

11/00232/FUL: REVISED PROPOSALS TO INCLUDE MOVING BOUNDARY TO PLOT A, LOFT PLAY ROOM AND OPTION FOR PHOTOELECTRIC PANELS TO THE ROOF SLOPE, OF PLANNING PERMISSION 10/01503/FUL - CONSTRUCTION OF 4 BED, 2 STOREY HOUSE WITH DETACHED DOUBLE GARAGE - PLOT B - THE HAVEN SECOND DRIFT WOTHORPE STAMFORD

VALID: 21 FEBRUARY 2011

APPLICANT: HEReward HOMES LTD

AGENT: IPLAN

REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING, AND CLLR OVER

REASON: PREVIOUS MEMBER INTEREST

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- The impact on the character of the area
- Impact on the amenities of occupiers of neighbouring dwellings

The Head of Planning Transport and Engineering 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.

#### **Peterborough Local Plan 2005**

**DA6 Tandem, backland and piecemeal development.**

H15 Development to be carried out at highest net residential density

H16 Seeks 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.

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

#### **Peterborough Core Strategy (adopted 23 February 2011)**

CS10 – Seeks development that supports the Council's Environment Capital aspiration

CS16 – Seeks development that has a positive effect on the local area and does not adversely affect neighbours

**Planning Policy Statement 3: Housing.** This requires Local Planning Authorities to make best use of land for new residential development and to ensure 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.

**Village Design Statement (WDS) 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 and therefore only very limited weight can be given to it in deciding this application.

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**

The proposed development is a four-bedroom house with a detached double garage. The house proposed is of two storeys, of a main block with projecting gable-end features to front and rear. The proposed dwelling would be about 11.5m wide, set 7m from the boundary with the neighbouring plot (Cromwell House) and about 2m from the boundary with Plot A (on the approved scheme this latter measurement was 3m, this boundary has moved, but this has no material impact). Height to eaves would be about 5.2m and height to ridge about 9m. Access is proposed via a new entrance from Second Drift, which would be shared with the dwelling on Plot A. The proposal differs from the approved scheme in that:

- a. The boundary fence with Plot A is different (1m different)
- b. There is a loft room with 2 rooflights – note the height of the house is unchanged.
- c. Solar panels are proposed.

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

The application site is part of a plot known as The Haven. The site has already been divided, with the rear part of the garden developed as a single dwelling. The front part of the site is shown as two plots known as plot A and plot B (subject of this application). The application site comprises an area of about 40m deep and 18m wide. The front section of the plot comprises existing verge and hedge line, behind this would be the garage and shared access/turning area, then the house and garden. The site slopes in two directions.

#### **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
10/00204/FUL	Construction of five-bed dwelling with detached garage	19.07.2010	PER
10/00688/FUL	Demolition of existing dwelling and construction of 1 x four-bed dwelling and 1 x five bed dwelling with detached double garage (on the front part of the Haven site)	09.07.2010	REF
10/00872/FUL	Erection of dwelling with detached garage and studio above	23.09.2010	REF but allowed at appeal
11/00233/FUL	Revised proposals to include loft play room, of planning application 10/00975/ful- demolition of existing dwelling and construction of three-bed dwelling with detached garage - plot a		

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Local Highway Authority** – No objection

**Archaeologist** – No objection

## **EXTERNAL**

### **Parish Council**

- We have no objections to photoelectric panels being attached to the roof slope.
- We have no objections to the creation of a play room in the loft by utilising velux windows in the roof slope provided that our opposition to the conversion of these velux windows to dormer windows is clearly noted.

## **NEIGHBOURS**

Letters of objection have been received from 4 local residents raising the following issues:

- Object to loft playroom with velux windows
- Have been concerned about the height from the beginning
- We understand that Planning Officers have not been in favour of two and a half storey development
- Committee was told that the roof had to be so high to accommodate quality building materials, now we have an application for a room in the roof
- This appears disingenuous as previous application was approved only a few weeks before this application was submitted
- Probably will get an application for dormers to allow bedrooms
- Creeping proliferation of immense houses is giving rise to an unacceptable density and damage to the character of Wothorpe
- Planning applications over the last 12 years have changed the character of the area significantly
- Several trees have been felled and the rustic nature of Second Drift is being damaged beyond repair
- Sewage system was not designed for such an increase in dwellings (from 24 in 1995 to 32) and problems will ensue
- Houses are big enough, object to any further enlargement
- Road has been damaged by constant arrival of delivery lorries
- Builders often park their vehicles at the bottom of the Drift causing problems for residents.
- Trees have been damaged by delivery vehicles
- Removal of trees destabilising the soil and increasing the amount of water through storm drains and down the edges of the road
- PCC refuse collection vehicles also damage the road
- Road safety issue with increasing number of vehicles

## **COUNCILLORS**

Cllr Over has objected on the following grounds:

1. That a nearly identical application has already been rejected by the Planning Committee. This is merely an attempt to 'grow' the house in a way which will eventually make it very similar to the previous application.
2. The house, with its pitched roof and windows, clashes with the overall view of Second Drift. Seemingly gone have previous attempts to mirror a farmsteading, as happened at the top of the drift. Now, we have a group of ad hoc buildings which now present a 'foreign' and bland environment at the top of the Drift.
3. There is no mention of sustainability. A main city council priority is sustainability and the reduction in car journeys. This house is aimed at the commuter with a number of cars who will drive off to work to Peterborough, Cambridge, Leicester, London and beyond. A smaller house would be more focused on the needs of people living and working closer.

