

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 24 JULY 2012

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Development Control and Enforcement Matters**
 - 3.1 **12/00979/FUL - Land to the South of Eyebury Cottages, Eyebury Road, Eye, Peterborough** **1 - 10**

In accordance with Standing Orders, Members are asked to determine whether agenda item 3.2, E1 Enforcement Action in Central Ward, which contains exempt information relating to an individual or would be likely to reveal the identity of an individual and information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by Paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when this report is discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

- 3.2 **E1 - Enforcement Action in Central Ward** **11 - 20**

Committee Members:

Councillors: Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



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 as soon as possible.

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

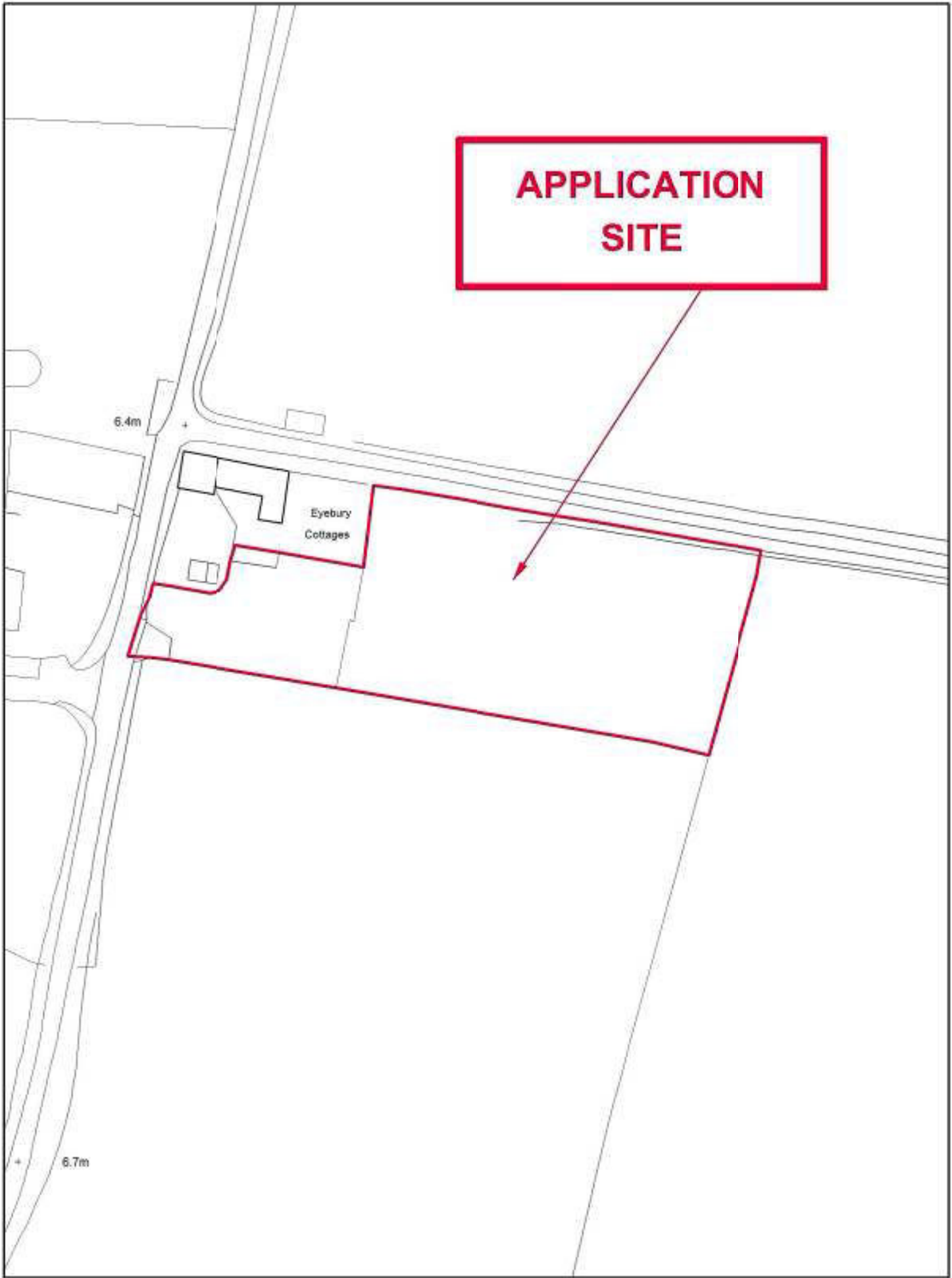
Minerals and Waste: Theresa Nicholl, Alan Jones

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, Transport and Engineering 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.

