

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 12 APRIL 2011
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>4 April 2011</i>

AGENDA

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2. Declarations of Interest	
3. Members' Declaration of intention to make representations as Ward Councillor	
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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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Not subject to the Planning Committee speaking scheme

MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor North (Chairman), Councillor Lowndes (Vice-Chair), Councillor Burton, Councillor Hiller, Councillor Serluca, Councillor Thacker, Councillor Todd, Councillor Ash, Councillor Lane and Councillor Harrington

Subs: Councillors Winslade and Swift

CASE OFFICERS

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 22 March 2011

Members Present:

Councillors – North (Chairman), Hiller, Serluca, Todd, Winslade, Ash and Swift

Officers Present:

Nick Harding, Group Manager, Development Management
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Lowndes, Thacker, Burton, Lane and Harrington.

Councillor Winslade and Councillor Swift attended as substitutes.

2. Declarations of Interest

There were no declarations of interest.

3. Members' Declaration of intention to make representation as Ward Councillor

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the Meetings held on:

- 4.1 8 February 2011
- 4.2 22 February 2011

The minutes of the meetings were approved as true and accurate records.

5. Development Control and Enforcement Matters

The Chairman addressed the Committee and stated that a member of the public had requested permission to record the meeting on a digital recorder. Approval from the Committee was required as per the Council's Constitution and Members agreed to allow the recording.

5.1 10/01705/FUL – Proposed two storey side extension and ground floor rear extension at 90 Vere Road, Peterborough (Part retrospective)

The Chairman addressed the Committee and advised Members that the item had been withdrawn at the applicant's request. The item would be brought back to the next meeting for consideration.

5.2 11/00138/WCPP – Variation of condition C6 to allow restaurant to open between the hours of 05.00am to 01.00am Sunday to Thursday and 24 hours on Friday and Saturday – (Subject of previous planning permission 00/00930/FUL condition C6 – hours of opening and further variation of C6 under planning references 05/00099/WCPP, 06/00693/WCPP, 08/00094/WCPP and 10/00999/WCPP) – at McDonalds, Lincoln Road, Glington, Peterborough

Permission was sought for the variation of condition C6 of planning application number 00/00930/FUL to allow the restaurant to open between the hours of 05.00am to 01.00am Sunday to Thursday and 24 hours on Friday and Saturday. The current permitted hours were 05.00am – 00.00 Monday – Sunday.

The site was situated approximately 350 metres south of the village of Glington and close to a group of dwellings, situated 30 metres to the south on Lincoln Road. The site was located at a roundabout on the A15 trunk road accessing the north of the city and the outlying villages.

The site was separated from the dwellings to the south by a landscaped bund approximately 20 metres in width. There was pedestrian access from a turning head in front of the Lincoln Road properties adjacent to the petrol station and McDonalds.

Members were advised that the Case Officer had identified the application as being retrospective, however this was not the case.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issue for consideration was the effect of the proposal on the amenities of the occupiers of the nearby dwellings. The recommendation was one of approval for a six month temporary consent for the proposed opening hours.

Members were advised that the closest part of the application site was situated 55 metres away from the boundary edge of the nearest dwelling, that being number 5 Waterworks Lane and 100 metres away when measured building to building.

Members were further advised that there was a large layby area situated adjacent to the petrol station which was sometimes utilised by larger vehicles calling into the McDonalds drive through restaurant of an evening. The distance between the layby and the boundary edge of the nearby dwelling was 15 metres and 30 metres to the side elevation of the dwelling. The layby was utilised during the day by members of the public using the filling station and the McDonalds restaurant. On the application site, signage was located stating that all users should be considerate to local residents and there were also a number of litter bins.

There had been one objection received from a property located 130 metres away from the application site, and 85 metres from the layby area. The main concerns highlighted were in relation to noise, disturbance, litter and traffic. Members were advised that if the extended opening hours did cause issues in relation to any of the points raised by the objector, these could be considered at such time as an application was put forward for the retention of the opening hours on a permanent basis after the six month trial period.

Members' attention was drawn to additional information contained within the update report and it was highlighted that the applicant had requested a twelve month temporary period rather than six months. A revised licensing application, which would incur costs, would be required in order to extend the opening hours and therefore it would not be cost effective to have a six month period only. However

Members were advised that, in the Planning Officers opinion, the six month period would be adequate.

Members were further informed that there had been a number of changes made to the recommendation due to the error in identifying the application as being retrospective. These changes were highlighted in the update report.

Councillor John Holdich, Ward Councillor, addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There had been three applications for the petrol station to open twenty four hours and each application had been turned down due to the petrol station's location
- If the McDonalds was granted twenty four hour opening, this would set a precedent for the petrol station
- When McDonalds was first built, there had been noise issues in the area due to people parking in the car park late at night. Subsequently a gate had been implemented which was closed at 23.00pm, blocking off the entrance to McDonalds
- Under the Road Traffic Act section 52, a roadside restaurant was required to prove the need for it to be open for twenty four hours. The road nearby was very quiet in the evenings, therefore there was no proven need for this restaurant to be open all night
- Opening the restaurant twenty four hours would attract people coming out of the pubs and clubs and this would create nuisance and noise
- Opening the restaurant twenty four hours would not be viable unless people were to come from farther afield
- There were plenty of other eating places in and around town that people could use later on at night
- There was a big problem with litter in the area
- The layby caused noise problems which affected the nearby residents. This was due to lorries and cars parking in them with their engines running
- The proposed opening hours for the restaurant were not acceptable for such a village location

In response to the point raised by Councillor Holdich with regards to a need for the proposal being required, the Planning Officer advised Members that under planning policy there was no requirement for the applicant to demonstrate a need for the proposal.

Members queried whether there had been any consultation undertaken with the police on the application and whether there had been any police involvement with any recent altercations on the site. The Planning Officer advised that the police had not been consulted on the application and no information was available with regards to police involvement with recent altercations on the site.

Following debate and further questions to the Planning Officer with regards to how the implementation of the extended hours would be monitored and how future incidents on the site would be identified, Members commented that the application would be intrusive in such a rural area and it would impact on the amenities of nearby residents. A motion was put forward and seconded to refuse the application as it did not adhere to Peterborough's Core Strategy Policy C16. The motion was carried by 6 votes, with 1 voting against.

RESOLVED: (6 for, 1 against) to refuse the application, against officer recommendation

Reasons for decision:

The proposal would result in an increase in night-time activity adjacent to residential development. This would cause an unacceptable level of noise and disturbance to the detriment of the amenity of those residents. The proposal was therefore contrary to Peterborough's Core Strategy Policy CS16 which stated that:

"Development should not result in unacceptable impact on the amenities of occupiers of any nearby properties."

5.3 11/00213/FUL – Construction of single storey rear extensions to enlarge existing kitchen and shower room at 12 Lime Tree Avenue, Peterborough

Planning permission was sought to extend a semi detached residential dwelling to the rear of the property.

The extension was to be located to the south east of the property, in order to extend the existing kitchen and shower room. The footprint of the proposal was to be 2100mm in width and 6000mm in length and the height of the proposal was to be 3300mm at the ridge and 2500mm at the eaves.

There was also an extension proposed to the southern most elevation of the property with a projection of 3000mm which was deemed as 'permitted development' by virtue of the Town and Country Planning (General Permitted Development) Order 1995 and accordingly did not require planning permission from the authority.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact of the development on neighbour amenity and the impact of the development on the character and appearance of the area. The Planning Officer commented that the application was in keeping with the surrounding area and would not cause detriment to the neighbouring property. There were also no issues with poor outlook or overlooking, the recommendation was therefore one of approval.

A motion was put forward and seconded to approve the application. The motion was carried unanimously.

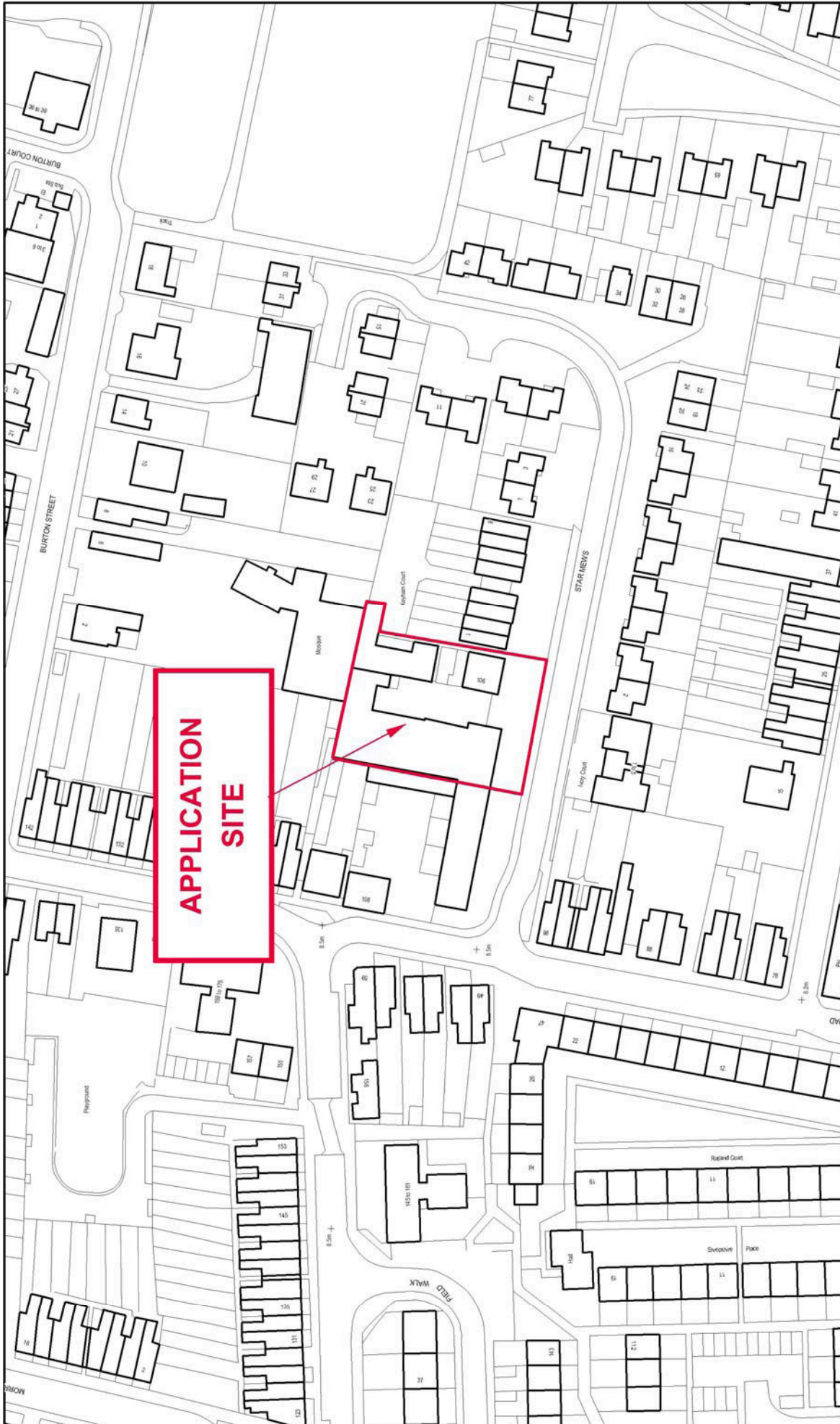
RESOLVED: (Unanimously) to approve the application, as per officer recommendation, subject to:

1. The conditions numbered C1 to C2 as detailed in the committee report

Reasons for decision:

In light of all policy considerations, the proposal was considered to be in keeping with the character and appearance of the area and would not have any significant impact on residential amenity. Subject to the conditions the proposal was therefore acceptable.

13.30 – 14.06
Chairman



LOCATION PLAN 10.00907.FUL

Burton Street Mosque

Scale NTS **Date** 24/3/2011 **Name** MKB **Department** Planning Services

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10/00907/FUL: CONSTRUCTION OF MULTI PURPOSE HALL, CONFERENCE AREA(S), LIBRARY, ICT ROOMS, STORE ROOM, OTHER ASSOCIATED FACILITIES AND ADDITIONAL CAR PARKING SPACES TO BE USED IN ASSOCIATION WITH THE EXISTING MOSQUE AT BURTON STREET MOSQUE, BURTON STREET, EASTGATE, PETERBOROUGH, PE1 5HD

VALID: 6 DECEMBER 2010

APPLICANT: MKSI COMMUNITY OF PETERBOROUGH

AGENT: B M DESIGN CONSULTANCY

REFERRED BY: HEAD OF PLANNING, TRANSPORT & ENGINEERING SERVICES

REASON: IN WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

E-MAIL: amanda.mcshery@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Highway Impacts and car parking

The Head of Planning, Transport and Engineering 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

Relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy Development Plan Document

Policy CS16 Urban design and the public realm

Policy CS14 Transport

Material Planning Considerations

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

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for a two storey extension to the existing mosque, to provide a multi purpose hall, conference areas, library, ICT rooms, store rooms and other associated facilities for the mosque, providing approximately 1150 sqm of additional floor space. The existing mosque has 995 sqm of floorspace provided over two floors.

There are currently 34 car parking spaces on site and a new car park area of 10 car parking spaces is proposed to the front of the existing mosque building, accessed from Burton Street, and 3 disabled car parking spaces in front of the new extension, which would be accessed from Star Mews.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The mosque site is located within a predominately residential area of two storey high residential housing. There is a tyre fitting business and Indoor bowls centre in Burton Street. The two storey mosque building is currently accessed from Burton Street, with car parking available on site at the front of the mosque building. There are buildings accessed from Star Mews which are currently for commercial/industrial purposes, these buildings will be demolished as part of this proposed development.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
10/01710/FUL	Installation of a new platform lift for disability access	25.01.2011	Approved
10/00007/FUL	Change of use of part industrial/ office building to extend ladies prayer hall - retrospective	30.03.2010	Approved
09/00056/FUL	Two storey front extension for platform lift, and new window in Ladies Hall	14.04.2009	Approved
04/01574/FUL	Installation of new lift at side and two new windows	30.11.2004	Approved

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Comments awaited

Pollution Control – No objection but comments given in respect of contamination, noise, cooking odours, and lighting.

EXTERNAL

Police Architectural Liaison Officer – There is concern in relation to parking issues outside of the Mosque, particularly in Burton Street. These concerns have been adopted as a Police and Local Partnership, Priority Action Plan for the Ward. The existing parking problems are particularly serious during Friday Prayers, Weddings, Funerals and special religious services. Discussions are taking place with the applicant and any further comments received with provided to Members at Committee.

