

**Application Ref:** 14/01833/FUL

**Proposal:** Demolition of existing garage and outbuilding and construction of three detached dwellings and garages

**Site:** 21 Castle End Road, Maxey, Peterborough, PE6 9EP

**Applicant:** West End Ventures

**Agent:** Mr Shayne Andrews  
S Andrews Design & Architecture Ltd

**Referred by:** Cllr Hiller

**Reason:** Due to level of local objection/interest in the application

**Site visit:** 22.01.2015

**Case officer:** Mrs J MacLennan

**Telephone No.** 01733 454438

**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### Site and surroundings

The site is approximately 0.29ha and is situated on the western side of Castle End Road and within the Maxey Conservation Area boundary. The site was part of a former coal yard and is currently vacant. The site has a frontage of 41m in width and a two storey detached dwelling occupies the south eastern corner fronting the street (no 21 Castle End Road) and there is an existing access to the north of the dwelling. The site extends approximately 76m rearwards. There is an outbuilding situated along the northern boundary beyond which is a relatively new development – Arthurs Court. The rear of the site is overgrown and there are a number of mature trees/shrubs. The site is enclosed partially by fences and overgrown vegetation. The western boundary abuts a paddock (also owned by the applicant) and the open countryside. The surrounding development is residential in character comprising properties of varied designs and age. Directly to the south is a detached bungalow and to the north is a detached two storey dwelling.

### Proposal

The application seeks approval for 3 detached dwellings. Plot 1 is a 4 bed one and a half storey detached dwelling situated on land fronting Castle End Road between no. 21 and no. 23. Plot 1 has an independent access off Castle End Road (existing access) leading to a detached garage situated close to the northern boundary. Plot 2 is a 4 bed one and a half storey detached dwelling and would be positioned 16m to the rear of the host dwelling at no. 21, fronting the south of the site. Plot 2 would have a double garage within a combined triple garage block; the single garage would serve the host dwelling at no. 21. The garage block would straddle the boundary between Plot 2 and no. 21. Plot 3 is a 4 bed detached one and a half storey dwelling and would be positioned to the rear of Plot 2. Plot 3 would have a double garage with first floor storage. The garage would be positioned to the west of Plot 3. A new access would be created to the south of no. 21 and would serve no 21, plot 2 and plot 3.

## 2 **Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/01052/OUT	Proposed erection of three new dwellings with associated garaging and parking with private amenity spaces all to the side and rear of 21 Castle End Road Maxey	Withdrawn	26/08/2014

## 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 6 - Residential Development in the Open Countryside**

Housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the open countryside should be resisted unless there are special circumstances.

#### **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 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

### **Peterborough Core Strategy DPD (2011)**

#### **CS02 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

#### **CS10 - Environment Capital**

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

#### **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.

### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

### **CS21 - Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

## **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.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

## **Material Planning Considerations**

### **Maxey Conservation Area Appraisal Report and Management Plan - 2007**

## **4 Consultations/Representations**

**Archaeological Officer** – No objections - The proposed development site is located approximately 100m to the south of Maxey castle, a scheduled medieval moated site - Scheduled Monument. In 1999 investigations carried out at Maxey Coal Yard, immediately to the west of the proposed development site, produced evidence for Saxon, Medieval and post-medieval occupation. Similarly, an evaluation conducted in 2003 at Willow Brook Farm Yard, to the south, suggested occupation from the Late Saxon period to the early post-medieval period. The available evidence would indicate that the site has high potential for the presence of early medieval and later remains. The known land use would suggest that, if present, these remains, survive in good conditions of preservation. Recommends a programme of archaeological work (trial trenching) is secured by

condition

**Building Control Manager** - Building regulations approval required.

**PCC Transport & Engineering Services** – Recommend refusal – The proposed development does not provide adequate space within the curtilage of the site to provide the required 2m x 2m vehicle to pedestrian visibility splays on either side of the access which is detrimental to highway safety. The splays are located within the adjacent highway verge which is highway land. This is not acceptable.

