

Application Ref: 14/00866/FUL

Proposal: Demolition of existing garage block and the construction of three two-bed affordable bungalows with associated external works and parking

Site: Land To The Rear Of 55 Figtree Walk, Dogsthorpe, Peterborough, PE1 3SW

Applicant: Cross Keys Homes
Agent: Mrs Rebecca White, The Design Partnership

Referred by: Councillors Miners and Saltmarsh
Reason: Loss of parking, loss of amenities for the community and application of wider interest

Site visit: 03.06.2014

Case officer: Miss Louise Lovegrove
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Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site and Surroundings

The application site comprises an existing garage court located to the rear of Nos.55-65 Figtree Walk. The garages are of single storey height, located along the western boundary of the site. The entire site is surrounded by existing residential dwellings along Figtree Walk (to the north, south and east) which are two storeys in height and Western Avenue (to the west) which are single storey in height. Vehicular access is taken via a narrow single width access road located between Nos.53 and 55 Figtree Walk. The western boundary to the site is formed by the rear elevations of the garages, whilst the northern, southern and eastern boundaries are formed by 1.8 metre high close boarded fencing and brick walls.

Proposal

The application seeks planning permission for the demolition of the existing garages on the site and construction of three no. single storey two bed affordable residential dwellings with associated parking, turning, landscaping and outdoor amenity space.

2 Planning History

No relevant planning history.

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities

and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 8 - Safe and Accessible Environments

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

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 key criteria are met.

CS08 - Meeting Housing Needs

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS12 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

Archaeological Officer (03.06.14)

No objections - The application site and surrounding area do not appear to contain important archaeological remains. Therefore, there is no need to secure a programme of archaeological investigation.

Building Control Manager (29.05.14)

Building Regulations approval required. Part M relating to disabled requirements also applicable. Access does not appear adequate for fire service vehicles.

Transport & Engineering Services (16.06.14)

No objections - The proposed dwellings will generate less vehicle movements than would have been generated by the garages. Therefore, whilst the access is technically substandard, there are no improvements required. There are concerns regarding the available turning area to the parking bays for Plot 3 and a minor amendment to the spaces associated with Plot 2 should be made.

S106 Planning Obligations Officer (30.05.14)

A S106 contribution of £12,000 is sought using the Peterborough Planning Obligations Implementation Scheme SPD, plus a 2% monitoring fee of £240. A financial viability appraisal has been submitted and is currently under review. Therefore, this contribution figure may vary.

Local Residents/Interested Parties

Initial consultations: 17

Total number of responses: 3

Total number of objections: 2

Total number in support: 0

One comment has been received from the occupant/owner of No.59 Figtree Walk on the following ground:

- Will the boundary to properties along Figtree Walk be retained as a freestanding wall or removed and replaced?

Councillors Miners and Saltmarsh – Requested referral to Committee for the following reasons (please note that the reasons below are generic to all three applications referred by the Councillors (14/00863/FUL, 14/00864/FUL and 14/00866/FUL, therefore not all reasons will be relevant to each application scheme):

- The sites are some of the few remaining garage sites in Dogsthorpe Ward and their loss may have a serious consequence for local parking issues.
- Loss of local amenities for the community.
- Lack of proper and adequate local consultation with the community, especially those renting the garages.
- The proposals are of immense local interest to the community as a whole.
- Many adjoining properties have rear garden access of one sort or another and their "Access Rights" have not adequately been researched or considered with these garage site developments.
- To allow a more thorough debate to be undertaken with the local community.
- Other reasons for referral will be forthcoming when local councillors have more thoroughly consulted the local community.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking and highway implications
- Neighbour amenity
- Amenity provision for future occupants
- Developer contributions

a) Principle of development

The application site is located within the identified Urban Area, is previously developed 'brownfield' land and situated within a predominantly residential area surrounded by residential dwellings. Furthermore, it is located in relatively close proximity to existing services and facilities, and is well-served by public transport. Moreover, the proposal would help to meet the identified housing need for affordable units within the Peterborough area, contribution towards the creation of mixed-use communities. On this basis, it is considered that the application site represents one of the most sustainable locations for infill/backland residential development and will contribute towards the provision of much needed affordable residential units. Therefore, the principle of development is acceptable in accordance with Policies CS1 and CS8 of the Peterborough Core Strategy DPD (2011).

b) Design and impact upon the character and appearance of the surrounding area

Only glimpsed views are possible into the application site along Figtree Walk, through the gap between Nos.53 and 55 created by the single access road to the site. Notwithstanding this, it is important to ensure that the built form and character of the locality is preserved. The proposed dwellings are of modest size and scale, limited single storey height and have been designed of traditional form, mirroring the simple architectural form of those dwellings in the locality, particularly the neighbouring single storey dwellings to the south. It is not considered that they would appear unduly dominant or obtrusive within the locality and nor would they appear incongruous or alien. Whilst the layout of the development is at odds with the traditional built form of the area, due consideration must be given to the impact of the existing site which is also at odds with the pattern of development.