NEIGHBOURS

9 Letters of objection have been received from local residents in respect of the initial submission raising the following issues:

- Building would be too high, above the height of the surrounding buildings, therefore not in keeping with the area
- Inadequate car parking provision. There is already insufficient car parking for the mosque, extending the building will make current parking problems in the area worse.
- The road junctions of Star Mews and Star Road, and Wellington Street and Star Road need widening to improve traffic flow.
- On street car parking needs limiting by double yellow lines, and residents only car parking areas to resolve parking problems for residents

- There are already difficulty for residents parking in the area and this will make things worse
- Increase in traffic flow, congestion and car parking
- With the proposed hall having amongst other things a youth club, it could generate late night noise and disturbance for residents
- Coaches, refuse collection lorries and Fire Service vehicles have experienced difficulties reaching the Bowls centre in Burton Street because of parked cars.

23 letters of support/no objection have been received.

COUNCILLORS

No comments received

7 REASONING

a) The proposed design and layout

Planning permission was initially sought for a large extension to the existing mosque measuring approximately 29m x 23m, (providing a total footprint over the two floors of 1200 sqm) x 8.6m and 9.2m to top of parapet walls that screen the roof and 12m to the top of the minaret dome. This more than doubles the footprint of the existing mosque building, which contains 995 sqm of floorspace. The large space required is partly due to the cultural and religious reasons for a degree of separation, which gives rise to the need for some duplication of entrances, corridors and facilities etc.

The height, scale and mass of the proposed extension was considered to be excessive in relation to the existing mosque building and it is considered that the proposed extension would appear unduly dominant and visually out of scale with the proportions of the existing building.

Amended plans were therefore received, which reduced the width of the first floor accommodation, by setting the side first floor accommodation further off the side boundaries, and reducing the height of the side parapet walls by 1m. The accommodation proposed was reduced by 50sqm.

It is considered these amendments have improved the visual relationship between the two buildings to that of an acceptable level and that the development can now be considered acceptable in accordance with the requirements of Policy CS16 of the Peterborough Core Strategy.

b) The impact on neighbouring sites

It was considered that each of the proposed original two storey side elevations of the extension measuring approximately 19m and 25.5m in length and extending to a height of 8.6m would have an unacceptable overbearing impact on the adjacent residential properties of Keyham Court and Star Road.

To overcome these concerns the height of the side parapet walls was reduced by 1m and the first floor accommodation adjacent to the properties in Star Road was set back 2.9m from the side boundary, and an additional 2m giving a total of 7m off the side boundary with the properties in Keyham Court.

It is considered that the amendments made have improved the relationship of the proposed building with the adjacent residential properties. It is no longer considered that the side elevations of the buildings would unacceptable overbear these neighbouring residents.

In both the side elevations numerous first floor windows are proposed that would unacceptably reduce the privacy of the neighbouring sites if clear glazing was used. This is not the intention of the applicant, and a condition is recommended to secure glazed bricks or glazed to prevent unacceptable overlooking of neighbouring sites.

c) Highway Impacts and car parking

The applicant has given a breakdown on the current usage of the mosque and the general times and numbers of cars that currently visit the site. They so not anticipate that the current ongoing pattern use

will change significantly as a result of the extension. Their aim particularly in respect of their younger generation, is for the community to fulfil the need for academic classes and a wider choice of activities.

They estimate on an average week the busiest time is Friday lunchtime prayers, when they have approximately 45 cars, and then on Thursday evenings they have about 38 cars attending. There are 34 car parking spaces existing on site, with 10 additional spaces proposed therefore the applicant considers the proposed level of car parking sufficient for the existing and proposed car parking needs of the mosque.

Some residents have raised objection as there is an existing lack of car parking in the area, and when the mosque is busy they have inadequate on site car parking and have to park in the surrounding streets which causes problems for residents. There is concern that reducing the available space on site for car parking by building the extension and by providing new and improved mosque facilities will generate more visitors and cars and so lead to increased car parking problems and traffic congestion in the surrounding residential area. The Police have also raised concerns that when there are large events, e.g. funerals, weddings etc the site currently has insufficient parking and it does lead to visitors parking inconsiderately in the vicinity causing traffic flow problems and leading to them issuing fixed penalty notices.

Planning and Highway Officers have observed the parking situation during Friday prayers generally the busiest time of the mosques typical week. Whilst there were a large number of cars which attended they arrived over a 30 minute period, many had more than one occupant and they all parked on site. There was no conflict with other vehicles leaving or entering the site, and no-one parked on the adjacent road even although there were available spaces.

This leads Officers to conclude that the current parking problems, result only when there are large gatherings e.g. weddings, funerals and in these instances any religious establishment would find it difficult to accommodate all attending cars. The mosque have explained that the extension is to provide improved facilities for existing members and is not to provide for additional spaces to accommodate increased membership. It is therefore considered that the parking provision proposed would be acceptable to accommodate members attending the mosque in a typical week.

It is therefore considered that the proposed development would be acceptable in accordance with the requirements of Policy CS13 of the Peterborough Core Strategy.

8 CONCLUSIONS

It is considered the height, scale and mass of the extension would form an acceptable relationship with the existing mosque building and would not appear unacceptably dominate or visually harm the character of the area.

It is considered the siting, height, scale and mass of the proposed extension would not have an unacceptable overbearing impact on adjacent residential sites and first floor windows not fixed and obscure glazed unacceptably reduce their privacy.

It is therefore considered that the proposed development would be in accordance with Policies CS16 and CS13 of the Core Strategy.

9 RECOMMENDATION

The Head of Planning, Transport and Engineering Services recommends that this application is APPROVED 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 dwellings; 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: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

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

- C4 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

Reason: To ensure all contamination within the site is dealt with in accordance with PPS23 Planning and Pollution Control.

- C5 Prior to the first occupation of the extension the area shown for the purposes of parking/turning on plan 01B shall be drained and surfaced in accordance with the approved details. That area shall thereafter be retained for the purpose of the parking/turning of vehicles in connection with mosque in perpetuity.**

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and T10 of the Peterborough Local Plan (First Replacement).

- C6 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 side elevation of the permitted extension other than those expressly authorised by this permission or those expressly authorised by any future planning permission.**

Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C7 No.106 Star Mews shall not be occupied or used at any time other than for purposes associated with the mosque and shall not be occupied, leased or rented as a separate independent dwelling.**

Reason: The mosque extension could unacceptably impact on the residential amenity of future occupiers therefore this development is only acceptable as ancillary accommodation in accordance with Policy CS16 of the adopted Peterborough Core Strategy.

- C8 Before the development hereby permitted is first occupied, the proposed window(s) on the first floor of the side elevations shall be obscure glazed or obscure glazed bricks, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

Copy to Councillors Collins, Goldspink, and Todd



LOCATION PLAN 10/01705/FUL

90 Vere Road

Scale NTS Date 29/3/2011 Name MKB Department Planning Services

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10/01705/FUL PROPOSED TWO STOREY SIDE EXTENSION AND GROUND FLOOR REAR EXTENSION AT 90 VERE ROAD, PETERBOROUGH (PART RETROSPECTIVE)

VALID: 22/12/2010
APPLICANT: MISS S BIBBI
AGENT: MR N P BRANSTON
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: THE IMPACT CAUSED BY THE PROPOSAL ON THE AMENITY OF THE APPLICANT'S PROPERTY AND THAT OF NEIGHBOURING DWELLINGS AND UPON THE CHARACTER OF THE AREA

DEPARTURE: NO

CASE OFFICER: MR C J EDWARDS
TELEPHONE: 01733 454443
E-MAIL: chris.edwards@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Size and scale of proposed rear single storey extension
- Loss of amenity space to host dwelling
- Impact on amenity on neighbouring dwelling
- Impact of proposal on character of the area

The Head of Planning, Transportation & Engineering Services recommends that the application is **REFUSED**.

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

Relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy Development Plan CS16 Urban Design and the Public Realm

High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. Design solutions should take the following principles into account [...]:

- New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

3 DESCRIPTION OF PROPOSAL

This application has arisen as a result of unauthorised works being reported to the Planning Compliance (enforcement) team. Work has already started to construct the rear extension without obtaining either Planning Permission or Building Regulations approval.

Permission is hereby sought to construct two extensions to the property at 90 Vere Road, Peterborough.

Two storey side extension – This application seeks permission to erect a two storey extension to the side of the dwelling. This will result in the width of the dwelling being extended by approximately 2m and bring the end wall up to the boundary with the adjacent property. The purpose of this is to extend the third bedroom and create an additional room for use as a study on the first floor. The ground floor is to be left open to create a covered passageway to the rear.

Single storey rear extension – The application also seeks permission to erect a single storey extension to the rear of the dwelling. This proposed extension measures approximately 9m from the rear wall of the original dwelling and is to cover the entirety of its width. The purpose of this extension as stated on the plans is to create an enlarged kitchen measuring 23.5 sq metres and a new lounge with ensuite WC measuring a total of 31.9 sq metres. The proposal will also create an additional WC in place of the area currently occupied by the kitchen.

Subsequent communication with the applicant has revealed that the purpose of the rear extension is to be an annex for the applicant's disabled mother.

4 DESCRIPTION OF SITE AND SURROUNDINGS

Vere Road is a predominantly residential area built sometime around the 1930s. It features a wide road with the houses set back some way from it. Most properties have off-road parking and modest front garden space.

The house itself is a detached property and has an attractive and well maintained appearance. It is set between a row of semi-detached houses to the left and a short terrace to the right.

The house sits off-centre within its plot leaving approximately 2m space between the left hand gable wall and the property boundary. The neighbouring property is set another 2-3m within its plot leaving considerable separation between the two dwellings. On its right the house abuts the property boundary with a small 1m wide footpath separating it from the terraced houses.

The rear garden is approximately 18m x 8m and ends in a row of tall conifer trees. As noted above, at the time of visiting construction of the rear extension was already underway and so the intended scale of this extension was immediately apparent.

5 PLANNING HISTORY

Ref	Description	Status	Open Date	Closed Date
10/00040/CONTRA	Building Regulations Contravention	SER		
10/01705/FUL	Proposed two storey side extension and ground floor rear extension	PDE	16.12.2010	
10/00558/ENFEXT	Enforcement Enquiry	PLNREC	23.11.2010	

6 CONSULTATIONS/REPRESENTATIONS

LOCAL RESIDENTS

One letter of objection has been received from the Millfield and New England Regeneration Partnership (MANERP) raising objections on the basis that:

- The proposed extensions are an over development of the site, further that the proposed rear extension is likely to have a detrimental impact on the neighbouring properties.

COUNCILLORS

Cllr Hussain was present at the site visit and spoke in support of the applicant's intention to care for her mother at this address.

7 REASONING

Background

Whilst the Council seeks to support homeowners who wish to extend their homes, particularly for the purposes of the present case; such extensions should be proportional to the size of the original dwellinghouse and respect the amenity space of neighbouring properties.

In principle the proposed side extension is considered acceptable, subject to a number of minor design changes to the appearance of the front elevation that help to match it to the existing street scene.

The principle of extending the dwelling to the rear is also considered acceptable, however the size and scale of the proposed rear extension is not. Considerable effort has been made by both the planning office and agent to broker a suitable compromise on behalf of the applicant. Revised drawings were received which reduced the depth of the proposed rear extension by 2m and stepped the northern boundary wall in to mitigate the impact of the extension on the amenity of number 92 Vere Road.

Subsequent correspondence from the applicant however asked the Council to disregard the revised plans submitted and only consider those submitted as part of the original application. On this basis this application is recommended for refusal for the following reasons.

This development will result in an unacceptable impact on the amenities of occupiers of any nearby properties

Whilst only single storey, the necessary height of the proposed rear extension will create overbearing encroachment into the amenity space of number 92 Vere Road owing to its overall scale and close proximity to the boundary. This will further be exacerbated by the fact that the extension will be located directly to the south of the rear garden of number 92, resulting in unacceptable overshadowing.

This development cannot be comfortably accommodated within the site

The rear extension is unsatisfactorily large and cannot be adequately accommodated within the grounds of 90 Vere Road without having a detrimental impact on the amenity of the dwelling. Householder extensions should respect the scale of the host dwelling and the size of the plot in which it is situated.

The proposed extensions will more than double the footprint of the dwelling and result in almost 50% of the rear garden space being occupied by the building.

Impact on the character of the area

The character of the surrounding area is that of a moderate density city suburb. The terracing effect of development in this area is broken up by the inclusion of adequate space between dwellings and proportionally sized garden space to the front and rear of each property.

Personal circumstances of the applicant do not outweigh the planning objections to this proposal

This size of the rear extension being proposed as part of this application is being justified on the basis of the personal circumstances of the applicant. Generally speaking however, whilst personal circumstances can be a material planning and Human Rights consideration, in this circumstance they do not outweigh the provisions of the prevailing Development Plan for the reasons stated in the following paragraphs.

The applicant states that the size of the proposed extension is necessary for her mother's rehabilitation following a road traffic accident, notwithstanding this however, the supporting evidence provided by the applicant in respect of her mother's requirements, states only that regular exercise is required, and does not go so far as to rule out the possibility of alternatives such as either exercising outdoors or with the aid of exercise equipment. On this basis the supporting medical evidence does not justify such a large extension to this property.

Planning officers have suggested revisions to the scheme. The revisions would give rise to a rear extension larger than we would normally permit in recognition of the applicant's mother's needs, but have been rejected by the applicant.

8 CONCLUSIONS

The extension to the side is considered acceptable subject to minor changes to its design. However, the size and scale of the proposed rear extension is considered unacceptable and will have an enormously detrimental impact on the amenity of the neighbouring property in terms of overshadowing and visual impact. Whilst precedent is not a reason to refuse the application, it must be noted that it is not normal practice for the Council to permit extensions of such a scale and indeed we have recently not accepted single storey extensions of a lesser scale in similar physical circumstances. It would be inconsistent to make an exception in this case. As it is not lawful for the Local Planning Authority to issue a split decision on a planning application, the whole proposal (ie side and rear extension) is recommended for refusal.

9 RECOMMENDATION

This application is recommended for REFUSAL.