**APPLICATION
SITE**



LOCATION PLAN 12/00979/FUL

Land to the South of Eyebury Cottages, Eyebury Road, Eye

Scale NTS **Date** 13/7/2012 **Name** AA **Department** Planning Services



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| | |
|-------------------------|---|
| Application Ref: | 12/00979/FUL |
| Proposal: | Construction of a four bedroom dwelling with attached double garage and detached stables - Resubmission |
| Site: | Land to the South of Eyebury Cottages, Eyebury Road, Eye, Peterborough |
| Applicant: | Mr and Mrs Richard and Vanessa Wells |
| Agent: | Sharman Architecture |
| Referred by: | Cllr D Sanders |
| Reason: | Planning permission has previously be given for a dwelling |
| Site visit: | 4 July 2012 |
| Case officer: | Mr M Roberts |
| Telephone No. | 01733 454410 |
| E-Mail: | mike.roberts@peterborough.gov.uk |
| Recommendation: | Refusal |

1 Description of the site and surroundings and Summary of the proposal

Site and Surrounding area

The site lies in open countryside approximately half a mile to the south of Eye Village. Eyebury Road runs alongside the western most boundary of the application site that connects Eye Village to the Eastern Industry area of the city and the North Bank Road to Whittlesey. To the west of the site beyond Eyebury Road and behind a lengthy 1.8m high stone wall is a large two storey barn that has been converted to residential use. This barn was formerly within the curtilage of Eyebury Farmhouse, which is a grade II listed building, to the west of the barn. The barn itself is approximately 70m away from the western most curtilage of the application site. The western boundary of the application site is delineated by close boarded fencing to a height of 1.8m. To the north/north west of the site are two attached dwellings known as Eyebury Cottages. These are stone wall/concrete tiled construction, of simple design, one and a half storey dwellings. Both dwellings are grade II listed. To the east of the Cottages is a substantial sized, steeply pitched roof double garage that serves the eastern most of the two Cottages. The southern most boundaries of the two Cottages comprises of 1.8m high close boarded fencing. Other than for the presence of the close by dwellings the site is surrounded by open countryside. Immediately to the north of the site and running alongside the front of the Eyebury Cottages is Tanholt Lane. This is an unmade track that provides a vehicular access to the eastern most of the two cottages and that also forms part of the route of the Peterborough Greenwheel. This track forms a 'T' junction with Eyebury Road and has restricted visibility in either direction.

The application site is entirely open and dominated by overgrown vegetation. A number of deciduous trees are scattered along all boundaries of the western most half of the site with a mature length of quite mature leylandii conifer trees to the south boundary. The middle and eastern most area of the site did, in the recent past, contain three large prefabricated barns. One of these barns was located on the site of the proposed dwelling.

The Proposal

The proposal seeks planning approval for the erection of a substantial 4 bed detached dwelling of brick and a natural slate construction to the southern side of Tanholt Lane. The dwelling is to have a width of 14.7m and a depth of 9.5m. The roof of the dwelling is to be of pitched roof design with a ridge height of 8.9m. The west facing (i.e. to the rear) elevation of the dwelling is to feature a two storey high gable centrally located with two storey vertically emphasised glazing. This is to have a width of 5.1m. To either side of the gable are single storey projections with mono-pitched roofs. The side elevations of the dwelling comprise no windows in the upper storeys. The front elevation,

facing to the east, comprises two projecting rearward facing gables, both with a width of 5m each of which have projecting bay window features to the ground floor.

Between the existing double garage that serves the eastern of the two Eyebury Cottages and the dwelling house a substantially sized double garage with a footprint measuring 7.6m in width and a length of 9m. A store is shown within the roof space with two roof lights facing the dwelling. The building is to have a steeply pitched roof with the ridge height proposed at 7.2m. The garage doors are proposed to be of vertical timber construction. Four parking bays are shown aligned horizontally to the front of the dwelling off the access drive.

The vehicular access to the dwelling is to be off Tanholt Lane, 20m past the Eyebury Cottages. The entrance to the access is to comprise a five bar gate.

The proposal also includes a 3 bay stable block to the east of the dwelling. This is to have a width of 11.7m and a depth of 4m and is to abut the southern boundary. The stables are to be of principally timber construction with a black corrugated profile. Whilst the application details do not specify, there is a large area of open space to the east of the dwelling which it is assumed will be used as a paddock. The (assumed paddock) area of the site has dimensions of approximately 50m in width and 90m in depth.

There is an extant planning permission for a single dwelling sited in a similar location on the site.