Given the limited views of the site from the public realm, their single storey nature and the relatively modest scale of the dwellings proposed, on balance it is considered that the proposal would not result in unacceptable impact upon the character, appearance or visual amenity of the surrounding area and is therefore in accordance with paragraph 58 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

c) Parking and highway implications

Loss of garages and existing car parking

As detailed in Section 1 above, the proposal includes the demolition of the garages already in situ within the site. Whilst the proposal would result in the loss of existing parking spaces, it must be noted that these garages could be demolished at any time by the landowner without the requirement of planning permission. Accordingly, whilst their loss is not ideal and will undoubtedly result in increased on-street parking demand in the locality, this is not a ground upon which Officers consider a reason for refusal could be sustained at appeal. Furthermore and in light of this, the Local Highway Authority has raised no objections to the loss of the existing parking.

Access and parking provision for the proposal

In accordance with adopted parking standards, the proposal seeks to provide six no. off-street parking spaces for the proposed two bed residential dwellings (two spaces per dwelling). These would be accessed via the existing single access road which currently serves the garage court. Whilst this access is substandard by virtue of its width (not allowing two vehicles to pass one another), the proposed development would result in less vehicles using the access in comparison to the existing garages. Accordingly, the Local Highway Authority (LHA) has raised no objections and does not require any improvements to be made to the access.

The LHA has however requested that a minor amendment be made the positioning of the parking spaces associated with Plot 2 to allow for a slightly greater turning area for the parking spaces associated with Plot 3. This amendment has been requested and Officers are awaiting an amended drawing. An update in relation to this will be provided to Members at Committee.

It is noted that the proposal does not provide any bin collection points for the proposed dwellings which is generally not accepted. Given the nature of the dwellings proposed (single storey bungalows), it is likely that these would be occupied by elderly or disabled residents and therefore, they may not reasonably be able to drag their bins to the end of the access (at the junction with the public highway). There is however a waste collection service for 'vulnerable' residents which would address this concern and accordingly, it is not considered that this issue could form a reason for refusal which could be sustained at appeal.

On the basis of the above, it is considered that the proposal provides adequate car parking to accommodate the needs of the development and would not pose any unacceptable risk to the safety of the public highway. The proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

d) Neighbour amenity

It is acknowledged that the proposal would introduce residential development to the rear of existing dwellings along both Figtree Walk and Western Avenue and that this will have some impact upon their amenity. However, the proposed single storey dwellings would be sited at least 16.2 metres from the properties to the west and 33 metres from the properties to the east. It is considered that, by virtue of the single storey nature of the proposal, this represents an acceptable separation distance so as to prevent any unacceptable levels of overbearing or overshadowing impact to neighbouring occupants. Further, it is not considered that any direct overlooking will result to neighbouring occupants given the separation distances and single storey nature of the proposal.

To ensure that the development does not unacceptably reduce these separation distances in future and to prevent the construction of potentially harmful detached outbuildings adjacent to the site boundaries, it is considered necessary to impose a condition removing the 'permitted development' rights for extensions and detached outbuildings.

On this basis, it is considered that the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

e) Amenity provision for future occupants

It is considered that the design and layout of the proposed dwellings affords an acceptable size of internal living accommodation for occupants, with an adequate level of natural daylight. Furthermore, the proposed car parking bays are conveniently located for occupants with side access to the rear outdoor amenity spaces. It is however acknowledged that the rear gardens to all three plots are of limited depth which is generally resisted. However, overall the garden sizes are considered adequate and on balance, it is considered that these are acceptable. On this basis, it is considered that an adequate level of amenity would be afforded to future occupants, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

f) Developer contributions

In accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011), all new development is required to make a financial contribution towards the infrastructure demands it generates. The exact amount of contribution has yet to be determined as the application has been accompanied by a financial viability appraisal which is currently being considered by the City Council's Planning Obligations Officer. The agreed contribution figure will be provided to Members in the Update Report.