R1 Impact on amenity of neighbouring property

The proposed rear extension will result in an overbearing encroachment into the amenity space of number 92 Vere Road owing to its overall scale and close proximity to the boundary. This will further be exacerbated by the fact that the extension will be located directly to the south of the rear garden of number 92, resulting in unacceptable overshadowing and visual impact. It is therefore considered that the impact on residential amenity of number 92 Vere Road is unacceptable and as such contrary to Policy CS16 of the Peterborough Core Strategy 2011 which relates to Urban Design and the Public Realm. This states that:

Design solutions should take the following principles into account [...]:

- New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

R2 Poor design and out of keeping with character of area

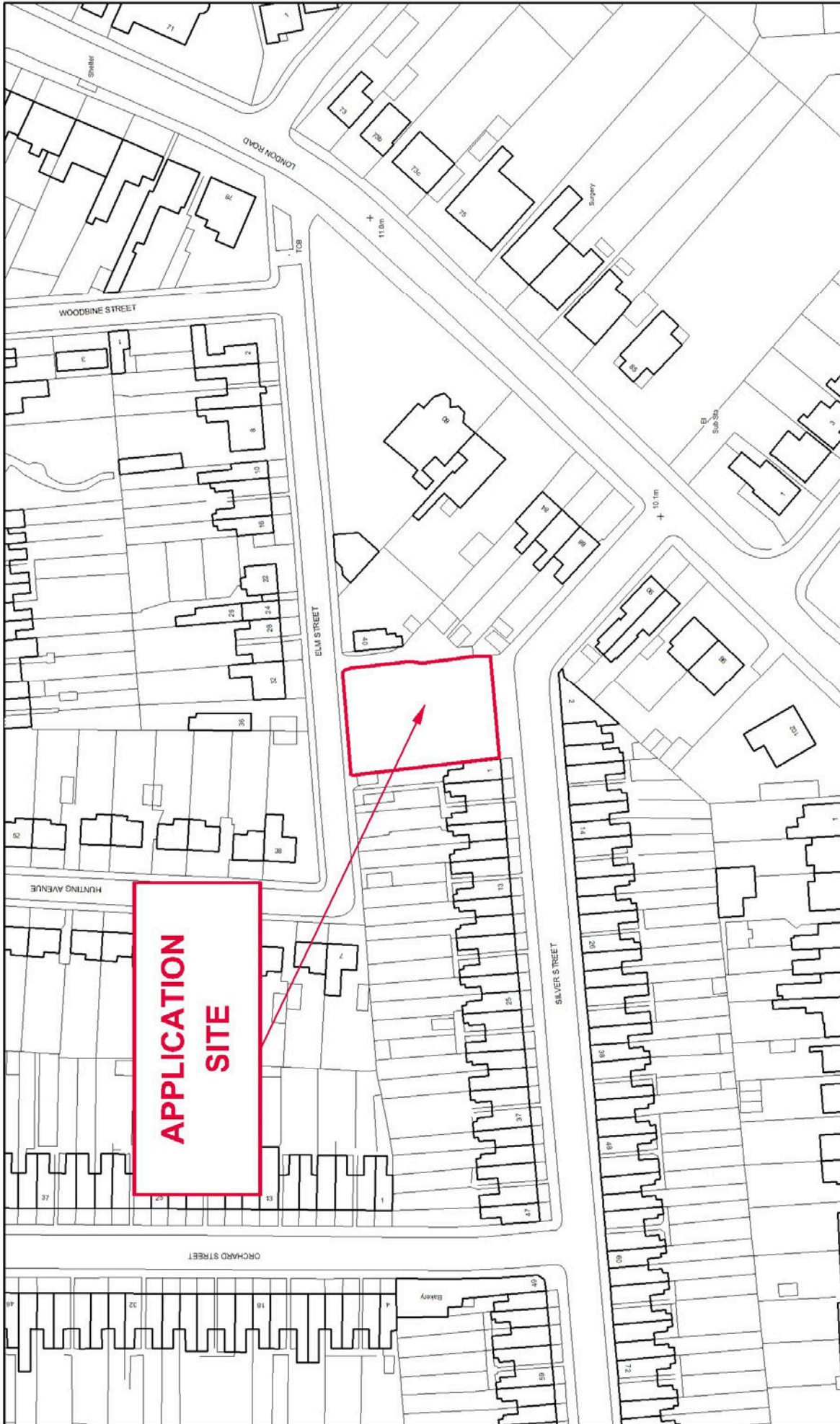
The proposed single storey rear extension would by virtue of its scale and projection, appear unduly obtrusive, overbearing and out of character with the original property and would be to the detriment of the overall character and appearance of the area. This is contrary to Policy CS16 of the Peterborough Core Strategy 2011 which relates to Urban Design and the Public Realm. This states that:

Design solutions should take the following principles into account:

- New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features. [...]

Copies to Councillors P Kreling, Y Lowndes, J Peach

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LOCATION PLAN 11/00073/FUL

38 Elm Street, Woodston, Peterborough

Scale 1:1250 Date 21/3/2011 Name MKB Department Planning Services

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PCC GIS



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P & EP Committee: 12 April 2011

ITEM NO 5.3

11/00073/FUL: CONSTRUCTION OF 4 X 1 BED FLATS AND 6 X 2 BED FLATS IN A 3 STOREY BLOCK AT 38 ELM STREET, WOODSTON, PETERBOROUGH
VALID: 21 JANUARY 2011
APPLICANT: MR R FASULO
AGENT: MR J DICKIE
REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING
REASON: PREVIOUS MEMBER INTEREST, AND A MEMBER OF STAFF IN PLANNING HAS A PROPERTY NEARBY AND HAS OBJECTED TO THE PROPOSAL
DEPARTURE: NO
CASE OFFICER: LOUISE LEWIS
TELEPHONE: 01733 454412
E-MAIL: louise.lewis@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of development
- Residential amenity
- Neighbour amenity
- Highway safety and parking
- Design and character of the area

The Head of Planning Transport and Engineering recommends that the application is APPROVED.

A similar proposal was refused by the Committee last year. The applicant made an unsuccessful appeal against the refusal. The current proposal seeks to address the reasons given by the Appeal Inspector for refusing the appeal.

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

The Peterborough Local Plan (First Replacement)

H7 - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.

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 – Seeks provision of high quality off-street cycle provision in accordance with approved standards.

T10 – Planning permission will only be granted for development outside the city centre if car and motorcycle parking is in accordance with approved standards.

IMP1 – Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Peterborough Core Strategy (adopted 23 February 2011)

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

CS14 – Seeks to ensure that the Transport aspects of the development are in line with Council aspirations and the Local Transport Plan

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

Material Planning Considerations

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

Planning Policy Statement 3: Housing

Planning Policy Guidance 13: Transport

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

It is proposed to construct a single block containing ten flats over three floors. The block, although on the site of 38 Elm Street (now demolished), would face onto and read as part of Silver Street. The block is designed to pick up on some of the features of neighbouring buildings, and follows the existing building line along Silver Street.

The block would have a ground floor elevation incorporating some bay windows, a plain first floor with windows and the second floor would be mostly within the roof space, lit by dormer windows.

The vehicular and personal access would be from Elm Street. This would be functionally the “front” of the building, although the more detailed elevation would be on the Silver Street side, where there would be a row of small private gardens, the same depth as neighbouring front gardens, separating the building from the street. The car parking area would be on Elm Street, and the amenity space directly behind (or in front of) the block, next to the parking area.

4 **DESCRIPTION OF SITE AND SURROUNDINGS**

This area is characterised on the Silver Street side by Victorian terraced housing with a strong, regular 2-storey ridgeline. On Elm Street there is some terraced housing, leading to later semi-detached housing. There are larger houses facing onto London Road to the east of the site. There is notable on-street parking congestion, as few of the dwellings on Silver Street have off-street parking, but those immediately adjacent to the application site have access to parking at the ends of their gardens, accessed from Elm Street. On Elm Street and the adjacent residential streets there is more available off street parking, but not every house is so provided.

The site itself has been cleared of the house and garage block that previously occupied it, and is currently reverting to low-level scrub.

There is a large tree adjacent to the south east corner of the site, the crown of which overhangs the site.

5 **PLANNING HISTORY**

Application Number	Description	Date	Decision
08/00852/FUL	Construction of eight two-bed dwellings with associated external works and landscaping	28/1/2009	Refused and dismissed at appeal
10/00129/FUL	Construction of 4 x 1 bed and 6 x 2 bed flats in 3 storey block	27/5/2010	Refused and dismissed at appeal

6 **CONSULTATIONS/REPRESENTATIONS**

INTERNAL

Local Highway Authority -

- Cycle stands are not Sheffield or A frames.
- Visitor cycle parking is not covered and is located too close to parking bay 7, which would prevent easy manoeuvring of cycles into and out of the parking area.
- Bin store should be moved closer to site boundary.
- Concerns re refuse collection – is the gate wide enough? How will the gate be opened by the refuse collectors? Has a store on the boundary been considered, with a gate directly onto the Highway?
- Conditions recommended to ensure provision of the parking and access, and electronic opening of the gates.
- No overall objection.

Archaeology –

No objection.

- A standard condition is recommended, to ensure a watching brief and suitable mitigation should remains be found.
- The proposed development site is located immediately to the east of a considerable Anglo-Saxon settlement discovered in the 1920s, possibly in association with a cemetery some 250m to the north-west. The settlement consisted of seven sunken-floored buildings, post holes and ditches. Associated with them were a cooking-pit, evidence of wattle and daub and querns. Archaeological remains may extend into the proposed development site. The existence of other period remains should not be discounted.

EXTERNAL

Police Architectural Liaison Officer – No objection.

NEIGHBOURS

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

- 10 living units could produce an additional 16 cars to the area, the road is narrow and access will be a problem
- Shouldn't there be a minimum of 1.5 parking spaces per dwelling
- Elm Street is very narrow how will it accommodate the vehicles
- Elm Street will be used for overflow parking
- Congestion, and problems for access for emergency services
- Road gets blocked on football match days
- I live at 28, Elm St and this will affect my access to my property.
- The original building was a 2 storey house not a three storey house and the proposed development is a 3 storey building, this is out of keeping with the area and will dominate the skyline,
- The site is suitable for 2 storey houses which will be more in keeping with the area.
- Too many dwellings for such a small area
- Any development that takes place should reflect the age and character of the area
- Building will dominate the view from our garden (40 Elm Street)
- Windows on the east elevation can still be opened, affecting our privacy
- Large number of bins, risk of fly tipping and rodent infestation
- Block would overshadow properties
- Loss of privacy to neighbours
- Overlooking to 11 Silver Street
- Peterborough has a surplus of 1 and 2 bed dwellings and needs more three to four bedroom dwellings

COUNCILLORS

No comments received to date.

7 REASONING

a) Introduction

This application has been submitted following a previous refusal and dismissal of a scheme for eight houses on the site, and a refusal and dismissal of a proposal for 10 flats, very similar to the current proposal.

The Inspector who decided the appeal concluded that, of the four refusal reasons given, only one – overlooking – could be supported. As set out below, in particular section d) the revisions to the proposal are considered to have addressed this matter. Please see also Appendix 1 – copy of the appeal decision letter.

The previous application was refused for four reasons these were:

- 1) Inadequate parking – the Inspector concluded that as the parking was in accordance with adopted standard, and there were no apparent exceptional circumstances, the proposal was not contrary to Policy.
- 2) Development appearing out of character with the area – the Inspector concluded that the development, although different to the adjacent development, would not be inappropriate. The design was considered to be reasonably compatible with its surroundings, and therefore not contrary to Policy.
- 3) Overlooking from windows on the east elevation - obscure glazing would result in unacceptable living conditions in the flats – this refusal was supported by the Inspector.

- 4) Lack of a Section 106 agreement – the Inspector was unable to conclude, in the absence of a rigorous justification, that the scheme would be unacceptable without a contribution

b) Policy issues

The Core Strategy has recently been adopted, and therefore this application has to be determined taking those Policies into account. Many of the Policies replace existing Policies, and are therefore reported on below, however policy CS10: Environment Capital is a new policy, with new requirements. The policy requires that development makes a clear contribution to the aspiration of the City to become Environment Capital.

One neighbour has commented that there are too many flats and, not enough family houses in the city, however there is currently no policy basis to support a refusal on this ground.

c) Principle of development

The site is unallocated, within the urban area, in a residential area, and within easy reach of services and facilities. Residential development is therefore acceptable in principle.

One neighbour has commented that there are too many flats already and what is needed are more three and four bedroom houses, but there is no policy basis to refuse this application for this reason.

d) Residential amenity

The ten flats would each have windows to habitable rooms, and in most cases also to the kitchen. The upper floor flats would have reasonable privacy. Two of the ground floor flats would also have reasonable privacy to the main rooms, as units 2 and 3 would have a small garden to their main windows on the Silver Street elevation. Unit 3 has a shared access running alongside, which would give views into the kitchen and study. As these are secondary rooms it is considered that the occupants can decide how to deal with possible looking in by fitting blinds etc. It should be noted that in respect of units 2 and 3 the proposal is unchanged from the previous scheme and the appeal Inspector did not disagree with this aspect of the proposal.

Flat 1 however has the shared amenity space extending up to the living room window, which would not secure adequate privacy in this primary habitable room. It is considered that part of the amenity space should be fenced off to provide a small private garden for this unit, separating the living room window from the public area. A condition to this effect is recommended.

At the time of the previous application, the first and second floor flats on the east side of the block were proposed with windows on the east elevation which could have given rise to overlooking to neighbours. A condition requiring obscure glazing was proposed, however the Planning Inspector concluded that obscure glazing would result in unsatisfactory living conditions for occupants of those flats. The rooms in question were three kitchens, two studies and a secondary living room window. The internal layouts have been amended so that the upper floor flats with windows on this elevation all have combined kitchen-living rooms. This means that the windows to the kitchen areas, on the east elevation, can be obscure glazed and fixed shut while still providing a light and airy living environment and an outlook for occupants through the main window.

Residents and visitors to the block, including delivery persons, would have to get to the front door through the car park and amenity space. This area would normally be expected to be kept private – and in this case, having the only access off Elm Street, when the block reads as part of Silver Street, could be confusing for visitors. The ground floor flats have external doors and “front” gardens on the Silver Street elevation; this could be confusing as the block cannot have two street addresses – it must be either Elm Street or Silver Street. Therefore signage will be required on the Silver Street side to ensure that all visitors and deliveries are directed to the Elm Street access. This can be secured by Condition.

The agent for the application has advised that suitable security measures will be put in place, such as electronic gates and an entry phone. Post delivery persons and meter readers would have to have a code for the gate; letter boxes and meter boxes would have to be externally accessible. Details of these can be agreed by Condition. Other deliveries would not be able to be left if the recipient was out.

The suggested boundary treatments to Elm Street and Silver Street comprise a 0.5m wall with 0.6m railings. It is considered that this does not provide sufficient security for the Elm Street side, as it would not be well overlooked. The boundary treatment to the car parking area should be 1.8-2m tall in order to discourage persons from climbing over it. Some suitable defensive planting on the inside could also be considered but none is proposed. It is considered that a low wall with railings, designed to avoid giving convenient handholds, would be sufficient and this could be secured by Condition.

The amenity space is limited, comprising about 160sq m, and north facing. Taking into account the division to provide privacy for flat 1, there would be about 100 sq m of shared amenity space, not including the small "front" gardens for the ground floor flats. In the absence of any adopted standard relating to the provision of amenity space, and bearing in mind that it is a matter of choice for future occupants, the provision is considered acceptable.

e) **Neighbour amenity**

The proposed block of flats would be built in line with the existing dwellings on Silver Street. Impact on nearby residents in terms of overshadowing would not be significant.

Overlooking from front or rear facing windows would also not be significant, as the windows would be in the same planes as existing windows on the Silver Street properties. Neighbours living on the opposite side of Silver Street have raised this as a concern, as the separation distance is about 15m, but this front-to-front distance is the same as for the rest of the street. In the case of the new flats there would be living rooms on the first and second floor. This front-to-front relationship is common where houses have been converted into flats, and it is considered that the relationship is acceptable.