2 Planning History

| Reference | Proposal | Decision | Date |
|------------------|---|-----------------|-------------|
| 07/00915/OUT | Construction of a two storey detached dwelling with detached double garage and stable block | Approved | 18/01/2008 |
| 11/00040/REM | Construction of a two storey detached dwelling with detached double garage and stable block | Approved | 30/03/2011 |
| 12/00462/FUL | Construction of a four bedroom dwelling with attached double garage and detached stables | Refused | 29/05/2012 |

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

The National Planning Policy Framework

Para 55 – Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling. Such a design should;
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where it is essential in connection with an agricultural, horticultural, forestry or other rural based enterprise.

4 Consultations/Representations

The consultation period does not expire until 26th July and so an up date on representations received will be given at the meeting. In addition, the recommendation is for the Head of Planning Transport and Engineering to be given the authority to issue a refusal in the event that no further representations are received that raise issues that the Committee have not been able to consider. The comments received to date are as follows:

North Level District Internal Drainage Board

No objections to the proposal but they require clarification on the sustainable drainage system proposed for dealing with surface water

Conservation Officer (03.07.12)

The proposed dwelling is significantly larger than the dwelling that was previously approved, (reserved matters permission ref: - 11/00040/REM refers) for the site. It is also of a style and materials that are inappropriate for this rural location and adjacent listed buildings. The proposed scheme has many weaknesses compared with the approved scheme, fundamentally: design, materials, dominant garage building. The use of parapets, plinth and bargeboards to the garage are further negatives. The current proposal is considered to represent an over assertive building, which in size and design terms is more appropriate in an urban/suburban location. The frontage is over dominant with a flat fronted dwelling is the correct design approach, as per the design of the approved dwelling. The garage is significantly over height caused by the proposed accommodation in the roof. This results in a high ridge line that makes the building itself a dominant and not a subservient building in relation to the host building.

The approved dwelling is a relatively modest two storey building to be of natural stone under a replica Collyweston roof. A significant design treatment was the simple symmetrical arrangement and appearance of the west facing elevation. The design was that of simple farmhouse building. This should remain the approach to follow in the context of the location and setting cottage of the small cottages adjacent to the site that are grade II listed dwellings.

Building Control Surveyor

Building Regulation approval is required. Part M applies. There is a need for suitable surfacing from the parking area to the principle entrance. The layout indicates a number of steps to the entrance.

Section 106 Minor

A contribution to the infrastructure needs of the development will be required by The Planning Obligation Implementation Scheme.

Transport and Engineering Services

The proposed dwelling is to be accessed from Tanholt Lane which is not a public highway therefore there would be no objections. The minimum vehicular access width should be 3.5m. A waste collection area should be provided adjacent to Eyebury Road as per the existing dwellings. Operational vehicle cleaning equipment is required to prevent mud being deposited on the public highway.

FAO Emma Doran Pollution Team

Response awaited

Archaeological Officer

Response awaited

Parish Council

Response awaited

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

The objectors have raised the following points:

1. There appears to be little difference in this application from the refused application a few months ago. Although the window casings appear to have been modified the overall size - height and width appear the same.
2. The original outline planning that was granted on 18th January 2008 with the following comments
 - the new house is designed to be in keeping with but subservient to the listed buildings
 - also to avoid any clash in scale with the listed building the height of the house has been reduced by the use of the roof design as 3 Eyebury Cottages is a grade II listed building, a stone one storey cottage with an attic, with a Collyweston stone roof.
3. The original application for the land at Eyebury Farmyard was for a building to be constructed of stone with the roof of slate, totally in keeping with our listed building and our neighbours house of 2 Eyebury Cottages, the original application was also empathic with the listed building barn conversion across the Eyebury Road.....But the new application is for the building to be constructed of buff brick which is not in keeping with the other properties and will not complement the listed buildings.
4. Height and overall appearance of the proposed new application against the permission granted in 2008. On looking at both sets of plans it would appear that the new building would not only be somewhat taller but would lose the overall appearance that was a major part of the original outline planning....i.e. with windows in the roof to complement the listed buildings. The new planning proposal is also much larger and will dominate both the site and the skyline, again not empathic with the listed buildings adjacent to it.
5. No objection to the original outline planning granted, as much consideration was given to the building of a property on what was agricultural land, as the proposal would enhance the enclave of properties already there.

Cllr McKean has submitted representations objecting to the development on the grounds that:-

- It is against local/government policy
- There is boundary dispute/encroaches
- The junction of Tanholt Lane to Eyebury Road is dangerous junction. The junction may need to be upgraded on safety grounds as the speed limit is 60mph and the junction visibility splays are poor.
- The development is outside the village envelope of Eye
- It is understood that the road that the entrance of this site is shown is a private road. Have the owners got permission to use it for access to this site?

