February 2007 and provides important planning guidance. The character of the Park Conservation Area is broadly that of large Victorian villa style properties set within large plots with frontage trees. Indeed the present heavily treed frontages to Broadway and Eastfield Road make a positive contribution to the character and appearance of the Park Conservation Area.

It is accepted that the proposed development is uncharacteristic of the building character in this part of the Conservation Area, which is typically large single detached dwellings set in landscaped plots. The Conservation officers advise that the form and massing of the dwelling is acceptable and that the quality of the build can be enhanced significantly by the use of good quality windows, red bricks together with plain tiles or natural slate. These are all materials which are typical in this part of the conservation area.

#### **b) Impact on trees**

It is acknowledged that the development would result in significant loss of trees. The trees presently provide screening to No. 219 and provide a positive landscape 'gateway' as one passes the site into Broadway and gives an advance signal of the character of the conservation area to come. It is accepted that the loss of up to 15 perimeter trees, some with substantial spread, will harm the character and appearance of the conservation area by diminishing its strong Arcadian character.

Notwithstanding the above, the applicant has submitted an arboriculture report; the report concludes that:

- there are numerous, mainly poor quality trees growing within the grounds of the property;
- the growth of many of the trees and shrubs has been adversely affected by competition for light from adjacent plants;
- many of the individual plants are deteriorating and have short life expectancy;
- the poor quality trees and shrubs should not be used to adversely affect the development of the site;
- a detailed landscape scheme should form part of the planning proposal

The Council's tree officer has raised no objection to these conclusions. Officers consider that a detailed landscaping scheme, to tidy/thin the overgrown vegetation and to replace the mainly poor quality trees, with healthy mature species will enhance this gateway site and preserve and enhance the character and appearance of the Conservation Area.

#### **c) 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.

The proposal aligns with the footprint of the adjacent dwelling and is well set in from the common boundary. A secondary window to bedroom 2 is proposed to the side gable. It is recommended that conditions are imposed on the decision to secure the details of suitable boundary treatments and to require that the side gable window be obscurely glazed.

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).

#### **d) Highway implications**

Following negotiations the applicant has deleted the second access, widened new shared access to 5 metres and incorporated turning areas within the site so that cars can now leave in forward gear. Access

to the site will continue from Broadway and Car parking on site will be provided for 4 cars (2 for 219 Broadway and 2 for the new). The Local Highway Authority does not object to the proposal. The proposal is therefore considered compliant with Policy T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

#### e) Planning Obligation

It should be noted that a S106 contribution of £6000 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 amended design results in an improved composition that is appropriate in scale and form and will reinforce the character of the Broadway. The proposal will not therefore result in a significantly detrimental impact on the character or appearance of the Park Conservation Area.
- A detailed landscaping scheme, to tidy/thin the overgrown vegetation and to replace the mainly poor quality trees, with healthy mature species will enhance this gateway site and preserve and enhance the character and appearance of the 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 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).

**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, external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. 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 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant.**  
Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C7 Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.**  
Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C8 No works or development shall take place until full details of all proposed tree and shrub planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.**  
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C9 If within a period of 10 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.**  
Reason: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.**
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;**

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.**

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).

**C11 The new dwelling shall not be occupied until the garage shown on the approved plans has been constructed, in accordance with the details submitted to and approved in writing by the Local Planning Authority. The garage shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the dwelling.**

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies T1, T9 and T10 of the Adopted Peterborough Local Plan (First Replacement).

**C12 The new dwelling shall not be occupied until the areas shown as parking for both 219 Broadway and the new dwelling on plan 85006/500-02 A have been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of Highway safety, in accordance with Policies T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

**C13 The new dwelling shall not be occupied until space has been laid out within the site, in accordance with plan 85006/500-02 A for vehicles to turn so that they may enter and leave the site in forward gear, and that area shall not thereafter be used for any purpose other than the turning of vehicles.**

Reason: In the interest of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

**C14 The new dwelling shall not be occupied until the vehicular access has been widened to 5m width in accordance with the approved plans.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

**C15 The amended vehicular access hereby approved shall be un gated.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

**C16 Before the new dwelling is occupied, visibility splays as shown on the approved plan 85006/500-02 A shall be provided on both sides of the widened access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.**

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

**C17 The building shall not be occupied until the means of access for pedestrians has been constructed in accordance with the approved plans.**

Reason: In the interests of Highway safety, in accordance with Policies T3 and T5 of the Adopted Peterborough Local Plan (First Replacement).

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 Councillors: P Kreling, Y Lowndes, J Peach

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