Windows are proposed in the side elevations of the block, facing east towards the rear gardens of properties on London Road, and west across the amenity area for the block, and towards the rear garden of No 1 Silver Street. The windows facing east are referred to above, and can be obscure glazed and fixed shut to prevent overlooking. A Condition is proposed to control this.

The windows facing west would be about 16m from the boundary with No 1 Silver Street and about 20m from a ground floor window. This separation distance is considered adequate. Some views would be possible into the rear garden of No 1 Silver Street but similar views are likely to exist already from the rear upper windows of No 3 Silver Street.

The neighbour at 40 Elm St has objected on the grounds of loss of outlook. No 40 is the next door property to the east, but there is a driveway running alongside the house at No 40, and the garden is separated from the application site by a parking/turning/garaged area to the rear of 84-88 London Road. The new development will be visible from the garden of No 40 and will change the outlook to the west, but the separation distance (8-10m from the boundary) is such that there will be no overbearing impact.

The neighbour at 11 Silver St has commented that there would be overlooking to his garden, but this property is 6 houses up the street and overlooking is unlikely to occur.

Previously this would have been assessed against Policy DA2 of the Local Plan however this has been superseded by Policy CS16 of the Core Strategy. This new policy requires that there is no unacceptable impact on the amenities of occupiers of nearby properties, which requirement is considered to be met, subject to conditions.

f) **Highways**

There is a proposed car park with cycle parking for visitors and a bin store accessed from Elm Street. The access arrangements are acceptable, subject to some Highway conditions.

Concerns have been raised about the visitor cycle parking provision, and the bin store, as the visitor cycle parking and the bin store are rather cramped.

Several neighbours have objected on the ground of lack of parking (see below) and unsafe access. There is no objection from the LHA, and concerns regarding unsafe parking and unsafe driving should be referred to the police, as the planning system cannot control unsafe behaviour on the highway.

The proposal is therefore in accordance with the requirements of Planning Policy Guidance document 13, Transport, which states that LPAs should ensure that development provides for Highway safety.

g) Cycle parking provision

For residents cycle parking is proposed within secure lockable storage rooms on the ground floor of the building. This is considered good quality provision, as well as allowing for residents to store other household items. Highways have objected as there are no Sheffield stands detailed, however a lockable store cupboard will be much more secure than a shared area with stands, and has the advantage of being usable for various storage depending on the resident's requirements. The proposed storage is therefore considered acceptable and in accordance with Policy.

Visitor's cycle parking is cramped on the site situated between the bin store and a car parking space. There is room within the site to re-arrange this area, and have more efficient space for cycle parking. This was not resolved during the progress of the previous application and therefore a condition is proposed to require a slight relocation of the bin store and cycle parking area to resolve the tightness on site as currently proposed.

h) Car parking provision

Several neighbours have commented that the area generally has insufficient car parking, and the proposal will make this worse. The existing parking problems are not unique to this area, and the proposal includes ten car parking spaces, one per flat, including one space which is large enough for a wheelchair user should one move in. This level of provision is in accordance with the adopted standard.

Lack of parking formed a reason for refusal of the last application, however the Inspector concluded that the parking provision would be adequate and not contrary to Policy. The Local Plan policies relating to parking provision are still in force.

i) Design and character of the area

The previous application was refused on the grounds that the proposal was out of keeping with the character of the area, but the Inspector did not support this refusal. The proposed block would have dormer windows on the main elevations. Dormers are not currently a feature of Silver Street, however the block is considered large enough to create, to an extent, its own character. The height of the block is slightly greater than that of the adjacent houses, but not sufficient to overpower the existing terrace.

The front building line of the block is in line with the adjacent houses, and there are bay windows proposed at ground floor to continue the existing pattern. There are two doors proposed on the Silver Street frontage, which would give access to flats 2 and 3; flat 1 has a gate and small garden on the Silver Street side, with a door on the side elevation. The doors to flats 2 and 3 throw the appearance of the front elevation slightly out of balance, but they would be partially screened behind the front boundary treatment.

Elm Street is less uniform in appearance than is Silver Street, with varying design and sizes of dwelling. The elevation to Elm Street would be set back from the street, with the parking area to the front. The chimneys do not appear to serve any purpose however they are in keeping with the pastiche "Victorian" style of the building. Overall the design is considered acceptable and in accordance with Policy CS16.

j) Bin storage and refuse collection

The applicant has stated that refuse collection will take place privately, however PCC would have to provide a service, if this was requested by residents. The bin store will have to move slightly, to accommodate the visitor's cycle parking, and if residents wished to have a PCC collection they would have to move the bins out through the pedestrian access gate on collection day. This is no different to the situation in many other areas and is considered acceptable.

Some neighbours have raised concerns about the operation of the bin store, and the possibility of fly tipping. As the bin store will be behind a secure boundary, there should not be any public fly tipping, and there is nothing to suggest that the facility would be a source of odour or rodent problems.

k) **Sustainability**

Policy CS16 of the Core Strategy requires that development makes a contribution towards the Council's Environment Capital aspiration. This proposal shows photo-voltaic (electricity generating) panels on the roof, and the agent has submitted a statement setting out other technologies that can be used such as air source heat pumps. It is considered that a suitable contribution will be made, and condition will be appended to ensure that details are agreed and the measures put in place.

l) **S106**

Under the Planning Obligations Implementation Scheme (POIS), a contribution is required. The applicant has agreed to this and an obligation is being prepared. The contribution is in accordance with the POIS requirements. Travel packs are also sought for new residents.

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 proposal will contribute towards meeting a local and national housing need
- the proposal is for residential development in a residential area
- adequate parking and access can be provided
- the proposal would not have any unacceptable impact on the amenities of occupiers of neighbouring properties
- satisfactory levels of amenity would be provided for future residents
- the design of the proposed building is appropriate to the area
- the applicant has agreed to make a contribution to the infrastructure needs arising from the development
- the proposal is therefore in accordance with Saved Policies H7, H16, T9, T10, and IMP1 of the Peterborough Local Plan 2005 (First Replacement); Planning Policy Guidance 13; and Policies CS10, CS14 and CS16 of the Peterborough Core Strategy.

9 RECOMMENDATION

The Head of Planning Services 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, as outlined in section 7 l) of this report and 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 the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Statement 5 (Planning for the Historic Environment), and Policy CS17 of the Peterborough Core Strategy.

C3 No development shall take place (unless otherwise agreed in writing by the Local Planning Authority) until samples (or a manufacturer's specification if agreed by the Local Planning Authority) of the following materials to be used in the construction of the external surfaces of the buildings 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.

- **Roofing materials**
- **External bricks**
- **Windows and doors**
- **Cills and lintels**
- **Treatment of dormer cheeks**
- **Chimney caps and pots**
- **Rainwater goods**
- **Paving for parking and amenity areas**
- **Wall and railings to Silver Street boundary.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy.

C4 No development shall take place until details of the boundary treatment and gates to the Elm Street boundary have been submitted to and approved in writing by the Local Planning Authority. The gates to the parking area shall be remote controlled electric gates. The approved boundary treatments and gates shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

C5 No development shall take place until details of the security features intended to control unauthorised access to the development have been submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the dwellings and shall be thereafter retained in working order.

Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

C6 No development shall take place until details of the post delivery boxes and utility meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. The approved boxes shall be designed so that post can be delivered and meters read from outside the buildings. The approved facilities shall be implemented prior to first occupation of the dwellings and shall be thereafter retained.

Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.

C7 No development shall take place until full details of the renewable energy technologies and energy saving measures to be incorporated into the development 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.

Reason: In order to support the City Council's Environment Capital aspiration, in accordance with Policy CS16 of the Peterborough Core Strategy.

C8 The first and second floor east facing windows shall be fitted with obscured glazing, details of which shall be agreed in writing with the Local Planning Authority, before the development hereby permitted is first occupied, 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.

- C9** Prior to the first occupation of the dwellings a section of the amenity space shall be separated off to form a private garden for Flat 1, and this shall be laid out so as to protect the privacy of occupants by preventing other users of the shared amenity space from having views into Flat 1. The details shall be agreed in writing with the Local Planning Authority and the private area shall be thereafter retained.
Reason: In order to provide a reasonable level of privacy for occupants, in accordance with Saved Policy H16 of the Peterborough Local Plan (First Replacement).
- C10** Notwithstanding the approved plans, the layout of the refuse bin store and the visitor cycle parking shall be agreed with the Local Planning Authority, the layout to secure adequate access to the store and the cycle parking, and implemented as agreed prior to first occupation of the dwellings.
Reason: In order to protect and safeguard the amenity of the occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy.
- C11** The dwellings shall not be occupied until the approved cycle parking lockers and visitor cycle parking have been provided and secured, and those areas shall not thereafter be used for any purpose other than the parking of cycles in connection with the occupation of the dwellings.
Reason: In the interests of providing facilities for cyclists and encouraging travel by sustainable modes, in accordance with Saved Policy T9 of the Peterborough Local Plan (First Replacement).
- C12** The garden area within the curtilage of the site shall be laid out as an amenity for the occupants of the dwellings before occupation commences.
Reason: In order to provide adequate amenity for the occupiers, in accordance with Policy H16 of the Peterborough Local Plan (First Replacement).
- C13** The dwellings shall not be occupied until signage has been erected, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, on the Silver Street elevation, directing visitors and deliveries to the Elm Street access. The signage shall thereafter be retained.
Reason: In order to protect the amenities of the area and to ensure convenient access for visitors in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy.
- C14** If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority of, a Method Statement detailing how the unsuspected contamination shall be dealt with. The Method Statement shall be implemented as approved.
Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).
- C15** The dwellings shall not be occupied until the approved parking and turning area, a means of vehicular access, and a means of access for pedestrians and cyclists, have been constructed in accordance with the approved plans. The approved parking and turning area shall be retained thereafter and used for no other purpose.
Reason: In the interests of Highway safety, in accordance with Planning Policy Guidance 13: Transport and Policy CS14 of the Peterborough Core Strategy
- C16** The existing accesses to Silver Street and Elm Street, which are made redundant by the proposed development, shall be permanently closed to vehicular traffic before the new access is created. Details of the means of closure (including the re-instatement of full-height kerbs and footways) shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy

C17 The visibility splays of the following dimensions 2.4m x 33m as shown on the approved plans at the junction of the access road with the public highway shall be provided before the access is brought into use, and shall be retained thereafter, free from any obstruction over 600mm above footway level.

Reason: In the interests of Highway safety, in accordance with Planning Policy Guidance 13: Transport and Policy T8 of the Adopted Peterborough Local Plan (First Replacement).

C18 Before the new access is brought into use, visibility splays as shown on the approved plan shall be provided on both sides of the 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 Planning Policy Guidance 13: Transport and Policy T8 of the Adopted Peterborough Local Plan (First Replacement).

C19 A scheme of lighting (including off site light spill details) shall be submitted to and approved by the Local Planning Authority and the approved scheme shall be implemented prior to the development first coming into use and retained in that form thereafter in perpetuity.

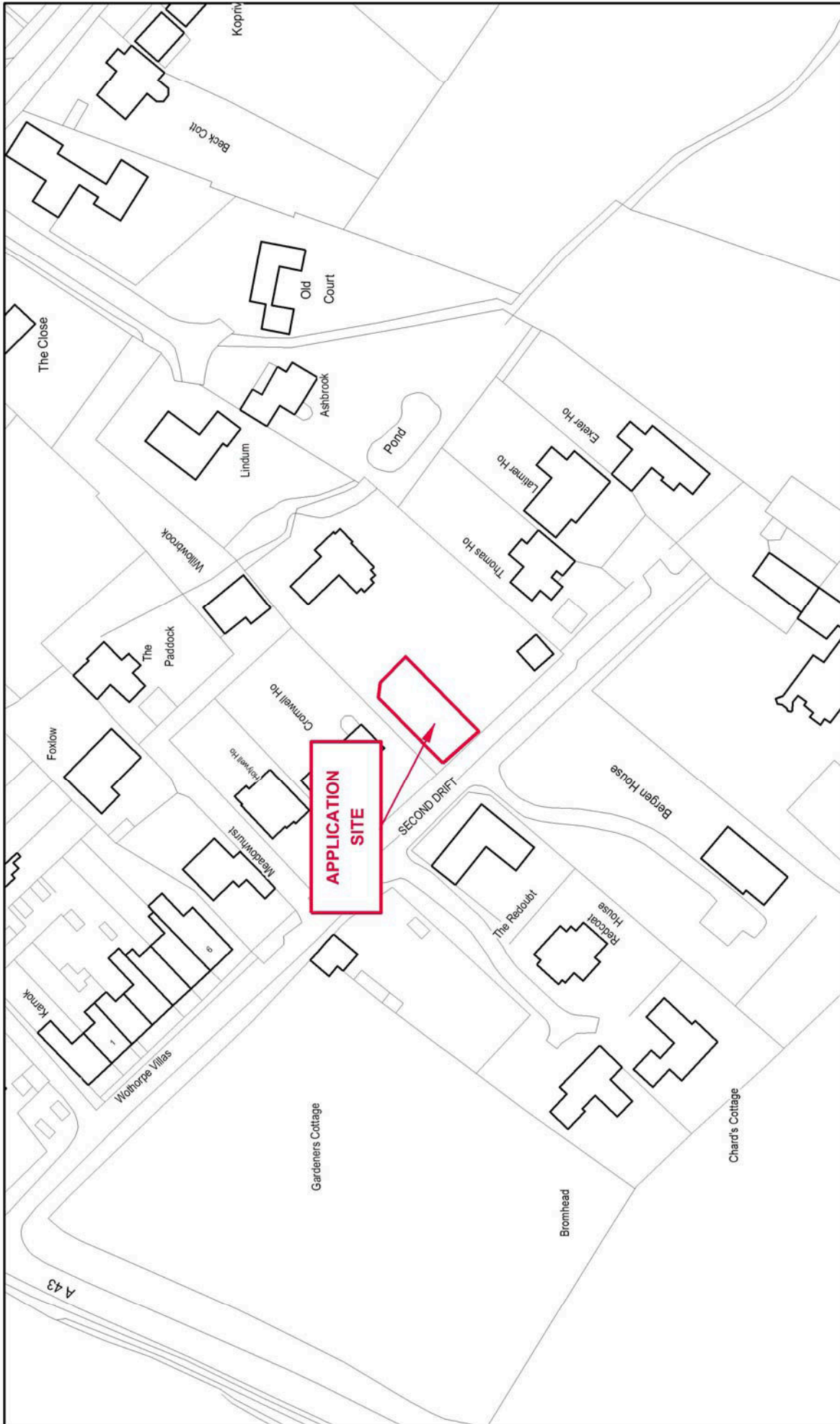
Reason: In the interest of crime prevention, residential amenity and highways safety and to accord with Policies CS14 and CS16 of the Peterborough Core Strategy.