5 Assessment of the planning issues

The main considerations are:

- The principle for the dwelling in its countryside location
- The design of the dwelling
- The impact of the dwelling and garage building upon the setting of the grade II cottages to the north of the site
- The impact of the development upon the amenities of the occupiers of the Eyebury Cottages
- The acceptability of the proposed stable block

The principle of the dwelling in its countryside location

The application has been submitted, as was an earlier 2012 proposal which was refused planning permission, without any evidence as required by the National Planning Policy Framework (NPPF) or as required by the policy of the Peterborough Core Strategy DPD, (primarily) that it is needed in connection with an agricultural, horticultural, forestry or other rural based enterprise. With respect to the NPPF such new dwelling proposals in the countryside have to meet at least one of the four criteria as set out in the policy section of this report. None of these are considered to have been satisfied. The dwelling is not required for a rural worker, it is not proposed to secure a heritage asset, there would be no re-use of redundant or disused building nor is the dwelling considered to be of a truly exceptional or innovative design. Policy CS1 of the Peterborough Core Strategy DPD adds additional weight to that of the NPPF policy advice by reiterating that development in the countryside is to be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture forestry etc.

The applicant's supporting justification for the proposal is the fact that planning permission has previously been granted for a dwelling on the site and that it is an extant permission. The extant permission was essentially granted as a departure from the development plan mainly on the grounds that there would be a net gain arising from the removal of large disused agricultural barns that were visually intrusive in this countryside location and were being used for unauthorised vehicle storage. The approved dwelling was considered appropriate given its simple farmhouse appearance. However these barns and the vehicles stored within them are no longer present on the site. Therefore the planning policy for the site has to be based on the relevant policies of the NPPF and the Core Strategy both of which do not afford any support for what would essentially be an open market house in the countryside. The permission for the implementation of the approved dwelling is set to expire in March 2013 or before the expiration of 2 years from the approval of the last of the reserved matters.

The design of the dwelling

Whilst the proposed dwelling is not considered acceptable in principle it remains necessary to consider its design should the application be refused and subsequently taken to appeal. The approved dwelling is a relatively modest two storey building to be of natural stone under a replica Collyweston roof. A significant design treatment was the simple symmetrical arrangement and appearance of the west facing elevation. The design was that of simple farmhouse building. This should remain the approach to follow in the context of the location and setting cottage of the small cottages adjacent to the site that are grade II listed dwellings.

The design and scale of the proposed dwelling and associated double garage and store room do not respect the location of the site and the setting of the listed buildings of Eyebury Cottages. It is considered that the design and scale of the proposed dwelling would be more appropriate in an urban/suburban location.

The impact of the dwelling and the garage building upon the setting of the grade II listed cottages to the north of the site

The proposed development is of a scale, design and siting that would have an adverse impact upon the setting of the listed cottages. The proposed double garages with the store above lies

within 3m of the curtilage of the easternmost of the two cottages and approximately 11m to that dwelling. Due to the close immediate proximity and disparity in scale of the proposed development to the existing one and a half storey cottage the proposed development would be significantly out of context with the listed dwelling. The relationship of the proposed dwelling is further compromised through the choice of inappropriate materials and detailing.

The impact of the development upon the amenities of the occupiers of Eyebury Cottages.

The development would provide for an imposing outlook from the rear of both Cottages due to its scale and massing. The dwelling the subject of the extant planning permission would be located slightly nearer to the north boundary of the site with a subservient single storey double garage alongside to the side of the garage accommodation of the eastern of the two Eyebury Cottages. Being of simple design it would not dominate the immediate locality and the outlook from the rear of both cottages as the current proposal would which has an imposing front gable and a much taller and bulky garage building abutting close to the northern boundary. The potential for any adverse impacts upon the privacy afforded to the occupiers of Eyebury Cottages would be lessened due to the further set back of the dwelling from the cottages.

The acceptability of the proposed stable block

A condition on the outline planning permission specifically restricted the permission to the dwelling only and not the stable block proposal on the grounds that the stable block could conflict with the character of the immediate area. The current application does include a stable block that is to be located to the east of the proposed dwelling in a location that would not adversely impact upon the character and appearance of the immediate area of the countryside. Its proposed, mainly timber construction, would also be satisfactory as is common for such buildings. To reiterate, the proposed open land to the east of the proposed dwelling within the red edge of the application site would require planning permission to be used as a paddock.