**PCC S106 Planning Obligations Officer** - Due to the recent change in Government guidance no POIS contribution is sought.

**PCC Conservation Officer** – No objections - The principle of a dwelling to the front of the site would be to the advantage of the street scene. An infill building to the north side of no 21, of very modest scale, appropriately designed, of traditional materials, and positioned slightly forward of no. 21, partly across the gable of no. 23 would add to the street scene and diminish the 'end stop' effect of the gable. The proposed building to plot 1 has the required modest footprint which achieves more space around the building and visually less dominant in relation to the width of the plot. The building to plot 1 is of traditional 1½ storey cottage style with an 'L' shape form, with a small single garage. A hierarchy of rear elements is a common form. The rear elements will not be readily visible from Castle End Road. The position of nos. 21 and 23 will further limit views. Overall views of the rear element will not 'detract the eye from the core building in the street scene. Subject to some minor changes, which can be dealt with by condition including a traditional style rooflight to plot 1, changes to the material used in the external chimney to either brick or stone, materials to the dormers, plot 1 is supported. The south facing dormers to plots 2 and 3 have been removed and these are now supported.

From a heritage consideration the proposed development can be supported with the minor changes. It is considered that the new building to plot 1 will improve the street scene in this part of the Maxey Conservation Area.

**PCC Minerals And Waste Officer (Policy)** - No objections - Although the western tip of the proposed site falls within a Mineral Safeguarding Area for sand and gravel (Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS26) there are no objections to the proposed development.

**Landscape Officer** – No objections - The site is within Maxey Conservation Area but there are no Tree Preservation Orders. No arboricultural information supports the application. Within the site boundary are various low value trees that do not pose a serious constraint to development. There are Ash trees on the western boundary which may or may not be affected by a proposed garage nearby. In addition there are offsite trees on the southern boundary whose roots may or may not be affected by the construction of the new gravel drive. In principle there are no arboricultural objections to the proposal so long as the retained trees are adequately protected. There is likely to be minimal impact on the retained trees. Recommends a landscape and a tree protection condition.

**PCC Wildlife Officer** – No objections - The proposal involves the removal of vegetation which may support nesting birds. An informative should be appended to the decision. To mitigate for the loss of potential nesting habitat, a range of nesting boxes should be installed that cater for a number of different species such as House Sparrow, Starling & Swift, as well as bat roosting features. Details should be secured by condition. There was no evidence of badger setts within the application boundary, however there is suitable badger habitat and potential for setts to be present within the dense vegetation immediately west of the site. It is recommended that construction trenches are covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped. This may be secured via a suitably worded condition. The proposed hedgerow planting is welcomed. The habitats immediately to the west of the site are likely to

support foraging bat species. External lighting should be designed to be sensitive to bats.

**Maxey Parish Council** – The Parish Council is aware of the comments and suggestions made the local residents and they are endorsed by MPC. The councillors made a site visit and were concerned primarily about the size and position of Plot 1 with windows on the north looking into the neighbouring property. The council is also concerned that the access is safe. Please ensure that the views of the residents are taken into account. Also please ensure that all site traffic is contained within the site unlike 71 High Street Maxey.

**Welland & Deeping Internal Drainage Board** - No comments received

### **Local Residents/Interested Parties**

Initial consultations: 13

Total number of responses: 10

Total number of objections: 8

Total number in support: 0

10 letters have been received from 5 neighbouring occupiers raising the following issues:

- A site visit should be undertaken by the Planning Officer, Conservation Officer, Cllr Hiller, Parish Council and all residents likely to be affected by the proposal
- There are inconsistencies in the plans and information submitted. *Officer response: There were inconsistencies in the information as originally submitted. These have now been corrected.*
- No consistency of materials in the plots with developments in Maxey. All materials should be light stone
- The photos submitted with the application are old and do not reflect what is on site
- The dwellings should be one and a half storey in height and below the ridge of 23 Castle End Road and Arthurs Court
- The site is being overdeveloped
- The 'Maxey Conservation Area Appraisal' states that there will be presumption against "further subdivision of frontage plots along Castle End Road, or development on existing rear gardens."
- The development is not sufficient to overcome the presumption against development. It will cause harm to neighbours and it will not preserve or enhance the character or appearance of the conservation area
- The position of an additional entrance and demolition of part of the wall would not appear to preserve or enhance the area or the road
- Reference is made to Arthur's Court which was built before the area gained conservation status. This is a more self-contained and spacious development, serviced by a single road
- Concern that this infill development may actually have a negative impact, proving to be out of scale, and an unsympathetic and incongruous overdevelopment in the road
- Fir trees have been removed to the left of 21 Castle End Road - was permission granted? *Officer response: There is no planning history for their removal*
- Plot 1 will overlook 3 Arthurs Court and 23 Castle End Road
- The driveway to plot 1 has been moved closer to 23 Castle End Road which will be a noise detriment and will result in a safety issue
- Plot 1 will cause loss of sun to the garden of 23 Castle End Road
- Plot 1 is does not accord with the Conservation Area Plan
- The footprint to plot 1 should be the same as 10 Castle End Road
- The depth of plot 1 will be clearly visible from Castle End Road and would not respect surrounding development
- The north and south facing windows to plot 1 may adversely affect the amenity and privacy neighbouring properties
- Any windows on the rear extension of Plot 1 that face north towards 23 Castle End Road and 3 Arthur's Court should only be roof-lights or Velux window and must feature obscure glass

- The rear element of plot 1 has not been reduced
- Reference is made to windows in 23 Castle End Road that overlook 3 Arthurs Court, this is entirely irrelevant
- The scale and height of the proposed properties would lead to overlooking of our property and garden which would be to the detriment of our amenity and contrary to policy PP3.
- Restrictions be placed on the height of trees/shrubs in the garden of Plot 1 to prevent loss of light however the existing elder/ivy provides privacy
- The height of the proposed buildings should not exceed that of no 19.
- Plots 2 and 3 would cause harm of the amenity of neighbouring properties. The increased height of plot 2 is of particular concern
- There would be loss of privacy, noise disturbance and potential loss of light
- There is a threat to wildlife, particularly bats, located in the vegetation to the north of the site and there is a colony of bats in the garden of 23 Castle End Road
- The positioning of the garage for Plot 1 is too close to bat colony which lives in the large amount of ivy that surrounds the telegraph pole
- The height of shrubs (Elder and Ivy) should be retained on the boundary to 23 Castle End Road to preserve privacy
- We submit the Tree Officer should be asked to reconsider his report and what conditions might be made to retain this screening and reduce the overlooking problem which is made much of elsewhere.
- It seem possible that the bats in the area are hibernating and rooting in the existing garage for which there is an application to demolish. It is insufficient protection to this species to simply provide nesting boxes, but proper provision needs to be made to re-house the bat colony. The Wildlife Officer should reconsider the report
- The removal of hedgerow would be to the detriment of our amenity and contrary to policy PP16.
- There will be noise and disruption during the build. *Officer response: It is likely that there will be some disruption however, an informative would be appended to the decision notice advising of reasonable working hours*
- Strict limits on building, deliveries and vehicular movements. *Officer response: A construction management plan shall be secured by condition.*
- Concern that the road infrastructure is not sufficient to deal with any more traffic along Castle End Road, in terms of lack of footpaths and width of road
- Building more houses without road improvements will cause accidents, particularly with large vehicles/heavy machinery using the road during construction
- Only one entrance is necessary to serve the development
- If there are to be 2 access points the access to plot 1 should be to the left of the existing gates where the existing track is to avoid nuisance
- Locating the drive for Plot 1 so close to 23 Castle End Road means that access onto Castle End Road is even more obscured that at present and we have previously submitted photographs showing this, which apparently have been ignored
- Highway Services should be able to comment on the concerns of highway safety regarding the access to plot 1
- All driveways should be tarmacked
- Archaeology needs to be considered as there have been Roman, Saxon and Medieval remains
- The current electricity supply appears to run from west to east along the northern boundary via aerial cables and on poles. The opportunity should be taken replace this with underground cables in keeping with the conservation plan. *Officer response: This is not a planning matter. The developer will need to contact utility provider.*
- The Council has chosen not to liaise directly with us or involve us in any dialogue in respect of the Application. *Officer response: The Local Planning Authority has undertaken consultation with all neighbouring occupiers on receipt of the application and on receipt of revised plans*
- The site has not been viewed from our premises at no 23 and we consider this unacceptable.
- Neither the developers, nor their design advisers have consulted or contacted us about their plans, despite the fact that they say they have stipulated that the detriments to neighbours have been taken into account. *Officer response: It is unfortunate that contact has not been*

