

Application Ref: 14/00863/FUL

Proposal: Demolition of existing garage block and construction one two-bed affordable dwelling including external works and parking

Site: Land To The Rear Of 30 And 32 Furze Ride, Dogsthorpe, Peterborough, PE1 3UA

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 applications 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 of 8no. single garages located to the rear of Nos. 26-32 Furze Ride. The garages are of single storey height, located along the northern boundary which abuts a landscaping strip and public footway. Vehicular access is taken via a dropped kerb from Harebell Close, a predominantly residential street. The northern boundary is formed by the rear elevations of the garages, whilst the southern and eastern boundaries are formed by a 1.8 metre high brick wall. The residential flats to the south and east of the site are all within the ownership of the Applicant, Cross Keys Homes.

Proposal

The application seeks planning permission for the demolition of the existing garages on the site and the construction of a detached two bed affordable residential dwelling with associated parking, landscaping and outdoor amenity space. The scheme has been amended from the original submission at the request of Officers, to reduce the number of units on the site (from two to one).

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 (02.06.14)

No objections - There are no known heritage assets within the site or the immediately surrounding area. Therefore, the proposed development is unlikely to affect important archaeological remains.

Building Control

No comments received.

Transport & Engineering Services (10.06.14)

No objections - The new access to Plot 1 requires the provision of vehicle-to-pedestrian visibility splays of 1.5 metres x 1.5 metres at either side. In addition, the proposals result in the existing dropped kerb becoming redundant. This will need to be removed and the footway reinstated.

S106 Planning Obligations Officer (23.05.14)

A S106 contribution using the Peterborough Planning Obligations Implementation Scheme SPD of £6,000 is sought plus a 2% monitoring fee of £120. Owing to the submission of a financial viability appraisal, this figure may be revised.

Local Residents/Interested Parties

Initial consultations: 26

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection has been received from the occupants of No.28 Furze Ride (based upon the initial submission) on the following grounds:

- As a resident and rental user of a garage on Harebell Close, the application leaves me in a quandary as to what will become of the access to the garage where I keep my personal property and car.
- As parking is at a premium on Furze Ride, where else is there to park? Concerned that insurance premiums will increase.
- Is this application going to provide me with disabled parking on Furze Ride and compensate me to offset my future insurance premiums?

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

At present, the street scene along Harebell Close varies. In the immediate vicinity of the application site, the street scene comprises the rear boundaries and rear elevations to properties along Furze Ride and Harebell Close, whereas to the north (beyond the intersecting public footway) it comprises residential dwellings fronting on to the public highway. The application proposal would introduce two storey development on a site which is currently only single storey in height and which fronts on to the public highway. Whilst in the immediate vicinity there is no other development of this positioning, given the residential dwellings to the north, it is not considered that the proposal would appear at odds with the established built form of the locality.

Furthermore, the proposed dwelling is of modest size and scale, and has been designed of traditional form, mirroring the simple architectural form of those dwellings in the locality. It is not considered that it would appear unduly dominant or obtrusive within the street scene and nor would it appear incongruous or alien. Accordingly, the proposal would not result in any 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 8no. single garages already on situ within the site. It is noted that one objection has been received from the occupant of No.28 Furze Ride regarding the loss of their car parking space and the knock-on implications in terms of parking provision along Furze Ride. Whilst the proposal would result in the loss of 8 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 two no. off-street tandem parking spaces for the proposed two bed residential dwelling. These would be accessed via a simple dropped kerb crossing on to Harebell Close. The proposal provides for the requisite 1.5 metre x 1.5 metre vehicle-to-pedestrian visibility splays and it is therefore considered that this would not result in any unacceptable risk to the safety of highway users. The Local Highway Authority has commented regarding the required closure of part of the existing dropped kerb serving the garage court and the requirement to reinstate the footway associated with this. Whilst this is noted, these matters are covered by the Highways Act 1980, a separate piece of legislation, and it is therefore not necessary to require the details to be submitted through the planning process. Instead, an informative shall be placed upon the decision notice drawing the Applicant's attention to the requirements.

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

As detailed in Section 1 above, the application scheme has been amended at the request of Officers to reduce the number of units proposed from two down to one. This request was

made in order to achieve an acceptable relationship between the proposed dwelling and existing neighbouring flats to the south. It is acknowledged that the proposal would introduce two storey development to the rear of existing dwellings along Furze Ride and that this will have some impact upon their amenity. However, the revised scheme would be sited at least 16 metres which represents an acceptable distance so as to prevent any unacceptably overbearing or dominant impact to occupants given the relative orientation of the properties. Furthermore, the development has been sited to the north-western-most corner of the plot to ensure that there is a separation of some 5 metres between the rear gardens of neighbouring properties and the main bulk of the dwellinghouse.

In addition to the above, it is not considered that any direct overlooking will result to neighbouring occupants. There are no first floor windows proposed to the southern side elevation of the proposal and to the rear, the primary habitable first floor window serving Bedroom 1 would be set at least 11.2 metres from the rear boundary. It is considered that this is an adequate distance to ensure that no unacceptable loss of privacy would result to the garden land beyond.

To ensure that the development does not unacceptably reduce the above 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 whilst some impact will result owing to the close relationship of the proposal to existing properties, on balance the impact would not amount to an unacceptable loss to the amenities of neighbouring occupants. The proposal is therefore 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 dwelling affords an acceptable size of internal living accommodation for the future occupants, with an adequate level of natural daylight. Furthermore, the proposed car parking bays are conveniently located for the occupants with side access to the rear outdoor amenity space. The amenity space proposed is acceptable and has been designed so that the patio area has been sited as far as possible from the neighbouring dwellings. Accordingly, it is considered that the size of the outdoor space is sufficient to mitigate against the potential for overlooking from neighbouring properties. On this basis, it is considered that an acceptable 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:

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.

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 dwelling 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 Furze Ride, on balance 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 and the soft landscaping scheme shall be carried out as approved no later than the first planting season following the occupation of the dwelling.

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 the dwelling, the area shown on drawing number CK-646-P01 Revision A for the purposes of parking shall be provided in accordance with the submitted details. Thereafter, that area shall be used only for the purpose of parking in connection with the dwelling.

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 dwelling hereby permitted, vehicle-to-pedestrian visibility splays measuring 1.5 metres x 1.5 metres (measured from and along the back edge of the public highway) shall be provided. These splays shall be kept clear of any obstruction above a height of 600mm 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 7 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 8 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).

- C 9 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).

- C10 The dwelling hereby permitted shall be an affordable housing unit 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 an affordable unit. If the site was to be developed for a market unit, 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).

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