

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 12 OCTOBER 2010 AT 1.30PM

Items Attached

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UPDATE REPORT & ADDITIONAL INFORMATION

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

- 1. <u>Planning Officer</u> to introduce application.
- 2. <u>Chairman</u> to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
- 3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
- 4. <u>Chairman</u> to invite objector(s) to present their case.
- 5. Members' questions to objectors.
- 6. <u>Chairman</u> to invite applicants, agent or any supporters to present their case.
- 7. Members' questions to applicants, agent or any supporters.
- 8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
- 9. Members to debate application and seek advice from Officers where appropriate.
- 10. Members to reach decision.

The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed <u>ten minutes</u> or such period as the Chairman may allow with the consent of the Committee.

The total time for speeches in respect of each of the following groups of speakers shall not exceed <u>five minutes</u> or such period as the Chairman may allow with the consent of the Committee.

- 1. Objectors.
- 2. Applicant or agent or supporters.

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 12 OCTOBER 2010 AT 1.30PM LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent /Supporters/Parish Council/Town Council/Neighbourhood Representatives
5.1	27	10/00738/FUL – LAND BETWEEN 45-55 NORTH STREET, STANGROUND, PETERBOROUGH	Councillor Irene Walsh Ms Jacqueline Harrison	Ward Councillor Objector (Local Resident)
5.2	43	10/00777/FUL – LAND KNOWN AS THE OAK TREE SITE, BRETTON WAY, BRETTON, PETERBOROUGH	Mr Andy Ryley Mr Paul Moran	Agent (PRC Group) Applicant (Chief Executive of PJ Care)
5.3	59	10/00975/FUL – THE HAVEN, SECOND DRIFT, WOTHORPE, STAMFORD	Councillor David Over Mr Nicholas Dowell Mr Mike Sibthorpe	Ward Councillor Objector (Local Resident) Applicant (Hereward Homes)

BRIEFING UPDATE

P & EP Committee 12 October 2010

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.		Land Between 45 And 55 North Street Stanground Peterborough, Construction of three two-bed and five three-bed
		dwellings

Highways Issues

Following the Local Highway Authority's concerns about the suitability of the site's access the applicant has undertaken a speed survey. As a result of the speed survey the LHA accepts that the achievable 'Y' distance at an 'x' distance of 2.4 m is 40 m in each direction is acceptable in this instance.

In view of this the LHA does not object to the proposal subject to the imposition of the recommended conditions:

C6 The vehicle to vehicle visibility splays of the following dimensions 2.4m x 40m on both sides of the access shall be provided prior to occupation of the development and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2.4m x 40m measured from and along respectively the channel line of the carriageway.

(Channel line is kerb line)

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

C7 Prior to occupation of development hereby permitted the vehicle to pedestrian visibility splays shown on the approved site layout drawing number 104/ D (-)02 of the following dimensions $2.m \times 2.m$ on both sides of the access shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of $2m \times 2m$ measured from and along respectively the back of the highway boundary.

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

C8 The areas shown on the approved site layout drawing number 104/D (-02) for parking and turning shall be laid out prior to the commencement of the development hereby approved and thereafter used for no other purpose.

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

C9 The access road/driveway shall be of a minimum width of 5.5m from the public highway to the parking and turning areas.

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

C10 In the event that gates are to be provided to the vehicular access they should be set back 6m from the edge of the carriageway and subsequently retained as such in perpetuity.

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

C11 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the Construction Management Plan shall include details of the following:

- 1) Details of a securely fenced buffer zone between the river bank and the construction site.
- 2) Pollution prevention procedures to be applied on site throughout the construction phase, including details of a proposed scheme of mitigation and remedial measures.
- 3) Details of the visual screening proposed to the application site from the Nene washes during the construction period.
- 4) A scheme for the monitoring of construction noise and vibration, including hours of working;
- 5) a scheme for the control of dust arising from building and site works;
- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- 7) a scheme for construction access from the highway including measures to ensure that all construction vehicles can enter the site immediately upon arrival, and the provision of adequate space within the site to enable vehicles to turn/load and unload clear of the public highway.
- 8) a scheme for the temporary parking, turning and loading unloading of vehicles;
- 9) a scheme for access and deliveries, including intended hours.

