

**Application Ref:** 14/00864/FUL

**Proposal:** Demolition of existing garage blocks and the construction of two two-bed affordable houses with associated external works and parking

**Site:** Land To The Rear Of 264 And 266 Eastern Avenue, Dogsthorpe, Peterborough, PE1 4PZ

**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

**Telephone No.** 01733 454439

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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 23no. single garages located to the rear of Nos.256-266 Eastern Avenue. The garages are of single storey height, located along the northern and southern boundaries. The entire site is surrounded by existing residential dwellings along Eastern Avenue (to the south) and Poplar Avenue (to the north, east and west) with vehicular access taken via a narrow single track access road between Nos.264 and 266 Eastern Avenue. The northern and southern boundaries to the site are formed by the rear elevations of the garages, whilst the eastern boundary is formed by 2 metre high close boarded fencing and the western boundary by 1.8 metre high weld mesh fencing. The residential dwellings surrounding the site are a mixture of privately owned properties and those owned by the Applicant, Cross Keys Homes.

**Proposal**

The application seeks planning permission for the demolition of the existing garages on the site and construction of a pair of semi-detached two bed affordable residential dwellings with associated parking, turning, landscaping and outdoor amenity space. The scheme has been amended from the original submission at the request of Officers, to reduce the size of the dwellings proposed and re-site them further to the south of the application site.

**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 (30.06.14)**

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

#### **Building Control Manager (24.06.14)**

Building Regulations approval required. Part M relating to disabled requirements also applicable. Access for fire service vehicles appears inadequate.

#### **S106 Planning Obligations Officer (23.05.14)**

A S106 contribution of £8,000 is sought in line with the Peterborough Planning Obligations Implementation Scheme SPD plus a 2% monitoring fee of £160. A financial viability appraisal has been submitted and is currently under review. Accordingly, this contribution figure may vary.

#### **Transport & Engineering Services (10.06.14)**

No objections - The proposed dwellings will generate less vehicle movements than would have been generated by the garages. Whilst the access is technically substandard, as traffic will decrease there are no improvements required. An alternative position for the bin collection point should be found.

## Local Residents/Interested Parties

Initial consultations: 19

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection has been received from the owner/occupant of No.264 Eastern Avenue on the following grounds:

- The proposed dwellings would overshadow our garden and the revised plans have moved them closer to our property. This would be a potential fire hazard also and the side windows would be an infringement of our right to privacy.
- Object to the planting of hedging near our property as if we wanted it we would have grown it ourselves. There are many situations where hedges are not regularly maintained and left to overgrow which is unsightly. We request instead that the wall be retained.
- The proposed bin collection point appears to be in our property boundary.
- The infrastructure of these properties would overload the sewage and drains as sometimes when we have heavy downpours our drains struggle to cope.
- The building of 2 houses would not make a major impact on the housing shortage but the development of the former John Mansfield School in Western Avenue and playing fields in Welland would.
- We would have thought that 23 garages would be of more importance to keep cars off the road and reduce congestion than 2 houses. We suggest that the current garages are refurbished and made wider to accommodate modern cars.

**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 Eastern Avenue, through the gap between Nos.264 and 266 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, and have 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 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 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 23no. single garages already on situ within the site. Whilst the proposal would result in the loss of 23 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 four 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 has raised no objections and does not require any improvements to be made.

The scheme has been revised following receipt of comments from the Local Highway Authority to remove the bin collection point along the vehicular access. Whilst the failure to provide a collection point is generally not accepted, future occupants could reasonably drag their bins to the end of the access (at the junction with the public highway) on collection days and it is not considered that this minor 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**

As detailed in Section 1 above, the application scheme has been amended at the request of Officers to reduce the size of the units proposed and increase the separation distance to the northern boundary of the site. This request was made in order to achieve an acceptable relationship between the proposed dwellings and existing residential properties along Poplar Avenue to the north. It is acknowledged that the proposal would introduce two storey development to the rear of existing dwellings along Eastern Avenue and Poplar Avenue and that this will have some impact upon their amenity. However, the revised scheme would be sited at least 16.3 metres from the properties to the north and 5.3 metres from the shared boundaries. It is considered that this represents an acceptable separation distance so as to prevent any unacceptable levels of overbearing or overshadowing impact to occupants. Further, it is noted that an objection has been received from the owners/occupants of No.264 Eastern Avenue (to the south). The revised proposal has reduced the level of separation distance from the scheme originally submitted however the proposed dwellings would still be sited at least 21.8 metres from this property which is sufficient to prevent an unacceptably overbearing impact. Moreover, the proposal is sited to the north and as such, no overshadowing would result to these properties to the south.

In addition to the above, it is not considered that any direct overlooking will result to neighbouring occupants. The first floor windows proposed to the side elevations of the proposal would only serve bathrooms and these can reasonably and readily be conditioned to ensure they are obscurely glazed and non-opening (unless above a height of 1.7 metres above floor level). It is considered that this would adequately address any concerns regarding direct overlooking and loss of privacy.

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 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. To ensure that the parking, access and turning areas are safe for future occupants, it is necessary for these areas to be externally lit. Accordingly it is considered reasonable to impose a condition requiring lighting details to be submitted and approved prior to installation.

Furthermore, 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:

Availability of other sites which are more suitable for development - The Local Planning Authority has a duty to assess only the application before them and the potential availability/development of other sites is not a material planning consideration.

Landscaping hedge and maintenance - The landscaping scheme has not been finalised and it is proposed to secure the finer details through an appropriately worded condition. Notwithstanding this, future maintenance and failure to keep the height of the hedge appropriately maintained is not a consideration for the planning application.

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 Eastern Avenue and Poplar Avenue, 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 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-644-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 Before the development hereby permitted is first occupied, the proposed first floor windows to the side elevations of the dwellings shall be obscure glazed to a minimum of Level 3 obscurity, 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. Thereafter, those windows shall be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C12 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).

- C13 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).