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 contributions towards infrastructure requirements 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 Councillors: F Benton, L Serluca, M Lee

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LOCATION PLAN 11/00232/FUL
 The Haven, Second Drift, Wothorpe

Scale 1:1250 **Date** 22/3/2011 **Name** MKB **Department** Planning Services

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PETERBOROUGH
 CITY COUNCIL

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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

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

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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P & EP Committee: 11 JANUARY 2011

ITEM NO 5.4

10/01503/FUL: CONSTRUCTION OF 4 BED, 2 STOREY HOUSE WITH DETACHED DOUBLE GARAGE – PLOT B AT THE HAVEN SECOND DRIFT WOTHORPE STAMFORD

VALID: 3 NOVEMBER 2010

APPLICANT: HEREWARD HOMES LTD

AGENT: IPLAN

REFERRED BY: CLLR OVER

REASON: NOT IN KEEPING WITH CHARACTER; NOT SUSTAINABLE; NO S106

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

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 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.

- DA1** Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
- DA2** Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.
- DA6** Tandem, backland and piecemeal development.
- H15 Development to be carried out at highest net residential density
- H16 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.
- T1** New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
- T9 Cycle parking requirements.
- T8** Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10** Car parking provision to be in accordance with maximum car parking standard

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

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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 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.

Planning Obligations Implementation Scheme – Adopted as a Supplementary Planning Document in February 2010.

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 3m from the boundary with Plot A. 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 already approved on Plot A.

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 to be developed as a single dwelling. The front part of the site is shown as two plots known as plot A (a dwelling on plot A was approved by Committee on the 12 October) 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/WC PP	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/WC PP	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	08.04.2009	PER

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	appearance of buildings, means of access and landscaping for a four-bed dwelling as consented under 02/00842/OUT		
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
10/00975/FUL	Demolition of existing dwelling and construction of three-bed dwelling with detached garage	22.10.2010	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Local Highway Authority

LHA raise no highway objections to this proposal. The application site is accessed via a private road and therefore has no highway implications.

Archaeology Services

The proposed development site contains no known archaeological remains.

EXTERNAL

Parish Council –

We wish to oppose the application by Hereward Homes to build a 4 bedroom 2 storey house on Plot B at The Haven.

Our objections are based upon lack of conformity with the following policies laid out in our Village Design Statement:

VDS2 SCALE: The scale height and bulk of the development will have a significant and detrimental impact on the quality and character of Second Drift.

VDS3 Relationship between buildings: The proximity of the proposed new building to Cromwell House as well as the other two buildings on The Haven remove any open spaces and will mean that the proposed new development will overlook all three dwellings causing a substantial loss of amenity.

VDS4 Overdevelopment: The proposed development will appear overdeveloped as a result of domination by an inappropriate large scale dwelling with minimal space separating the buildings.

VDS8 Landscaping: The concentration of dwellings on The Haven site, if this application is approved, would leave little provision for appropriate hard and soft landscaping.

NEIGHBOURS

Letters of objection have been received from six local households in response to the initial consultation raising the following issues. A consultation has been carried out on the revised plans; comments will be reported on the Update Sheet.

- Overdevelopment
- Lack of privacy for neighbours
- Size and scale in conjunction with the new dwelling being built
- Loss of trees with mass block paving
- Demolition of perfectly good dwelling to make way for new dwelling of the same size
- Development would dwarf surrounding houses
- Will dominate and overlook Cromwell House and the new house at the rear
- Unacceptable mass running along Cromwell House's [boundary]
- Will overlook Cromwell House' garden, patio and conservatory
- Due to height there could be a third storey in the attic

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- Additional traffic on single track road with limited passing places
- Impact on highway safety
- Lorries have to turn round at the top of the road, damaging driveways
- Utilities are already over-stretched
- Contravenes H7e, DA2 and DA6a and b of the Local Plan
- Breaches recommendations from Peterborough Settlement Hierarchy Studies
- Interesting and wide range of styles of housing
- Overdevelopment may turn the Drift into a new housing estate
- Development is not materially different to refused proposal [for two houses at the front]
- Reasons for refusal [of recent appeal] apply
- Garage is now detached,
- Development on The Haven should be looked at as a whole
- Change in Government policy re garden development
- Impact on property values

COUNCILLORS

Cllr Over has made the following comments:

The application will reinforce a line of near identical buildings running from the top of 2nd Drift to at least one third of the length of the road

Both sides of the road are new, stone faced houses on small plots. These add nothing to the environment of the Drift and are certainly not in keeping with the large houses on large plots which are near by giving 2nd Drift a semi-rural and individualistic character

The development is not sustainable. A speculative builder will look to sell these houses to anybody with the funds to buy a £500,000 to £1mn house. Such people will generally work elsewhere and travel miles in cars to and from work in Peterborough, Leicester, Cambridge, London etc

No realistic Section 106 Agreement seems to have been reached

The numerous developments on the Haven plot have had significant local objections because residents believe that the character of the 2nd Drift will change for the worse and the local services will not cope with the extra burden.

7 REASONING

a) **Introduction**

This application is subsequent to a refusal of two larger dwellings on the front part of The Haven. The applicant submitted an appeal against that refusal, which has been dismissed by the Inspector. Members will recall that a recent revised application for the dwelling at the rear, for a dwelling with garage and studio over, was refused. The applicant has lodged an appeal against that refusal. An application for a dwelling on Plot A was approved recently by Members. This report is based on revised plans received during the application period.

b) **Policy issues**

Wothorpe is defined in the 2005 Local Plan as an Infill Settlement where development is limited to infill of no more than two dwellings on an undeveloped plot in a built up frontage. This definition is taken from the Structure Plan, and the definition has not been carried forward into the Core Strategy. Wothorpe is, in emerging plans, defined as a small village and it is expected that development will be on a windfall basis.

Comments have been made regarding the Settlement Hierarchy document. However Members should note that the document has not been approved or adopted by the Council and is not Council Policy. Although Wothorpe is a small village and without convenient access to Peterborough City

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Council schools and facilities, setting aside administrative boundaries it is very close to a wide range of services and facilities available in Stamford, which is less than one mile away. This distance is easily walkable or cyclable along the existing footway and the location is not therefore unsustainable in this respect.

Members will be aware that there is a national need for additional housing, and an identified need within the Peterborough area for high quality housing. It is considered that there is no reason to resist the principle of allowing two dwellings at the front of the site.

Policies H7e, DA2 and DA6a and b have been specifically mentioned by an objector. These policies refer to character of the area, neighbour amenity and the scale of development. These matters are explored below.

c) **Recent appeal decision**

Following the refusal of an application for two larger houses at the front of The Haven, the applicant lodged an appeal which has been refused. The key differences between the refused scheme, and the revised proposals for Plot A and Plot B, are:

A shared entrance was proposed for all three dwellings, this has been changed to a separate drive for the house at the rear and a shared access for the two front plots

Plot B was originally shown with a garage integral to the house, to allow for the driveway curving round to the dwelling at the rear.

The cumulative footprint of the two dwellings at the front was 365 sq m under the refused/dismissed proposal, the combined footprint of the approved dwelling on Plot A and the current proposal on Plot B, including their detached garages, is about 277 sq m.

It was originally proposed that Plot A was two-and-a-half storey.

The separation distances under the refused/dismissed proposal were: Thomas House – plot A 6m, between the two proposed dwellings about 1.5-2m, plot B – Cromwell House 11.5m. The separation distances currently proposed are in turn 8m, 4.5m, 12m.

The appeal decision is attached for Member's information, however the determining reason for dismissal of the appeal is the harm to character caused by the smaller spaces between dwellings, the minimal space between the two new dwellings, the appearance of a continuous run of housing on the east side of the Drift, which the Inspector describes as "suburban rather than semi-rural".

In the view of Officers these concerns have been adequately addressed by reducing the scale of development as shown in this application and that recently approved for Plot A.

d) **Character of the area**

The character of Wothorpe is, broadly, variety in building style, and separation between dwellings. Most dwellings are detached, apart from the Victorian villas, which create their own small character area. It is inevitable that the character of an area will change over time, and this has happened to Wothorpe with the development of many plots and the increase in the overall number of dwellings. The predominant character however is still of large dwellings on good sized plots, with significant separation between dwellings.

The majority of the detached houses in Second Drift are two-storey, with two-and-a-half storey development in the Victorian terraces and in two of the new houses to the south of the site. There is also two-and-a-half storey development opposite the application site, on the old Havering site. There is a mixture of building styles along the Drift.

The north-east side of Second Drift has eight buildings along its length. The first is a terrace of Victorian houses, then there are 7 detached houses. The spacing between them varies from 1m to 7m, apart from at The Haven where separation distances prior to development of the site were about 16-18m. The current proposal, along with the permitted development on Plot B, would result in separation distances of 8m and 12m to adjacent development.

This indicates that the proposed development would respect the established level of separation between dwellings, which has altered over time, and in particular recently with the infill dwelling on part of the Cromwell House plot, and later with the three new dwellings to the south-east of The Haven. The varying styles of the houses, and the varying set back distances, aid in establishing the spacious detached character.

All of the dwellings are set back several metres from the roadway, and there is some planting which helps to screen dwellings and contribute to the wooded character of the area.

Members should be aware that there is potential for accommodation to be added into the roofspace of the proposed dwelling, and neighbours have commented on this. Some neighbours have pointed

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out that Officers raised concerns about the initially proposed two-and-a-half storey development, which is correct. Two storey development is proposed under this application, although it would be open to the applicant to apply at a later date to convert the roofspace into accommodation. A condition is recommended removing Permitted Development rights for this work, to ensure that the Planning Authority retains control.

Part of the character of Wothorpe is large plots/gardens. Although the garden to the proposed dwelling would be smaller than many in the area it would be over 260 sq m, which is more than adequate for a family dwelling. It is the space between dwellings which often supports a perception of large plots, and the proposal in Officer's views respects this.

The proposed materials are natural stone and slate, which fits in with many of the more recent homes in Wothorpe, although the Victorian and most of the 20th century buildings are of brick. Some comments have been made regarding the design of the proposed house, which is similar to the style of the three new dwellings to the south-east and the two recently approved dwellings on The Haven. If the current proposal is allowed, and all the approved development on The Haven was carried out, there would be six detached dwellings in a loose group, all of a similar style. There is landscaping that screens dwellings to an extent; some landscaping has been removed recently. The similarity of the dwellings will be apparent when viewed from directly adjacent however it is not considered that the group would dominate views up the Drift. It is important also to remember that a change in character is not automatically detrimental to the character of the area.

The bulk and massing of the dwelling will be in keeping with that of nearby development.

A garage is proposed in front of the dwelling, to mirror that permitted on Plot A. Garaging to the front is to be discouraged as a general rule, however a garage to the front is already in evidence at Thomas House, to the immediate south-east, and in 2003 permission was granted for a garage to the front of Cromwell House, although this was not built. The proposed garage has a shallow roof pitch and a low profile so that the house would be the dominant feature of views towards the site.

Overall it is considered that subject to a good landscaping scheme the impact of the garage and the similarity in design and materials can be incorporated into the overall streetscene satisfactorily, and that the character of the area would not be unacceptably affected.

Several comments have been made regarding the status of Wothorpe as an "excepted village". This refers to the emerging allocation of Wothorpe as a Special Character Area. This allocation is part of the emerging Local Development Framework and should be borne in mind, but cannot be given significant weight at this stage. The emerging policy presumes against sub-division of gardens and establishes the local character as low-density development, mainly individually designed family houses, set in large landscaped gardens giving a semi-woodland setting. A brief calculation indicates that the top half of Second Drift, with the approved development at the Haven and the current proposal, would be developed at a density of about 5.5 dwellings per hectare.

e) **Impact on neighbour amenity**

The neighbour most closely affected would be Cromwell House to the north-west. The side elevation of the proposed new dwelling would be about 12m from the side of Cromwell House. The occupant of Cromwell House has expressed concern about overlooking from the side windows – the proposed first floor side window would serve a bathroom, and a condition is recommended to require obscure glazing and restricted opening.

A utility room door is also proposed at ground floor on this side. Normally a ground floor door or window would not be a cause for concern, however in this case, due to the slope of the site, the door would be higher than the ground floor level at Cromwell House. The applicant has submitted a section through the site which shows that views should be blocked by the presence of two fences and a hedge on the Cromwell House side of the boundary. The prevention of overlooking depends primarily on the presence of a fence to the side boundary of the application plot. The ground floor level inside the house would be slightly above external ground level, and therefore it is considered that at the boundary alongside the house the fence height should be 1.8m above internal floor level rather than above external ground level. A retaining structure is proposed along this part of the site, to separate the driveway to the rear plot from the side of Plot B, and a fence of suitable height could be constructed above this.

Windows to the front of the new dwelling would look over the road, with no particular impacts on neighbours.

There are no windows proposed on the south-east elevation, looking towards Plot A.

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Windows to the rear of the dwelling would look towards the new dwelling recently approved to the rear of The Haven. The distance between the proposed rear windows and the windows on the rear dwelling would be above the 21m separation distance, varying from 24 to 26m, although there would be obliquely facing bathroom windows at 20m separation which, given the likely use of obscure glazing, is considered acceptable.

One rear bedroom windows would offer views towards the garden of Cromwell House, however views towards the conservatory and patio would be restricted as the rear walls of the houses are almost in line with each other, and casual overlooking by residents of the new house towards the sitting out area at Cromwell House is unlikely.

f) **S106**

The applicant has agreed to a contribution under the Planning Obligation Implementation Scheme.

g) **Highways/parking**

A double garage forms part of the proposal, and there would be sufficient space to park visitor's vehicles in front of the garage. There would be ample space to accommodate cycle parking.

There are no Highway objections to the proposal.

Some neighbour comments have been received regarding traffic movements and impact on the Drift. Second Drift is a private road and it is the responsibility of the owners to maintain it and manage turning. The slight increase in traffic movements will not have any significant impact on safety on the adopted Highway.

h) **Other matters**

The following comments have also been made:

Demolition of perfectly good dwelling to make way for new dwelling of the same size

Demolition of the existing dwelling was permitted under the previous application, and its demolition will allow for the construction of two dwellings, if this application is approved. There is no planning reason to resist demolition of the existing dwelling.

Loss of trees with mass block paving

Some trees have already been removed. It is reasonable to expect that the driveway will be hard surfaced, however there will be a hedge along the front of the site, and a grass verge, as well as other landscaping in the area.

Utilities are over-stretched

It is the responsibility of the utility companies to provide services to residents.

Change in Government policy re garden development

Development on gardens is still allowed if it does not cause harm.

Impact on property values

This is not a material planning consideration.