4. The road on Second Drift is now in a serious state with no likelihood of repair. The owners recognise it as a bridle way and have no plans to repair it.  
No offer to repair it by third parties has been received to my knowledge and indeed it would be trespass if repairs were carried out without the owner's permission.
5. Despite constant reminders this house, along with others recently built is on a spring line. There is now a permanent flood at the bottom of First and Second Drift of spring water which takes up, at times, about 25% of the road. Anglia Water has tested it and it is not mains water.

## **7 REASONING**

### **a) Introduction**

This application is a revision to a previous application, which was approved by Members on the 11 January 2011. This report examines only the changes to the proposal. The report on the previous application is attached as Appendix 1.

Members will note that the wording of the landscaping condition and the boundary fence condition has changed, to reflect the approval of landscaping details under a condition discharge application earlier this year.

### **b) Policy issues**

Since the previous application was determined, the Core Strategy has been adopted. This application should therefore be assessed against those policies which have replaced Local Plan policy, as well as against new policies. While this makes little difference to the assessment of the application, Members will note that the wording of several conditions has changed, to refer to the new policies.

### **c) Changed Boundary**

The 1m change has no physical or planning impact on either Plot A or Plot B or any existing development.

### **d) Impact of additional windows – neighbour amenity**

It is proposed to add two rooflights in the rear roof slope, and one small window, indicated as obscure glazed, in the gable end to function as an escape window. The rooflights will be set towards the ridge, so that the lowest point of the window is at 1.8m above floor level. There will be no overlooking from these windows.

The window in the gable end will face towards plot A's gable, and there is not likely to be any detrimental overlooking as views towards the garden will be oblique. There are no habitable room windows on the end of plot A to be overlooked.

Overall therefore it is considered that there would be no detrimental impact on neighbour amenity, and the proposal is in this respect in accordance with Policy CS16 of the Core Strategy.

### **e) Impact of additional windows – character of the area**

Several neighbours have commented that Planning Officers have previously objected to two-and-a-half storey development. This is correct, however this objection is mainly due to the impact of dormer windows, which would increase the visual bulk and impact of the building above that which is considered normal for Second Drift.

In this case, there are no dormers proposed, and the windows which are proposed would not appear out of place in a normal two storey house, being of a type that are often fitted to illuminate a loft space or attic. It is therefore concluded that the windows will not have any detrimental impact on the character of the area, and the proposal is in this respect in accordance with Policy CS16 of the Core Strategy.

f) **S106**

As the previous application on this plot was subject to a Section 106 agreement (to the sum of £8,000) to make a contribution to neighbourhood infrastructure, a supplemental agreement will need to be entered into in respect of this new application to ensure that the obligations are safeguarded.

This/these requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

## **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 site is within the settlement boundary
- a dwelling can be accommodated without unacceptable detrimental impact on the amenities of occupiers of neighbouring dwellings
- a suitable level of amenity can be provided for residents, including access and parking
- the proposed dwelling would not affect the character of the area to an unacceptable degree
- the proposal is therefore in accordance with Policies H16 and T10 of the Peterborough Local Plan 2005 (First Replacement) and Policies CS16 and CS22 of the Peterborough Core Strategy DPD.

## **9 RECOMMENDATION**

The Head of Planning Transport and Engineering recommends that this application is APPROVED 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 infrastructure needs of the area, and subject to the following conditions:

- C 1 **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 2009/51-17 B, unless agreed otherwise in writing by the Local Planning Authority.**  
Reason: In the interests of the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy.
- C 3 **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 or the garage shall be constructed other than as those expressly authorised by this permission.**  
Reason: In the interests of visual and residential amenity, in accordance with Policy CS16 of the Peterborough Core Strategy.
- C 4 **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 windows shall be inserted into any elevation or roof slope at second floor level, or to the south-east or north-west elevations at first floor level, other than as expressly authorised by this permission.**  
Reason: In order to ensure that the Local Planning Authority can protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy.

- C 5 **The dwelling and garage shall be constructed at the level shown on plan 2009/51-202 B, unless otherwise agreed in writing with the LPA.**  
Reason: In the interests of visual and residential amenity, in accordance with Policy CS16 of the Peterborough Core Strategy.
- C 6 **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 by 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.
- C 7 **Before the development hereby permitted is first occupied, the proposed first and second floor windows on the north-west elevation, and the bathroom windows on the rear elevation, shall be obscure glazed and apart from any top hung fan lights shall be incapable of being opened and shall subsequently be maintained as such.**  
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.
- C 8 **The site shall be landscaped in accordance with details set out on drawing 2009/51-202 B. 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 9 **Prior to first occupation of the dwelling a close boarded fence running along the north west boundary shall be installed at the levels shown on drawing 2009/51-202B. The fence shall be erected as approved and thereafter retained in that form. The fence shall be 1.8m tall with the height of the fence measured from the highest ground level immediately adjacent the fence line except where the fence runs opposite the side elevation of the dwelling hereby approved. In this location the height of the fence shall be measured using the finished floor level of the house as the datum point.**  
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy).

If the S106 has not been completed within 2 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 needs arising from the development however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillor Over

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