*made with neighbouring occupiers by the developer as this is encouraged by the Local Planning Authority.*

- The agent's letter refers to a list of changes this has have not been disclosed by the Planning Authority, or posted on your website for public comment, which we find unacceptable.
- It is our understanding that the previous owners sold the site on the basis that it would be developed with a few retirement bungalows, not large family home. *Officer response: This is a private legal matter between the interested parties.*
- We have checked the agent's status with the Architects Registration Board and note he is not registered. Acknowledgement of the agent's proper status is of some concern to us. *Officer response: This is not a planning issue.*

## **5 Assessment of the planning issues**

### a) Background

This is a revised scheme following the withdrawal of a former Outline application (ref. 14/01052/OUT). The Local Planning Authority advised that the application be resubmitted as there was insufficient detail provided regarding the impact of the development on the character and appearance of the Conservation Area.

The application currently under consideration has been amended since the original submission. Several meetings have been held with agent/applicant and the scheme has been discussed at length. Revised plans were submitted in December 2014, however no consultations were undertaken with neighbouring occupiers as the scheme was not acceptable to officers of the Local Planning Authority.

Further changes were then made and so consultations were then undertaken. It was brought to the attention of the Planning Officer that a list provided by the agent identifying the changes was not accessible on the website. This was corrected and the information made available.

Further amended plans have been received showing minor changes to the scheme. Neighbour have been notified and neighbour comments will be provided as an update to committee.

### b) The Principle of development

The site lies within the village settlement boundary of Maxey where the principle of infill development is supported under policy CS1 of the Adopted Peterborough Core Strategy DPD. The site also lies within the Maxey Conservation Area boundary. Paragraph 132 of the National Planning Policy Framework (2012) states 'great weight' should be given to the objective of conserving designated assets. Policy CS17 advises that the council will protect, conserve or enhance the historic environment. Reference is also made to the Maxey Conservation Area Appraisal which states that 'There will be a presumption against development within the following plots within the village envelopes: ... further sub division of frontage plots along High Street, West End Road, Castle End Road and Mill Road'. It is considered however, that a new building positioned slightly forward of no. 21 and partly across the gable of no. 23 has the potential to add positively to the street scene. This is because the view from the south towards the site is rather dominated by the gable of no. 23 and this with the curve of the road creates a visual 'end stop effect. The principle of a small building footprint with appropriate composition which achieves a sense of space would be acceptable in this instance.

In addition the development of two buildings to the rear of the site would appear feasible in the context of the backland development that has taken place at Arthurs Court and the established pattern of the area.

It is considered therefore that the principle of the development would provide an enhancement to the character and appearance of the street scene and the Conservation Area as a whole and subject to the proposal according with other relevant planning policy and material considerations

the proposal accords with policies CS1 and CS17 of the Adopted Peterborough Core Strategy and the NPPF.