Notwithstanding this, the Applicant has agreed to enter into a legal agreement to secure whatever contribution is applicable and as such, the proposal is in accordance with the above policies.

g) Other matters

In response to the objections raised by local residents not discussed above:

Query regarding the western boundary treatment - The demolition of the existing garages on site would result in the removal of the existing boundary with properties along Figtree Walk. However, to ensure that no unacceptable impact to occupants would result and to maintain privacy, a condition is proposed to secure replacement boundary treatments prior to occupation of the proposed dwellings.

Inadequate consultation with neighbouring residents by the Applicant - There is no statutory requirement for the Applicant to undertake pre-application consultation with neighbouring residents and this is not a material planning consideration.

Access through garages to rear gardens/loss of garages currently rented - This is not a material planning consideration and as such, the application could not be refused on this basis. The matter of whether rights of way have been established/the rights of tenants is for the Applicant to investigate.

Fire service access - The Building Control Surveyor has highlighted that the access to the site is not of a sufficient width to allow access by fire service vehicles. To overcome this, the Fire Service has confirmed that they would accept a scheme for the provision of internal sprinklers.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposal represents redevelopment of 'brownfield' land located within the identified Urban Area and within a locality well-served by existing services, facilities and public transport, therefore it is one of the more sustainable locations for residential development, and would help to provide much needed affordable residential units, in accordance with Policies CS1 and CS8 of the Peterborough Core Strategy DPD (2011);
- the proposed dwellings would not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with paragraph 58 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- whilst the proposal would result in the loss of existing off-street parking and increase parking demand on-street within the surrounding area, adequate on-site parking provision would be provided and the vehicular access would not pose an unacceptable danger to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- whilst some impact would result to neighbouring occupants along Figtree Walk, it is considered that no unacceptable level of impact would result to the amenities of neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- on balance, the proposal would afford future occupants with an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012); and
- the proposal makes adequate provision to meet the infrastructure demands it would generate, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions and satisfactory completion of a S106 legal agreement:

- 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 Prior to the commencement of development (other than demolition), samples/details of the following external materials shall be submitted to and approved in writing by the Local Planning Authority:

- Walling (samples)
- Roofing (samples)
- Windows and doors (details)
- Rainwater goods (details)

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 3 Prior to the commencement of development, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- Proposed finished ground and building slab levels;
- Planting plans including retained trees, species, numbers, size and density of planting;
- Hard surfacing materials; and
- All boundary treatments.

The hard landscaping scheme shall be carried out as approved prior to first occupation of the dwelling to which it relates and the soft landscaping scheme shall be carried out as approved no later than the first planting season following the occupation of any building.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

C 4 Prior to the commencement of development (including demolition), a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- A scheme of working hours for the construction/demolition (including delivery hours);
- A noise management plan, including a scheme for the monitoring of construction noise;
- A scheme for the control of dust arising from demolition, building and site works;
- Details of the proposed boundary treatments to be erected to the site boundaries during demolition of the garage blocks;
- Details of parking arrangements for all staff and contractors visiting the site during the period of development;
- Details of the storage area for materials; and
- Details of wheel washing facilities.

Demolition and development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure no unacceptable disturbance results to neighbouring residents, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

C 5 Prior to first occupation of any dwelling, the areas shown on drawing number CK-651-P01 Revision A for the purposes of parking and turning shall be provided in accordance with the submitted details. Thereafter, those areas shall be used only for the purposes of parking and turning in connection with the dwelling to which they serve.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C 6 Prior to first occupation of the dwellings hereby permitted, external lighting to the communal parking and turning area shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority. The lighting shall be in accordance with levels specified in the Institution of Lighting Engineers 'Guidance Notes for the Reduction of Obtrusive Light' for Environmental Zone E2 and shall thereafter be retained as such in perpetuity.

Reason: In the interests of crime reduction and in order to protect the amenities of neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 7 The access to the site shall be ungated and retained as such in perpetuity.

Reason: In the interest of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 8 If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority. 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 the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 9 Prior to first occupation of the dwellings hereby permitted, a scheme for the provision of internal sprinklers shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, those sprinklers shall be retained in perpetuity.

Reason: The site cannot provide adequate access for fire service appliances.

- C10 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the Peterborough Core Strategy DPD (2011).

- C11 Notwithstanding the provisions of Classes A and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargements/extensions or detached outbuildings/enclosures shall be constructed other than as those expressly authorised by any future planning permission.

Reason: In order to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C12 The dwellings hereby permitted shall be affordable housing units only, as defined in Annex 2 of the National Planning Policy Framework (2012).

Reason: The reduced Section 106 contribution is based upon viability information specific to the construction of affordable units. If the site was to be developed for market units, the viability would be likely to support an increased or full Section 106 contribution in line with the adopted Planning Obligations Implementation Scheme SPD (2010).