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 applicant has made provision to meet the infrastructure needs arising from the development
- the proposal is therefore in accordance with Policies H16, T1, DA2, DA6 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the satisfactory completion of a Section 106 agreement and 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 Materials to be used in the construction of the approved development shall be as described in approved plan 2009/51-17, unless agreed otherwise in writing by the Local Planning Authority.**
Reason: In the interests of the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling 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 DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 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.**
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 DA2 of the Peterborough Local Plan (First Replacement).
- C5 The dwelling and garage shall be constructed at the level shown on plan 2009/51-201 C, unless otherwise agreed in writing with the LPA.**
Reason: In the interests of visual and residential amenity, in accordance with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C6 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.
- C7 Before the development hereby permitted is first occupied, the proposed first 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 DA2 of the Peterborough Local Plan (First Replacement).
- C8 Prior to the commencement of development and notwithstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local**

Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained; the enhancement and creation of natural features within the site; the retention, enhancement and creation of wildlife corridors and the use of native species in planting.

The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner.

Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C9 Prior to occupation of the dwelling a fence shall be erected along the north-west boundary parallel to the side elevation of the dwelling, to a height of 1.8 metres above the internal ground floor level of the dwelling.

Reason: 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).

If the S106 has not been completed within two 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 meet the infrastructure requirements 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 D Over

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LOCATION PLAN 11/00233/FUL

The Haven, Second Drift, Wothorpe

Scale 1:1250 Date 22/3/2011 Name MKB Department Planning Services

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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 - THE HAVEN
SECOND DRIFT WOTHORPE STAMFORD

VALID: 21 FEBRUARY 2011
APPLICANT: HEReward HOMES LTD
AGENT: IPLAN
REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING
REASON: PREVIOUS MEMBER INTEREST
DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS
TELEPHONE: 01733 454412
E-MAIL: louise.lewis@peterborough.gov.uk

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 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.

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 (VDS) 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.

3 **DESCRIPTION OF PROPOSAL**

The proposed development is a three-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 10.5m wide, set 6m from the boundary with the neighbouring plot (Thomas House) and 2m from the indicative boundary with the plot on the other side (this boundary has moved slightly, but this has no material effect). Height to eaves would be about 5.2m and height to ridge about 8.8m (this is a slight reduction from the previous proposal). Access is proposed via a new entrance from Second Drift.

The application initially included a garden room, and a side utility extension. These aspects were withdrawn on Officer advice.

The application also proposed photo-electric panels, these have been withdrawn from the proposal by the applicant.

The internal layout is changed from that originally approved in order to accommodate the staircase to the loft.

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 to be developed as a single dwelling. The front part of the site is shown as two plots known as plot A (subject of the current application) and plot B (to the north-west). The application site comprises an area of about 40m deep and 18m wide at the front, narrowing to about 14.5m wide at the rear. The front section of the plot comprises existing verge and hedge line, behind this would be the garage, 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	08.02.2005	PER

	submission of reserved matter		
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
11/00232/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		

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.
- Although the garden room and side utility room extensions have been withdrawn we wish to make it clear that we are opposed to any such developments.

NEIGHBOURS

Letters of objection have been received from 5 local residents raising the following issues:

- Developer is manipulating the planning process
- 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
- Removal of trees destabilising the soil and increasing the amount of water through storm drains and down the edges of the road
- 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
- PCC refuse collection vehicles also damage the road
- Road safety issue with increasing number of vehicles

COUNCILLORS

No comments from Councillors have been received to date.

7 REASONING

a) Introduction

This application is a revision to a previous application, which was approved by Members on the 12 October last year. This report examines only the changes to the proposal. The report on the previous application is attached as appendix 1.

Members will note that Condition 9 of the previous consent is no longer recommended, as the original dwelling on the site has now been demolished.

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) 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 B'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 B 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.

d) Impact of additional windows – character of the area

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

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 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 2009/51-4 G, 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 DPD.
- 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 DPD.
- 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 DPD.
- C 5 The dwelling and garage shall be constructed at the level shown on plan 2009/51-202/E, 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 DPD.
- 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. Foul water from the development shall be dealt with by way of a connection to the adopted foul main.**
Reason: To prevent surface water flooding in accordance with the aims of PPS25 and to secure the appropriate treatment of foul water and to accord with Policy CS22 of the Peterborough Core Strategy DPD.
- C 7 Before the development hereby permitted is first occupied, the proposed first floor and second floor windows on the north-west and south-east elevations 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 DPD.

- C 8 **Prior to the commencement of development and notwithstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained. The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner. In the event that any of the new or retained planting fails or is removed within 5 years of the completion of the planting scheme, then replacement planting shall be undertaken in accordance with the approved landscape planting scheme.**

Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

Copy to Councillor D Over

P & EP Committee: 12 OCTOBER 2010

ITEM 5.5

10/00975/FUL: DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE-BED DWELLING WITH DETACHED GARAGE AT THE HAVEN SECOND DRIFT WOTHORPE STAMFORD
VALID: 20 JULY 2010
APPLICANT: HEReward HOMES LTD
AGENT: IPLAN
REFERRED BY: CLLR OVER
REASON: THERE IS NO LOCAL NEED, CONDITION OF ROAD AND SERVICES, IMPACT ON CHARACTER OF AREA
DEPARTURE: NO
CASE OFFICER: LOUISE LEWIS
TELEPHONE: 01733 454412
E-MAIL: louise.lewis@peterborough.gov.uk

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 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.

- DA1 Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.**
- DA2 Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.**
- DA6 Tandem, backland and piecemeal development.**
- H15 Development to be carried out at highest net residential density
- H16 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.
- T1 New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.**
- T9 Cycle parking requirements.
- T8 Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.**
- T10 Car parking provision to be in accordance with maximum car parking standard

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 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.

3 DESCRIPTION OF PROPOSAL

The proposed development is a three-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 10.5m wide, set 6m from the boundary with the neighbouring plot (Thomas House) and 1m from the indicative boundary with the plot on the other side. Height to eaves would be about 5.2m and height to ridge about 9.4m. Access is proposed via a new entrance from Second Drift.

The application was initially for a 5 bed dwelling. This has now been changed to a 3 bed property on planning officers' advice.

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 to be developed as a single dwelling. The front part of the site is shown as two plots known as plot A (subject of the current application) and plot B (to the north-west). The application site comprises an area of about 40m deep and 18m wide at the front, narrowing to about 14.5m wide at the rear. The front section of the plot comprises existing verge and hedge line, behind this would be the garage, 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	08.04.2009	PER

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	landscaping for a four-bed dwelling as consented under 02/00842/OUT		
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

10/00688/FUL is perhaps the most relevant historic application in respect of the current proposal. Permission was refused for 2 dwellings for the following reasons:

- R 1 The volume and extent of development was considered to be overdevelopment, with a detrimental impact on the character of the area. The proposed plot sizes would be the smallest in the area and the houses would occupy about half of each plot. The overall footprint of development on The Haven would increase from about 100 square metres to about 365 square metres, and the entire plot width, at the front, would be developed, leaving significantly reduced separation between dwellings. The submitted street scene drawing showed that both dwellings would be cut into the slope of the hillside in order to accommodate their height.*

[Members should note that as part of the current application detailed information on levels has been submitted which shows that the amount of cut and fill would be less significant than the street scene indicates].

These considerations all lead to the conclusion that the proposal constitutes overdevelopment which would have a significant detrimental impact on the character of the area. The proposal is therefore contrary to Policies H7(e), DA2 and DA6(a) and (b) of the Peterborough Local Plan 2005 (First Replacement) which state:

- R 2 The application was also refused on the basis that no S106 agreement had been entered into. The applicant is willing to enter into agreements as necessary in order to secure contributions towards infrastructure.*

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways & Transportation – No objection.

Landscape Officer – No objection.

Wildlife Officer – No objection.

Archaeology Officer – No objection.

Drainage Officer – No objection.

EXTERNAL

Parish Council – Objects for the following reasons:

- The front plot has been split into two separate plots with the proposed development occupying the southerly plot leaving the northern plot available for further development. We are opposed to this arrangement and believe that the plot should not be split and that only one dwelling should be constructed on it.

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- The scale of the proposed property is too large. A four bedroom dwelling on two floors situated more centrally on the plot would not present such an overbearing aspect from Thomas House to the South as well as from the road.

NEIGHBOURS

The following comments were received in respect of the now superseded 5 bedroomed dwelling proposal:

- Developer is submitting two applications separately having had the previous application refused
- Footprint is the same as the house previously refused [Members should note this has been revised]
- Plans for The Haven should be considered as a whole
- Wothorpe is marked as a Character Area
- Proposal is against the design statement for Wothorpe
- Contravenes sections of Residential Design Guide [Members should note that this no longer forms adopted Council planning policy]
- Gardens have been removed from definition of brownfield development
- Proposal does not respect local character, which is of varying building designs
- Same style of building as neighbouring houses, by the same developer
- Roofline does not fit in with established buildings
- House should be set centrally on the plot
- Increase in number of dwellings will increase activity and nuisance and reduce privacy
- Impact on privacy at Thomas House – is only 2m away [Members should note this has been revised]
- No visual separation between proposed house and Thomas House [Members should note this has been revised]
- Overlooking to Thomas House, Latimer House and Exeter House
- Road cannot cope with additional traffic
- Danger to children playing in the road
- Construction traffic
- Problems with drainage and water pressure will be made worse
- Will erode green area
- No provision for open space
- Proposal to remove near perfect dwelling is outrageous
- Demolition will release dust and harmful chemicals
- Energy/waste implications of demolition and removing rubble

Responses to second consultation for the three-bed house (only new or varied points have been listed; many of the above comments were repeated)

- Confusion/stress caused by numerous applications and changes
- Why has the roofline been kept the same?
- Higher roofline is unacceptable given existing heights of homes in the area
- This will allow third floor to be added in due course
- Why is the middle part of the site not used – this suggests another dwelling will be applied for
- Developer has included a second garage on the site plans
- Two-house design has already been refused, any new dwelling should be placed on the middle of the site
- Three houses are overdevelopment and garden grabbing
- Design of the house is exactly the same but with the SE wing and sun room removed – if approved the developer will return for amendment to add back
- Road is inadequate
- Footprint is smaller [than initially submitted] but height and fact that the house has to be dug into the landscape have not been altered

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- Planning department stated that the house was too large and should be reduce to half – the footprint has not been halved
- Existing properties are 4-bed, this 3-bed will be out of character
- Flood risk – underground streams in the area
- Timing of consultation and notice given of committee meeting

COUNCILLORS

Cllr Over has made the following comments:

- H9 Wothorpe is a limited growth settlement and this application is one of a constant flow of small applications which is significantly enlarging the settlement
- H16 The application is one of many similar designs which has no connection with local designs. Indeed this type of reconstituted stone building is a glaring clash against local designs.
- H20 There is no evidence to suggest a need for this building. No local survey was conducted and it is a purely speculative build similar to others which have remained half built and/or unsold for many months.
- H21 No attempt has been made to discover the need for affordable housing
- H22 This settlement will be an 'excepted' site and this application is being rushed through, along with other applications in the same back garden of the 'Haven'
- T1 No survey has been done regarding public transport. It is likely that at least two cars will be at this property if built
- T8 There is no legally confirmed owner of the road with no right of access
- CC4 There is no Section 106 agreement with regard to leisure and recreational green spaces
- CF7 There are no health facilities in the area to meet the needs of an increasing population
- DA6 This is a significant example of piecemeal development which has had a significant effect on the settlement and has changed the nature of the area.
- There is no attempt to help develop a balanced and mixed community. Instead yet another £500,000 plus house is being built for unknown buyers.
- LNE1 Another example of the authorities countryside being eaten up by piecemeal speculative building
- U1 There is no legal ownership of drains, sewage disposal and water pipes.
- U2 Water drainage is a significant problem on 2nd Drift with a number if springs in gardens. Water drainage is inadequate to cope with heavy rain or water from seasonal springs
- This application makes no attempt to provide a development for the benefit for the settlement. No evidence was collected to access the need for this proposed house and it offers no advantages for the people of the area. The building has no local distinctiveness and is directed at one type of buyer irrespective of local needs. It is not sustainable development and it does not improve the quality of life. Power supplies, water pressure and broadband connections are often poor.
- I am already being contacted on a regular basis by new residents in Wothorpe complaining of a poor road surface, narrow roads, poor water pressure, low voltage and dangerous road junctions. These problems are continually pointed out by local residents, the parish council and myself at each planning application only for them to be brushed aside.

Cllr Over has since commented, following the revisions made to the scheme, that:

- My over arching comment is these are a series of applications, with others to follow and with an appeal already lodged.
- All the applications need to be gathered together and treated as one process. There is significant opposition to this in Wothorpe especially after similar developments have gone ahead in First Drift and it needs to be treated with care. It is not good enough that individual applications come in, then are re-submitted and then changed again.
- In my opinion this is speculative building for profit which has no regards for the area or the people near by.

7 REASONING**a) Introduction**

This application is subsequent to a refusal of two larger dwellings on the front part of The Haven. The applicant has submitted an appeal against that refusal.

This application is for one dwelling on plot A, and the applicant has stated that an application will be submitted for a separate dwelling on plot B in due course.

b) Policy issues

Wothorpe is an Infill Settlement (not a limited growth settlement, or in the countryside) and development is limited to infill of no more than two dwellings on an undeveloped plot in a built up frontage. Once the existing dwelling is demolished the plot will effectively be undeveloped, and therefore two dwellings could, in principle, be accommodated on the front. It is considered that there is no reason to resist the principle of allowing two dwellings at the front of the site.

c) Character of the area

The character of Wothorpe is, broadly, variety in building style, and separation between dwellings. Most dwellings are detached, apart from the Victorian terraces, which create their own small character area. It is inevitable that the character of an area will change over time, and this has happened to Wothorpe with the development of many plots and the increase in the overall number of dwellings. The predominant character however is still of large dwellings on good sized plots, with significant separation between dwellings.

The majority of the detached houses in Second Drift are two-storey, with two-and-a-half storey development in the Victorian terraces and in two of the new houses to the south of the site. There is also two-and-a-half storey development opposite the application site, on the old Havering site. There are few buildings which are typical of the local vernacular.

The north-east side of Second Drift has eight buildings along its length. The first is a terrace of Victorian houses, then there are 7 detached houses. The spacing between them varies from 1m to 7m, apart from at The Haven where separation to each side is about 16-18m. Although the current proposal is only for part of the front of The Haven, it can be established that the space between the south-east side of the proposed house and Thomas House would be about 10m, and the space between the north-west side of any house proposed in the future for the neighbouring plot, and Cromwell House, would be at least 8m.

This indicates that the proposed development would respect the established level of separation between dwellings, which has altered over time firstly with the infill dwelling on part of the Cromwell House plot, and later with the three new dwellings to the south-east of The Haven. The varying styles of the houses, and the varying set back distances, aid in establishing the spacious detached character.

All of the dwellings are set back several metres from the roadway, and there is some planting which helps to screen dwellings and contribute to the wooded character of the area.

The initially submitted proposal for this site, which was of two-and-a-half storeys, was the same height as the revised proposal and Members should be aware that there is potential for accommodation to be added into the roofspace, and it would be open to the applicant to apply at a later date to convert the roofspace into accommodation. The height of the dwelling, and the proportion of wall to roof, would be about the same as at Thomas House, to the south-east.