The development shall be carried out on site in accordance with the approved Construction Management Plan at all times unless the written agreement of the local planning authority has been given to any variation.

Reason: In the interest of public amenity and safety. In accordance with policies PPS23, T1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

These conditions supersede C7, C8, C9, C10 and C15 of the Committee Report.

Flood Risk Issues

Further to the Flood Risk Assessment and the initial comments provided by the Environment Agency relating to finished floor levels being located at 6.0 m Above Ordinance Datum (AOD), the Environment agency has subsequently confirmed that the proposals for the dwellings that are located to the north (back part) of the site to be located at 5.6 M AOD is acceptable, given that all the houses are to be located within Flood Zone 1 with the finished floor levels still to be located above the 1000 year flood event.

It is therefore recommended that conditions 6 and 16 of the Committee Report are amended to read as follows:

C6 Prior to the commencement of development, and notwithstanding the approved plans, additional plans showing the existing and finished levels, and the level of the ground floor of any building to be constructed, shall be submitted to and approved in writing by the Local Planning Authority. In accordance with the approved Flood Risk Assessment (AECOM dated Nov 2008) and the Environment Agency's email from Emma Kirk to Astrid Hawley dated 05.10.10 the ground floor levels of all new buildings shall be constructed above 5.6 m AOD and at least 150mm above surrounding ground or path levels, unless otherwise agreed in writing with the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C16 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by AECOM, dated November 2008 and the mitigation measures detailed within the FRA and as varied by the Environment Agency's email from Emma Kirk to Astrid Hawley dated 05.10.10. The applicant shall confirm to the Local Planning Authority that this has taken place, in writing, within one month of completion.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with PPS: 25 'Development and Flood Risk' March 2010 <u>Waste Management</u>

The applicant has provided tracking that shows Peterborough City Council's refuse trucks can access the site to collect refuse directly from the front of the proposed rear block of 3 houses. Given that the road is not intended for adoption the applicant has also indicated that they are willing to enter into an indemnity agreement with PCC indemnifying the Council from any damage arising from collection.

Affordable Housing

It should be noted that the applicant has been awarded funding for the development. The funding is conditional, based on planning permission being granted by 31 December 2010 and development commencing on site by March 2011.

		Land Known As The Oak Tree Site Bretton Way Bretton
2.	10/00777/FUL	Peterborough , Construction of Neurological Care Home, to include 107 beds, 37 assisted living units, Neurological therapy centre and
		associated parking and landscaping

No Further Comments

3.	10/00975/FUL	The Haven Second Drift Wothorpe Stamford, Demolition of existing dwelling and construction of three-bed dwelling with detached garage
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No Further Comments.

		Land Opposite 3 Hurn Road Werrington Peterborough, Use of land for one
4.	10/01065/FUL	extended gypsy family comprising two residential caravans and one family
		room caravan

No Further Comments.

<u> 10/00738/FUL – Land Between 45-55 North Street, Stanground,</u> Peterborough

We have objected to the above mentioned application and our MP informs us that we are entitled to speak at the Committee Meeting for a period not exceeding five minutes. Accordingly we are formally notifying you that Ms Harrison wishes to speak at the above mentioned meeting.

Furthermore we do not consider that the Committee Report represents an accurate reflection of our objection to this application. Our MP informs us that we are entitled to request that Members be given a full copy of our objection. Accordingly I am writing to formally request that the members of the Committee be provided with a full copy of this e-mail and our letters dated 30 June 2010 and 4 August 2010.