6 Conclusions

The principle of the dwelling has not been submitted with any justification in line with that required by the National Planning Policy Framework or the policies of the Peterborough Core Strategy. Were there to be an accepted justification the scale, design, materials and detailing of the dwelling house and the scale and siting of the double garage are not considered appropriate in a countryside setting or in keeping with the context of the site and the setting of the adjacent grade II listed buildings.

7 Recommendation

Subject to no comments being received by the close of the consultation period that raise new issues that the Committee has not already considered, the Head of Planning, Transport and Engineering Services be given authority to REFUSE planning permission for the reasons below:-

R 1 The proposal is for a new dwelling in the open countryside and insufficient justification and need has been given in support of the proposal such that it would be contrary to the policy of the National Planning Policy Framework, paragraph 55 refers, and contrary to policy CS1 of the Peterborough Core Strategy DPD which state:

Para 55 of the National Planning Policy Framework:-

– Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling. Such a design should;

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

Policy CS1 - Decisions on investment in services and facilities and the location and scale of new development will be taken on the basis of a Peterborough settlement hierarchy.

Development in the countryside (i.e. outside of the boundary of all settlements in the hierarchy) will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, outdoor recreation and access to natural green space, transport or utility services; and to residential development that satisfies the 'exception' test as set out in policy CS8; and to minerals or waste development in accordance with separate LDD's within the Peterborough LDF.

R 2 Notwithstanding the lack of a justification for the dwelling, reason for refusal 1 refers, the scale and the design of the dwelling are considered out of context to the immediate locality where the residential properties are of a more simple design and comprise stone elevations. Accordingly the proposed dwelling would be contrary to the policy of the National Planning Policy Framework and policy CS16 of the Peterborough Core Strategy which state:-

Para 55 – Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:-

The exceptional quality or innovative nature of the design of the dwelling. Such a design should;

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

Policy CS16: 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 respond appropriately to the particular character of the site and its surrounding, 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.

R 3 The development proposal was not accompanied with a section 106 document to secure a contribution towards the infrastructure implications of the proposal and is therefore considered to be contrary to Policies CS12 and CS13 of the Adopted Peterborough Core Strategy DPD which state:-

CS12

New development should be supported by, and have good access to, infrastructure. Planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development and mitigate the impact of that development on existing community interests within environmental limits. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle.

CS13

Where a planning obligation is required in order to meet the principles of policy CS12 'Infrastructure' then this may be negotiated on a site-by-site basis. However, to speed up and add certainty to the process, the City Council will encourage developers to enter into a planning obligation for contributions based on the payment of a standard charge. Subject to arrangements as set out in a separate Planning Obligations Implementation Scheme SPD, contributions received via this standard charge may be assembled into pools at an authority-wide level and to the relevant Neighbourhood Management Area (as described in policy CS6).

The use of a standard charge approach will ensure that any contribution is reasonably related to the scale and type of development that is proposed. The Planning Obligations SPD will set out detailed arrangements for the operation of the standard charge and formulae based upon needs assessments, viability studies and associated business plans, which will be kept under review. The SPD will include the level of the charge for different types of development, by unit of development, and the basis for the calculation of that level of charge; any minimum size thresholds which will apply; any arrangements for pooling, including the split between pools; any arrangements for staged payments; long-term management and maintenance of infrastructure; any arrangements to address collection and management of pools; and inflation proofing measures.

The City Council will be prepared to negotiate a variation from the standard charge(s) in cases where actual provision of neighbourhood or strategic infrastructure is provided as part of the development proposals or other material consideration. The SPD will include an explanation of where exemptions from or variations to the charge may occur.

Additional contributions may also be negotiated to mitigate a significant loss of a facility on the site, such as public open space.

In the event that the Community Infrastructure Levy (CIL) regulations remain in place (or similar regulations introduced), then the City Council may adopt such a CIL (or similar) to replace the standard charge arrangements set out in this policy.

Copy to Councillor Sanders and Councillor McKean

Item No. 5.2 (E1)

Enforcement Action in Central Ward

Referred: Head of Planning Services
Contact Officer: Nicholas Harding
Telephone: 01733 454441
E-mail: Nicholas.harding@peterborough.gov.uk

1 SUMMARY

The committee is asked to consider appropriate enforcement action in relation to an unauthorised development in accordance with section 2.6.1.3 of the City Council constitution.

2 NATURE OF EXEMPT INFORMATION

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

| ENF REF No. | REASON |
|--------------------|--|
| 10/00517/ENFBCN | Disclosing the information is likely to identify an individual or company where prosecution is being considered. |

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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