Part of the character of Wothorpe is large plots/gardens. Although the gardens to the proposed dwelling would be smaller than many in the area it would be over 300 sq m, which is a good size in itself, and large enough to mitigate for the north-east orientation. It is the space between dwellings which often supports a public perception of large plots, and the proposal respects this.

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The proposed materials are natural stone and slate, not reconstituted stone, which fits in with many of the more recent homes in Wothorpe, although the Victorian and most of the 20th century buildings are of brick. Some comments have been made regarding the design of the proposed house, which is very similar to the style of the three new dwellings to the south-east. If the current proposal, and another dwelling on plot B, were to be built in the proposed style there would be six detached dwellings in a loose group, all of a similar style. It is this, rather than the siting or spacing of dwellings, that could potentially have the most impact on the character of Second Drift, although the landscaping along the street screens dwellings to an extent so that the impact is reduced.

A garage is proposed in front of the dwelling, and it is likely that a garage would also be proposed in front of any dwelling on plot B. Garaging to the front is to be discouraged as a general rule, however a garage to the front is already in evidence at Thomas House, to the immediate south-east, and in 2003 permission was granted for a garage to the front of Cromwell House, although this was not built. The proposed garage has a shallow roof pitch and a low profile.

Overall it is considered that subject to a good landscaping scheme the impact of the garage and the similarity in design and materials can be incorporated into the overall streetscene satisfactorily, and that the character of the area would not be unacceptably affected.

Several comments have been made regarding the status of Wothorpe as an “excepted village”. This refers to the identification of Wothorpe as a Special Character Area in the emerging Site Allocations document to the Local Development Framework. As the document is at an early stage of its preparation very little weight can be given to the emerging policy at this time. The emerging policy presumes against sub-division of gardens and establishes the local character as low-density development mainly individually designed family houses set in large landscaped gardens giving a semi-woodland setting.

d) **Impact on neighbour amenity**

The neighbour most closely affected would be Thomas House to the south-east. The side elevation of the proposed new dwelling would be about 10m from the side of Thomas House, and there would be no windows which could give rise to direct overlooking.

Windows to the front of the new dwelling would look over the road, with no particular impacts on neighbours.

Windows to the north-west would be about 26m from the side of Cromwell House and would not give rise to any detrimental overlooking.

Windows to the rear of the dwelling would look towards the new dwelling recently approved to the rear of The Haven. The closest window would be 13m from the side of the new garage and about 20m from the side of the new house. Views towards the garden of the new house would be partially screened by the garage.

Neighbours have commented on loss of privacy to Thomas House, however there would be no overlooking to the house itself. Thomas House has been extended to the rear such that the sitting out area is further back and higher than the rear of the proposed dwelling so there would be oblique views from one of the bedroom windows towards the patio at Thomas House. This level of overlooking is considered to be usual for residential areas.

e) **S106**

As the demolition of the existing house is part of this proposal, and the proposed house has fewer bedrooms than the existing, there is no additional infrastructure burden and therefore no requirement for a S106 agreement.

f) **Highways/parking**

A double garage forms part of the proposal, and there would be sufficient space to park visitor's vehicles in front of the garage. There would be ample space to accommodate cycle parking. There are no Highway objections to the proposal.

g) **Other matters**

No evidence of housing need/affordable housing need

There is evidence of housing need within the Peterborough City Council area, and within the country as a whole. Within the PCC area, the housing growth sought and set out within the emerging Core Strategy is significant. The evidence base for the Core Strategy has identified a shortfall of large houses within the City Council area. There is no policy requirement for the need for a dwelling to be proven before planning permission can be granted and there is no policy requirement for the dwelling to be affordable.

Condition of road

Several neighbours have commented on this, and there are clearly significant concerns about the road in terms of condition and safety. Most of the residents on the Drift, as the dwellings have front parking areas, do not need to park vehicles on the road, although there is very little allowance for visitor's vehicles to be parked on the road. There are some areas of grass verge which could be used for informal parking and passing, but in some cases these have been blocked with stones to protect the grass.

While local concerns are understandable, the road is private, and maintenance is the responsibility of the owner. The concern of the Local Planning Authority and the Local Highway Authority (LHA) is with safety on the adopted Highway, which would not be affected by this proposal. The LHA has raised no objections. Construction traffic will have to be managed by the developer. It should not affect the adopted highway.

Condition and provision of services

Utilities are not normally for the planning system to consider and there is no evidence of there being a lack of capacity in the locality. Access to public transport is available via a CallConnect service, and there are buses and trains in Stamford. The centre of Stamford, with shops, other facilities and a railway station, is less than a mile from the application site. Open space and health facilities would be provided for via the Planning Obligations Implementation Scheme, however as set out above in this case the proposal is to replace an existing house so no contribution would be required.

Impact of demolition/loss of existing house

There is no particular reason to resist the loss of the existing house. It is not listed or otherwise protected and while it is a pleasant enough building it is not worthy of being retained for its own sake. Demolition must be notified to Building Control, and Health and Safety controls would apply.

Why has the roofline been kept the same? A roofline that is higher than existing dwellings is unacceptable and it will allow a third floor to be added in due course

Buildings in the area are variable in height. The proposed dwelling would be similar in height to Thomas House, but lower down the slope and therefore lower overall.

This proposal does not include accommodation in the roof. Should the applicant wish to apply later to secure two and a half storey development then it is open to him, or a future occupant, to do so. This applies equally to the proposed dwelling, the existing dwelling, or any other dwelling.

Why is the middle part of the site not used – this suggests another dwelling will be applied for. Developer has included a second garage on the site plan. A scheme for two houses has already been refused, any new dwelling should be placed on the middle of the site. Three houses are overdevelopment and garden grabbing

The developer has stated that an additional dwelling will be applied for on plot B. That application will have to be determined on its merits when submitted. The second garage referred to, which would probably serve a dwelling on plot B, is shown on the site plan but is not within the red line for this application and therefore would not be part of any approved scheme. The proposal which was refused was for two larger houses, which together filled almost the whole width of The Haven. The

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current proposal is materially different, and allows for clear separation between the proposed dwelling and the existing development to the south-east. Officers consider that it would be possible to accommodate an appropriate level of development on the other half of the site (plot B), when that comes forward for development.

Design of the house is exactly the same but with the SE wing and the sun room removed – if approved the developer will return for amendment to add back

The revision to the originally submitted 5 bedroom proposal consists of removal of the south east wing and the sun room and the roof accommodation. This is not of itself unacceptable. The larger house was refused (along with a similar house on plot B) under delegated powers in July. It is open to the applicant to submit a revised scheme whatever the outcome of this application. It is the role of the Local Planning Authority to assess the proposal before it, not to determine applications on the basis of what might be applied for in the future. Conditions removing Permitted Development rights have been recommended, so that the Local Planning Authority can retain control over any proposed extensions in the future.

Footprint is smaller [than originally submitted] but height and fact that the house has to be dug into the landscape have not been altered

Planning department stated that the house was too large and should be reduced to half – the footprint has not been halved

The applicant has recently submitted information on levels on the site (not available during determination of the previously refused application), which shows that the dwelling will not be dug into the ground. The streetscene drawing indicates that significant excavation would be necessary however that drawing does not reflect the varying levels on the site. The levels plan shows that the dwelling would be set on land which varies in level from 37.23m to 38m, and that the finished floor level of the dwelling would be 37.8m. This is considered to be appropriate, given that a house cannot reasonably be built to follow an existing slope exactly. Officers requested, as part of the consideration of the two-house scheme, that the overall footprint of development on the site be reduced by half, and that the height be reduced also. The current application is for a single dwelling on half of the original site, and although on a plot by plot basis the footprint has not been halved, Officers consider that the scale of the development in relation to the plot is acceptable.

Existing properties are 4-bed, this 3-bed will be out of character

The number of bedrooms in a house is not a determinant of character.

Gardens have been removed from definition of brownfield development

While it is correct that garden land is no longer classed as brownfield land, this does not change the adopted local plan policies against which this type of proposal should be considered.

Confusion/stress caused by numerous applications and changes

Development on the site must be considered as a whole

Speculative building

Members will be aware that the planning system does not allow for applications to be gathered together and treated as one process. Each application must be treated on its own merits, and developers are entitled to submit a series of applications should they wish. If an unacceptable proposal can be made acceptable then it is reasonable to discuss alterations with the applicant should timescales allow it. The assessment of each application at The Haven is made in the knowledge of what has been approved or refused in the past, and taking into account other current applications, however each planning decision must stand on its own and be determined on its own merits. The Local Planning Authority cannot tell the applicant what to apply for. Speculative building for profit is not a planning consideration.

Flood risk – underground streams in the area / Foul Water

There is no evidence to suggest that the development will be at flood risk or cause an increase in flooding elsewhere. Surface water is to be disposed of via a soakaway and foul draining is to go to the adopted foul main.

Timing of consultation and notice given of Committee Meeting

This application was due to be presented to the Committee on the 7 September 2010, however it was deferred to allow more time for residents to comments on the revised scheme.

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, T1, DA2 and DA6 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

The Head of Planning, Transport & Engineering Services recommends that this application is APPROVED 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 Materials to be used in the construction of the approved development shall be as described in approved plan 2009/51-4 C, unless agreed otherwise in writing by the Local Planning Authority.**
Reason: In the interests of the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- 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 DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 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.**
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 DA2 of the Peterborough Local Plan (First Replacement).
- C5 The dwelling and garage shall be constructed at the level shown on plan 2009/51-20/A, unless otherwise agreed in writing with the LPA.**
Reason: In the interests of visual and residential amenity, in accordance with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C6 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. Foul water from the development shall be dealt with by way of a connection to the adopted foul main.

Reason: To prevent surface water flooding in accordance with the aims of PPS25 and to secure the appropriate treatment of foul water and to accord with Policy U1 of the Peterborough Local Plan (First Replacement).

C7 Before the development hereby permitted is first occupied, the proposed first floor windows on the north-west and south-east elevations 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 DA2 of the Peterborough Local Plan (First Replacement).

C8 Prior to the commencement of development and notwithstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained. The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner. In the event that any of the new or retained planting fails or is removed within 5 years of the completion of the planting scheme, then replacement planting shall be undertaken in accordance with the approved landscape planting scheme.

Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C9 Prior to occupation of the approved dwelling, the existing dwelling shall be completely demolished.

Reason: For the Local Authority to retain control of the site layout and occupation levels, in the interests of residential amenity and the character of the area in accordance with Policies H12, H16 and DA2 of the Peterborough Local Plan 2005 (First Replacement).

Copy to Councillor D Over

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PROPOSAL: Provisional Tree Preservation Order Ref: 1_11 – Trees at Firdale Close, Peakirk.
REFERRED BY: Head of Planning, Transportation & Engineering.
REASON: Objections have been raised to the provisional TPO.
CASE OFFICER: John Wilcockson
TELEPHONE: 01733 453465
E-MAIL: john.wilcockson @peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Officers have served a provisional Tree Preservation Order (TPO) 1_11 – Trees at Firdale Close, Peakirk following a request from a member of the public and as such, following the public consultation period, objections have been raised.

- **Are the trees worthy of inclusion into a TPO in terms of public visual amenity value?**
- **Are the proposals reasonable and justified having regard to the letters of support raised?**

An objection has been raised in respect of the Tree Preservation Order and Committee are asked to determine the application accordingly in accordance with para 2.6.2.1 of the Council's Constitution.

The Head of Planning Services recommends that the TPO is CONFIRMED.

2 DESCRIPTION OF SITE AND SURROUNDINGS

The trees (2 Maple, 3 Cherries, 3 Birch a Deodar and a Monkey Puzzle) are located on a small piece of open space adjacent to the B1443 Peakirk-Newborough Rd and the entrance to Firdale Close, Peakirk. The trees are all to the front of 1 Firdale Close. The front half of the site is unregistered land and the rear half under the ownership of 1 Firdale Close.

The trees are easily seen from the B1443 and it has been assessed that the trees are worthy of protection.

3 CONSULTATIONS/REPRESENTATIONS

INTERNAL

None

EXTERNAL

None

NEIGHBOURS

2 letters of objection giving the following reasons:

- Branches too close to telephone wires affecting sound quality.
- Branches overhanging the pavement.
- Order would prohibit any future tree works.
- Ownership of some of the trees is unknown so maintenance may be an ongoing issue

COUNCILLORS

None

PARISH COUNCIL

None

4 REASONING

a) Introduction

A Tree Preservation Order (TPO) is a legal order made by local planning authorities to preserve important trees, groups of trees or woodlands that have a public amenity.

A request for a TPO was submitted by a member of the public due to the potential for trees to be inappropriately pruned or removed. Following a site assessment carried out as per "Tree Preservation Orders : A Guide to the Law and Good Practice", it was deemed that 10 trees were worthy of protection, partly due to this request and partly due to the fact that there is no legal owner of the front half of the site. A TPO would therefore allow PCC control over any proposed future tree works.

Under Section 201 of the Town & Country Planning Act, a TPO was served on the 25th Jan 2011.

People affected by the order have a right to object or make comments on any of the trees or woodlands covered before the Local Planning Authority (LPA) decide whether the order should be made permanent (Confirmed).

Under the DETR booklet, the following advice is provided to LPA s regarding objections:-

If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them. To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.

Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.

An initial objection was raised by Mrs Delves on 2nd February 2011 on the basis that the TPO was instigated by a local Parish Councillor, one of the trees was planted without permission, impact on the land, responsibility for the land or the trees, the TPO would prevent works to them and that there are concerns surrounding telecoms cables. A response was sent to Mrs Delves on the 8th Feb 2011 addressing each of the concerns and requesting that her objection is withdrawn. Mrs Delves responded on the 21st Feb 2011 stating that she was unable to withdraw her objection essentially repeating her initial objections.

A letter of objection was also received from Mrs Puk who owns 2 of the trees on 3rd February 2011, the detail is as per Mrs Delves' objection added to which she planted the 2 trees and also objects on this basis. The Case Officer spoke with Mrs Puk on 30th March via telephone to discuss withdrawing her objections but she also stated that her objection still stands.

In response to the objections, the Case Officer makes the following points:

- A Land Registry search was carried out at the time of serving the TPO; the search shows that the front half of the open space is indeed unregistered.
- Status of land ownership and responsibility does not change following the serving of a TPO other than there is a legal stamp on the land.
- The serving a Tree Preservation Order does not prohibit works to a tree, only that works are appropriate and necessary. In this instance, works to prevent damage to telecoms wires and to clear the lamp post would be deemed appropriate; these works are actually an exemption in the

TPO Legislation in that the works are required to “*abate a nuisance*”. Interpretation of this exemption would allow branches to be pruned back to prevent any damage.