I am of the view that the Committee Report seriously misrepresents the situation with regard to overlooking. The actual facts are that the top of my garden (which includes an eating area) will be overlooked by two of the properties fronting North Street and the bottom of my garden will be overlooked by all three of the proposed 2.5 story houses. The combined effect of being overlooked by five out of the eight properties in the proposed development is that I will be left without any privacy in my garden. The fact that the windows of the 2.5 story houses will be angled will not prevent the occupiers from looking out over my garden, if permission is granted for the construction of these houses a condition should be imposed obliging the developers to install opaque glass in the third floor windows.

I note that the proposed conditions do not adequately deal with the treatment of the boundary between the Council's land and numbers 45 and 47 North Street, nor are there any proposals to protect the occupiers of those properties from dust noise and nuisance during the course of development. If permission is to be granted for this development then these matters must be considered and dealt with in an appropriately sympathetic manner.

Lastly it is considered that the proposed hours of work are completely unreasonable for a residential area occupied by retired couples and young families. The hours of working should be restricted to 9.00 am to 5.30 pm Mondays to Fridays and no Saturday or Sunday working.

Jacqueline Harrison Dr Peter John Goddard

The Old Ferry 57 North Street Stanground Peterborough PE2 8HS

4 August 2010

COPY

Miss A Hawley Planning Services Peterborough City Council Stuart House East Wing St. John's Street Peterborough PE1 5DD

Dear Madam,

Planning Application Reference: 10/00738/FUL Construction of three two-bed and five three-bed dwellings At land between 45 and 55 North Street, Stanground, Peterborough

We refer to our original objection to this application in which we mentioned that part of the site to which the application relates was not in the ownership of the City Council.

Since lodging our objection we have been in correspondence with the City Council's legal department and one of the City Council's surveyors has been to inspect the site with reference to the precise location of the boundary between the Council's land and numbers 55 and 57 North Street.

As a result of this visit it is, we believe, agreed that the fences between numbers 55 and 57 North Street and the Council's land do not represent the position of the physical boundary. A small strip of land on the North Western side of the current fence line belongs to the owners of 55 and 57 North Street.

During his visit the City Council's surveyor suggested that we write and let you know how we would like the boundary between the application site and our land to be treated. Consequently we are writing to advise you that we would like a 2 metre high wall between our land and the application site.

If it is impractical to build a wall then it will be necessary, as a bare minimum, for the applicant to construct a 2 metre high close boarded fence along the entire boundary. "Open" or chain link fencing would fail to respect the privacy of our adjoining land contrary to policies H7, H15 and H16 of the Peterborough Local Plan First Replacement (2005).

Yours faithfully,

Dr. Peter John Goddard Jacqueline Harrison

The Old Ferry 57 North Street Stanground Peterborough PE2 8HS

DELIVERED BY E-MAIL AND BY HAND on 30 June 2010

Miss A Hawley Planning Services Peterborough City Council Stuart House East Wing St. John's Street Peterborough PE1 5DD

COPY

Dear Madam,

Planning Application Reference: 10/00738/FUL Construction of three two-bed and five three-bed dwellings At land between 45 and 55 North Street Stanground Peterborough

Thank you for your letter of 14 June 2010 notifying us of the above mentioned Planning Application. We object to the above mentioned application on the grounds that the housing development to which it relates represents a major contravention of a number of the Council's stated planning policies. We will deal with these issues in more detail at a later point.

In the meantime we would draw your attention to the fact that the Certificate of Ownership on the Application is factually inaccurate in that the City Council does not own the whole of the application site. Over the years the City Council and its tenants have persistently failed to keep the weeds growing on the City Council's land under control. For this reason the owners of numbers 55 and 57 North Street constructed their boundary fences inside the original fence line in order to facilitate the maintenance of a weed free strip of land for the protection of their gardens. There is physical evidence of this situation (including old boundary fence posts) on site. Please note that the residents have taken a photographic record of this evidence as a safeguard against any "accidental" destruction.

The site to which this application relates (hereinafter referred to as "the Site") is situated in an area that the Peterborough Local Plan First Replacement (2005) designates as an Urban Area Boundary. The Site abuts an important local, national and international conservation site known as Stanground Wash which is used by the general public for recreational purposes such as dog walking, bird watching and fishing.

The proposed development contravenes policy H7.

All of the houses and other buildings in the area that surrounds the Site are of one or two storey construction with a predominance of one or 1.5 storey construction where erected in close proximity to the river. Consequently the proposed construction of 2.5 storey dwellings in close proximity to the river would have an overbearing impact on and fail to respect the character of the surrounding area. The construction of communal parking facilities in close proximity to the river fails to respect the character and amenity of the adjacent residential garden areas. The development proposals do not contain an adequate "buffer zone" or adequate landscaping to protect the views from and/or maintain a coherent and attractive "edge" to the urban area boundary. The wall or bank of Back River is severely undercut and in a state of disrepair and the development proposals do not appear to deal with this issue. It would be dangerous to construct communal gardens and car parking facilities adjacent to this wall or bank and, if it was unsafe to use those facilities, the development proposals would not provide good quality living conditions for the residents.

The proposed development contravenes policy H16

The gardens and garden areas contained in the development will be overlooked by existing windows in numbers 57, 55 and 45 North Street.

The proposed development contravenes policy DA1.

The destruction of trees and construction of 2.5 storey dwellings will have a detrimental and overbearing impact on adjacent and neighbouring properties, the relationship between the Site and nearby buildings and open spaces and a significant adverse impact on views from the surrounding domestic dwellings, open spaces and Stanground Wash. The dwellings and other buildings in the area are either one or two storey construction. Most of the buildings in close proximity to the river are of one or 1.5 storey construction. Consequently the construction of 2.5 storey dwellings in close proximity to the river would have an overbearing impact on and fail to respect the distinctive local character of the area in which the Site is situate. This could set an unwelcome precedent for the future development of this sensitive area. The landscaping detail in the application is limited in nature and fails to preserve the natural appearance of the part of the Site that immediately abuts Stanground Wash. Creating communal parking and garden areas without securing appropriate provision for the ongoing maintenance and upkeep of those areas will have a detrimental impact on the buildings and other areas surrounding the Site.

The proposed development contravenes policy DA2

The construction of 2.5 storey dwellings on this side of North Street would have a detrimental impact on the character of the area (which consists of one and two storey buildings) and an overbearing impact on neighbouring properties. In particular our garden would be overlooked from the rooms on the top floor of the 2.5 storey houses (which contains three separate floors - the top floor being at roof level). The noise and fumes from the proposed parking area would have a detrimental effect on our amenity by disrupting the peace, tranquillity and health of our garden. The creation of communal gardens and parking facilities without adequate provision for ongoing maintenance and upkeep would create a weed problem that we might not be in a position to control and thereby have a detrimental impact on our amenity and the enjoyment of our garden area.

The proposed development contravenes policy DA14

The history of the Site is industrial and for many years it was used, among other things, as a boat yard and haulage yard during the ownership of Mr Jackson, the proprietor of Jackson's

Boat Haulage. Consequently there is a high risk of soil contamination from storage and spillages of oil, diesel and anti-foul which, without appropriate remediation, could cause a risk to the health or safety of persons visiting the Site during the course of the development and/or residential occupiers of the completed development. Disturbing the soil on the Site could cause significant harm or possibility of harm to the adjacent controlled waterway known as Back River.

The proposed development contravenes policies LNE4, LNE6 and LNE8

The development proposals do not contain an adequate "buffer zone" and/or landscaping to protect the views from Stanground Wash and/or maintain a coherent and attractive "edge" to the urban area adjacent to this important conservation site.