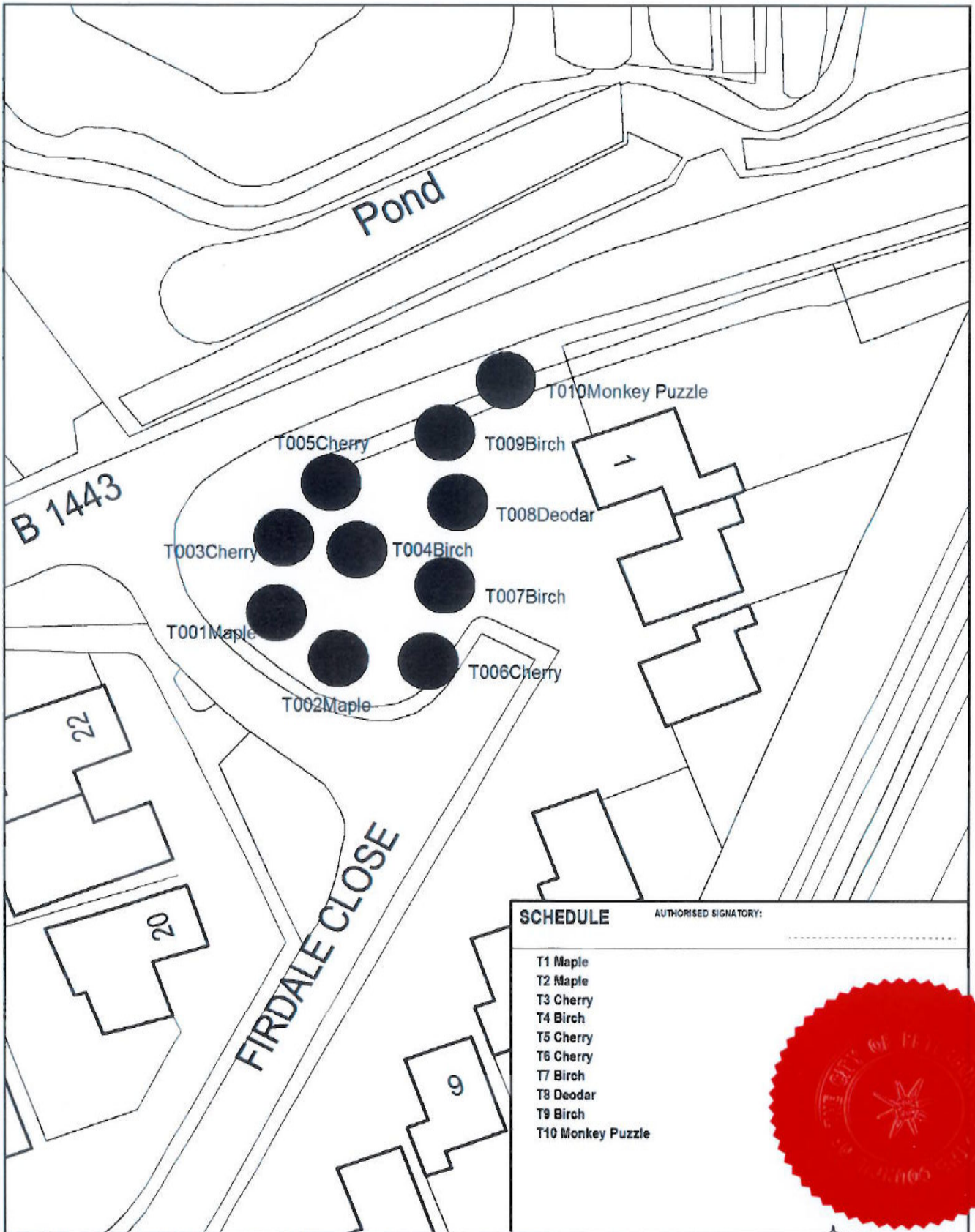
5 CONCLUSIONS

It is the opinion of the Case Officer that the TPO be Confirmed for the following reasons:-

- There is the potential for the loss of the trees or inappropriate pruning that could shorten the life of the trees.
- The trees offer public visual amenity value and it is considered that the loss of the trees and or inappropriate pruning would be of detriment to the greater public and the landscape in this location.
- It is the opinion of the Case Officer that trees could provide 20 yrs + visual amenity value based on their current condition.

6 RECOMMENDATION

The Head of Planning Services, Transport & Engineering recommends that this provisional TPO is CONFIRMED



TREE PRESERVATION ORDER 1_2011
Firdale Close

Scale 1:500 **Date** 11/1/2011 **Department** Planning Services **Name** JW **PCC GIS**

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Copy to Councillor Hiller

PROPOSED: Provisional Tree Preservation Order 2_11 at Bergen House, Wothorpe
REFERRED BY: Head of Planning, Transportation & Engineering.
REASON: Objections have been raised to the provisional TPO.
CASE OFFICER: John Wilcockson
TELEPHONE: 01733 453465
E-MAIL: john.wilcockson @peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Officers have served a provisional Tree Preservation Order (TPO) 2_11 at Bergen House, Wothorpe following a request from a member of the public and as such, following the public consultation period, objections have been raised.

The main considerations are:

- **Are the trees worthy of inclusion into a TPO in terms of public visual amenity value?**
- **Are the proposals reasonable and justified having regard to the letters of support raised?**

An objection has been raised in respect of the Tree Preservation Order and Committee are asked to determine the application accordingly in accordance with para 2.6.2.1 of the Council's Constitution.

The Head of Planning, Transportation & Engineering recommends that the TPO is CONFIRMED AS MODIFIED.

2 DESCRIPTION OF SITE AND SURROUNDINGS

The trees are located in the gardens of Bergen House, 2nd Drift, Wothorpe. G1 (3 Oak), T1 (Oak) and T2 (Horse Chestnut) are in the front garden whilst G2 (4 Willow) is on the western boundary toward the middle of the garden.

All the trees do provide landscape value as a group when viewed from the A43 – Kettering Road and the Public Footpath both on 1st Drift and to the east of 2nd Drift.

3 CONSULTATIONS/REPRESENTATIONS

INTERNAL

None

EXTERNAL

Mr Andrew Belson on behalf of John Martin and Associates made the following comments:-

1. T1 – Oak, low vigour with early to moderate die back in the upper crown. Specific objection to this tree being in the TPO.
2. T2 – Horse Chestnut, bleeding canker in evidence and tight unions with active reaction growth on the main scaffolds which could lead to failure. Specific objection to this tree being in the TPO.
3. G1 – Oaks, assessed as having poor form and low vigour overall. The most southerly Oak is suppressed and has historic pruning wounds which have resulted in decay points. The opinion is put forward that if the Horse Chestnut (T2) is removed and/or one of the trees in G1, the overall group would be unbalanced. Does not specifically object to these trees being included in the TPO.

4. G2 – Willows, the group cannot be seen from a public place, the roots may be compromised by neighbouring development and all 4 trees have been “topped” historically. Does not specifically object to these trees being included in the TPO.

Motivation for the above objections on the grounds that the trees should not be placed under a TPO due to the lack of sufficient visual amenity value and their overall condition.

NEIGHBOURS

4 letters of support have been received on the basis of:

- Potential loss of “magnificent” trees.
- The detriment to the local wildlife and birdlife if the trees were removed.
- Concerns for the character of the village if the trees were removed.
- Concerns for development pressure and over development if the trees were removed.

COUNCILLORS

Wothorpe Parish Council are in support of the TPO.

4 REASONING

a) Introduction

A Tree Preservation Order is a legal order made by local planning authorities to preserve important trees, groups of trees or woodlands that have a public amenity.

A request for a TPO was submitted surrounding concerns for tree loss linked to the threat of development.

An initial site assessment was made of the trees on site as per “Tree Preservation Orders : A Guide to the Law and Good Practice” and a total of 2 individual trees and 2 groups of trees were included. Trees along the frontage were excluded due to their poor condition.

Under Section 201 of the Town & Country Planning Act, a TPO was served on the 21st Jan 2011.

Under the DETR guidance, people affected by the order have a right to object or make comments on any of the trees or woodlands covered before the Local Planning Authority decide whether the order should be made permanent (Confirmed), the following advice is provided to LPA s regarding objections:-

If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them. To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.

Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.

An initial objection was received to the current form of the TPO on the 17th Feb 2011. The points were raised by Mr Andrew Belson on behalf of John Martin Associates and are summarised as “*the trees are not of a high enough quality to be included in a TPO or they have sufficient public visual amenity value (or both) and their inclusion amounts to an unreasonable constraint on the way the land can be used.*”

As per the above best practice, a further site visit was undertaken taking on board comments from the objector.

In response to the objections the Case Officer makes the following points in rebuttal:-

- T1 – Oak, is estimated at 150 years+ old and is exhibiting atypical condition for that age. It is accepted and agreed that this specimen is of low vigour; again due to the age this is deemed to be perfectly normal. One would expect to find deadwood in an Oak of this age, and the amount would seem reasonable. It is not considered that the appraisal justifies felling the tree.
- T2 – Horse Chestnut, it is not disputed that the tree is exhibiting symptoms of Bleeding Canker, but consider that the bleeds are minor which would suggest that this is early infection. There is evidence of dead bark around the lower trunk however there is little sign of the pathogen in the lower scaffolds. Sensibly if the condition worsens then target pruning dead/dangerous material is an option and would be deemed appropriate management under the TPO. Although Bleeding Canker may well kill the tree, this specimen may yet well survive for 20 years+. Latest guidance (Forestry Commission Research) suggests that unless there is an immediate concern about safety, trees with light to moderate bleeding and reasonable crown development can be left in place and monitored. It is considered that felling the tree is disproportionate with regards to the faults identified.
- G1 – 3 No Oaks, following a more in depth assessment, it is agreed that the removal of the poorest specimen (southerly tree) due to its' condition would be acceptable. The other 2 trees however require nothing more than the removal of deadwood in the crowns. Again, the low vigour is attributed to the age of the trees. The objection raised does not however justify removal of the other 2 trees.
- G2 - 3 No Willows can be seen from the Public Footpath to the east and as such form part of the landscape. The description and condition of the trees and would suggest that they could be managed as pollards in future.

The overall landscape value of these trees is considered to be important in terms of scale and as such, the trees contribute to the landscape within 2nd Drift as viewed from public footpaths and the A43.

Whilst working as a Consultant on behalf of the Planning Dept, Mr Belson surveyed most of Wothorpe to determine which trees were worthy of inclusion into a TPO. Although this assessment was carried out in Oct 2006, Mr Belson was of the opinion at that point in time that two of the Oaks in G2 were worthy of a TPO (presumably the better two). The Case Officer suggests that due to the age of the trees and the fact that their growth rate has slowed significantly, there would be very little change in the trees' condition within this time frame that would require the trees being felled – supported by the lack of justifiable evidence proportionate to the loss of the trees.

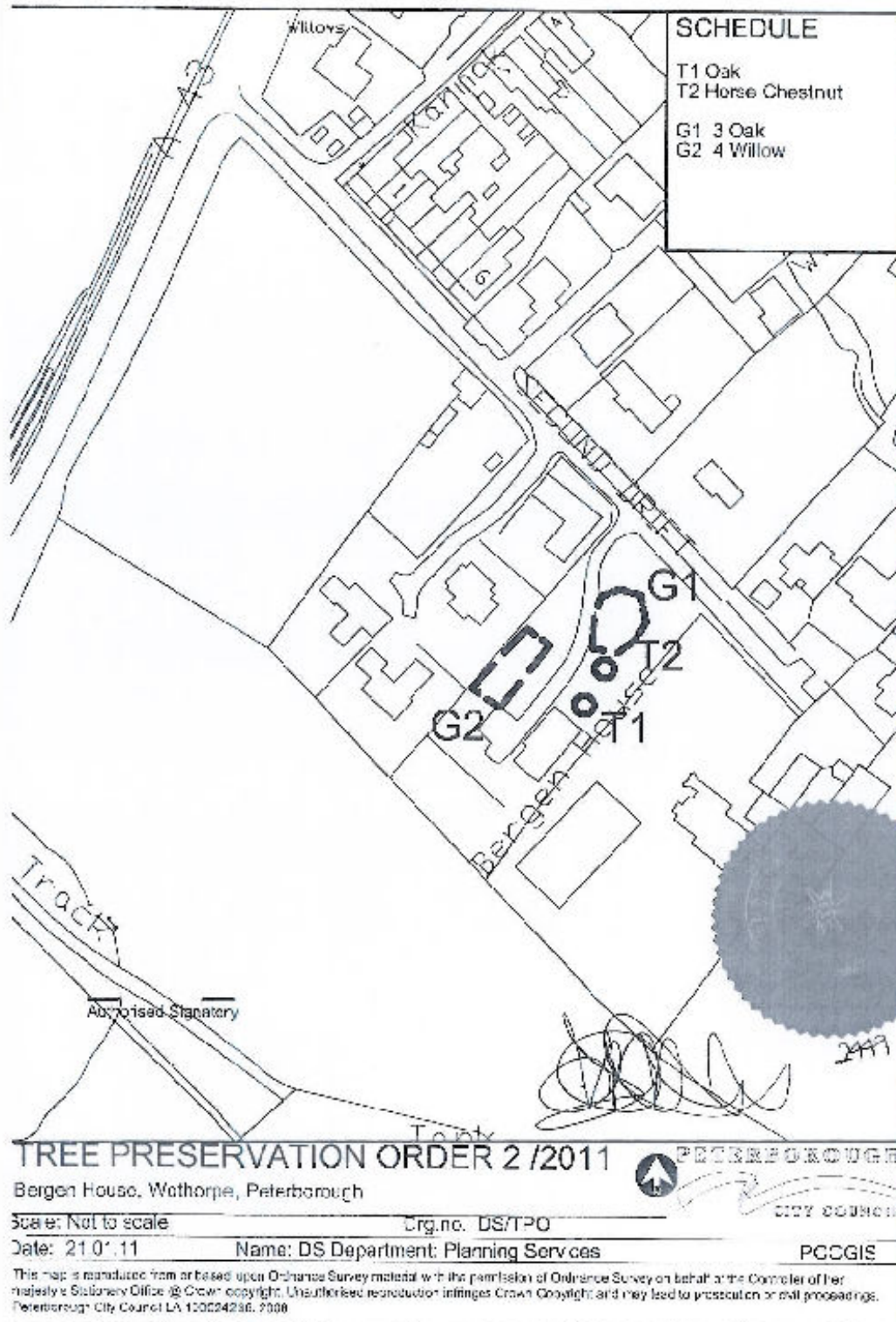
5 CONCLUSIONS

It is the opinion of the Case Officer that the TPO should be confirmed in a modified form (G1 being reduced from 3 Oaks to 2) for the following reasons:-

- The trees offer public visual amenity value and it is considered that the loss would be of detriment to the greater public and the landscape in this location.
- It is the opinion of the Case Officer that trees could provide 20 yrs + visual amenity value based on their current condition.
- One of the Oak in G1 is unsuitable for protection due to its condition.

6 RECOMMENDATION

The Head of Planning, Transport & Engineering recommends that this provisional TPO is CONFIRMED AS MODIFIED i.e. the reduction of G1 from 3 Oak to 2.



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