The proposed development contravenes policy LNE9

The Site contains a number of trees and other natural features which make a positive contribution to the quality of the local environment. The proposed development fails to take account of this and/or make adequate provision for the retention and/or replacement of all barring one of these trees and/or features and/or to provide appropriate landscaping and tree replacement as part of the development.

The proposed development contravenes policy LNE14, LNE15 and LNE16

The proposed development may and/or is likely to have an adverse visual impact on the views from, and the tranquillity of, the adjacent local/national/international nature conservation site known as Stanground Wash. The density of the development as a whole and, in particular, the construction of 2.5 storey dwellings and a car park in close proximity to this sensitive conservation site may and/or is likely to lead to an increase in activity fumes and noise which would disturb and/or disrupt nesting wild fowl and other wild creatures.

The River Wall

The wall or bank that supports the part of Back River abutting the Site is in a severe state of disrepair. As well as being in disrepair the walls and bank are severely undercut and in danger of collapse. Creating communal gardens and/or car parks on the land adjacent to this wall without substantial remediation is likely to have a detrimental impact on the stability of both the Site, the gardens belonging to adjacent properties and the health and safety of any residential occupiers.

Generally

In addition to contravening a number of the Council's stated policies this ill considered application appears to be little more than a blatant attempt by the Council, in co-operation with the applicant, to maximise its profit on the sale of the land without any thought or consideration for the adverse impact that the proposed development will have on the character of the surrounding area and/or the amenity of the adjoining residential properties.

The construction of communal areas, whether they are gardens or parking areas, will always create difficulties with regard to ongoing maintenance and upkeep. It is totally inappropriate to allow the construction of areas that will inevitably suffer from such problems along the urban area boundary or in close proximity to a sensitive nature conservation site.

Finally it is wholly inappropriate for an application that affects such a sensitive area to be dealt with under delegated authority. Consequently the application should be considered by

the Council's Planning Committee and we are writing to our ward councillors asking them to call in the application.

Yours faithfully,

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Dr. Peter John Goddard Jacqueline Harrison

ITEM 5.3

Thomas House Second Drift Wothorpe Stamford PE9 3JH

31st August 2010

Dear Sirs

Planning Application 10/00975/FUL – Demolition of existing dwelling and construction of 3 bedroom dwelling with detached garage

We write with reference to the planning application submitted by Hereward Homes under the above reference to build a 3 bedroomed detached house with detached garages on the site of The Haven.

You refused the original application under 10/00688/FUL for the construction of 1x5 and 1x4 in July on a number of grounds; immediately the developer resubmitted another application to construct 1x5 with detached garage, identical to the original plot specifications. Following communication between yourselves and the developer, that we have reviewed, this new application has been submitted.

It is clear when looking at the plans, the developer already intends to apply for yet another property on 'plot B' designated on the plans. It is nonsensical to assess 10/00975/FUL in isolation of plot B and the already approved house at the back of the back of The Haven plot. Together 3 houses are a defacto case in point of over development and 'garden grabbing' and so we request that this application is refused and the overall development of The Haven plot is taken as one planning application. You have already turned down two additional houses on the front of The Haven and therefore request that you do the same.

We also remain deeply concerned that following any consideration of this smaller application the developer will subsequently submit additional plans to expand the house as he did with the house on the rear of The Haven further making a mockery of the process.

Effectively therefore this application is an identical application all of the concerns we raised in our letter of 10th June 2010 remain valid should be taken into consideration.

In addition we would like you to take the following specific objections into account

• Overdevelopment – the proposed house is two and a half storeys in height and in order to fit the roof line into the existing street pattern, it would be necessary to sink the proposed house into the ground. The roofline remains too high with significant digging into the ground to accommodate. Unless additional accommodation is planned in the roof, there is no need for such a high roof pitch. You raised this as a concern on the previous application and we note that this has not changed. It should be refused on this basis.

- The Planning Dept stated that the original footprint for this house was too large for the site and should be reduced by half. The Planning Department refused the original application under 00688 on these grounds. The footprint has not been halved.
- Proximity to Thomas House the proposed house, whilst now being moved away from Thomas House has a window overlooking our property straight into our kitchen. This should be removed from the plans on grounds of overlooking.
- Character of Wothorpe it would appear that having had the application for two houses at the front refused, the developer has decided to resubmit the applications separately in an attempt to get them passed individually. The residents of Second Drift have maintained throughout the whole planning process regarding the Haven site that the plans must be viewed as a whole and should not be considered in isolation, especially as the original application for both houses was refused and the resubmitted proposal makes no concessions to the grounds the original was refused on. All of this must be taken into consideration when looking at the potential change of character of Wothorpe overall, especially as it is marked as a Character Area requiring special consideration.
- Inclusion of a second double garage beside what is clearly marked as 'Location of Plot B'on the site plan submitted under this revised planning application – any garage pertaining to Plot B should not be included for consideration with Plot A and again our argument would be that the plans for the whole Haven site should be considered as a whole. If they are going to be considered on a separate basis then the garage for plot B should also be considered separately when that application is submitted.

Finally the letter informing us of this application was only despatched by yourselves on the 24^{th} of August and a follow up letter stating that it was being referred to planning committee on the 26^{th} of August. This is the week before bank holiday Monday and we – like many people – have only returned from holiday this weekend. Effectively you have had no time to consider any grounds for objection and we have had no time to – except one evening – to compose a letter. This cannot be acceptable process and we request that referral to committee on Sept 7th is deferred, allowing time for due process.

Yours sincerely,

John and Hilary Finch

Thomas House Second Drift Wothorpe Stamford PE9 3JH 10th June 2010

Dear Sirs

Ref 10/00975/FUL

Planning Application 10/00975/FUL – Demolition and construction of 5 bedroom with detached garages

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We write with reference to the planning application submitted by Hereward Homes under the above reference to build a large detached house with detached garages on the site of The Haven.

In light of the considerable local opposition to this application and the serious concern regarding the over development of Wothorpe as a whole, we request that this planning application is only considered by the full planning committee if it is not rejected prior to committee.

You refused the original application under 10/00688/FUL for the construction of 1x5 and 1x4 in July on a number of grounds; immediately the developer resubmitted this application to construct 1x5 with detached garage, identical to the original plot specifications. This is the house that is positioned only two metres from our boundary and has a huge impact on our property. As this is an identical application all of the concerns we raised in our letter of 10th June 2010 remain valid should be taken into consideration.

In addition we would like you to take the following specific objections into account

 Character of Wothorpe – it would appear that having had the application for two houses at the front refused, the developer has decided to resubmit the applications separately in an attempt to get them passed individually. The residents of Second Drift have maintained throughout the whole planning process regarding the Haven site that the plans must be viewed as a whole and should not be considered in isolation, especially as the original application for both houses was refused and the resubmitted proposal makes no concessions to the grounds the original was refused on. All of this must be taken into consideration when looking at the potential change of character of Wothorpe overall, especially as it is marked as a Character Area requiring special consideration.

- Overdevelopment the proposed house is two and a half storeys in height and in order to fit
 the roof line into the existing street pattern, it would be necessary to sink the proposed
 house into the ground. In addition, the Planning Dept stated that the original footprint for
 this house was too large for the site and should be reduced by half. The Planning
 Department refused the original application under 00688 on these grounds and the
 developer, under 00975, has made no amendments to the proposed height and footprint
 size to accommodate these concerns
- Proximity to Thomas House the proposed house should be more centrally located within the plot away from the south-east border which runs alongside Thomas House to denote a clear visual separation. If the developer wishes to build a house of this size, for aesthetic reasons it should be positioned centrally on the plot currently occupied by The Haven.

Yours sincerely,

John/and Hilary Finch