c) Impact on the Character and Appearance of the Conservation Area

**Plot 1:** The building to plot 1 is of traditional 1½ storey cottage style with an 'L' shape form. The core building has a rectangular footprint 10.1 x 6.4m and three bay frontage. The building has additive rear elements including a two storey element which has been amended to a height of 0.2m below ridge height of the core building. There is also a rear single storey element with a mono pitched roof and it was originally requested that the agent amend the roof to a dual pitched roof. The agent was reluctant to change the roof design as this would have increased the overall bulk of the building having a less subservient appearance. This view is accepted and the mono pitch roof has been retained. The plans as originally submitted showed a rear projection of 7.4m. Given the shallow depth of the core building at 6.4m it was requested that 2m be deleted from the rear projecting element. The amended plans submitted reduce the rear element by 1m. Whilst it is noted that the projection is long, the views of the rear element would be prevented by the positioning of no. 21 and no 23 and therefore its impact on the street scene is minimal. It is considered that a balance has to be made in achieving a design which is in keeping with the style of the typical building forms of the village whilst providing for modern living requirements. It is considered that the amendments provide an adequate subordination in scale to the core building.

Plot 1 would have a rooflight central to the front elevation. The Conservation Officer had requested that this be removed to provide a clean roofscape to the front elevation. However, this is similar to approved scheme at no. 1 High Street, Maxey. The rooflight is therefore accepted subject to the design being of a more traditional style. The drawings have been amended accordingly and the details shall be secured by condition.

The plans as originally submitted proposed an external chimney in red brick. This was not supported. Again, the approved scheme at no. 1 High Street is a similar building and has an external chimney stack. The drawing have been amended indicating the chimney to be in dressed in stone and this is supported.

At the request of the Conservation Officer further changes have been made including the removal of barge boards to the dormers, stone heads replaced in oak, and stone cills replaced with tilted tile. These changes are supported.

It is also suggested that the dormer window to the north elevation is set off the internal face to allow a slight visual separation above the rainwater goods / eaves. The barge board should be omitted in favour of a mortared verge. The gable and side cheeks can have a through coloured lime based render finish.

The proposed materials are appropriate (the proposed stone has actually been used at no. 1 High Street, Maxey). For a small cottage the use of pantile is accepted. The use of triple roll pantiles such as by William Blyth would be appropriate. However, the details of materials shall be secured by condition. Cast iron 'look a like' rainwater good such as those by Brett Martin are appropriate.

It is considered that Plot 1 has a modest footprint, with small single garage to side and does not dominate its plot with adequate space around the building which follows the context of the area.

**Plot 2:** Plot 2 is positioned 30m into the site and would be a one and a half storey building. The building has been revised since the original submission reducing the height of a side element to single storey, the materials of the chimney would match the core building, the overall ridge and eave height has been reduced by 160mm, dormers have been replaced with velux windows to the front elevation and these windows have been repositioned to the east and west first floor elevations. The surfacing to the driveway would be block paved.

The Conservation Officer has requested that the east facing window serving an en-suite should be of a simpler design omitting the heavy lintel and cill detail. The drawings have been amended



accordingly.

**Plot 3:** Plot 3 is a one and a half storey dwelling with a maximum ridge height of 6.8m, reduced by 0.2m from the initial submission. Dormers have been removed from the south elevation and replaced with rooflights. The windows have been added to the first floor side elevations. The chimney has been replaced with a twin lined flue. Revisions have been made regarding the external stairs to the garage serving plot 3 which will be enclosed to remove the potential for overlooking. Re-consultation have been undertaken.

The above changes have been requested and the details will be provided in an update report.

The outline proposed a separate access to no. 21 and this would have formed three access points in the whole frontage. The proposed parking arrangement for no. 21 shares the new access with the plots 2 and 3 to a combined garage and this is supported in terms of limiting openings to the frontage.

It is considered that with the small modifications to the dwellings, from a heritage consideration the proposed development can be supported, and would preserve the character and this part of the Maxey Conservation Area in accordance with policy CS17 of the Adopted Peterborough Core Strategy and the NPPF.

d) Neighbouring Amenity

**Plot 1:** Plot 1 would be positioned approximately 10m from the neighbouring dwelling at no. 23 and a single garage would be sited near to the boundary with this property. A dormer window is proposed within the north elevation which would serve a bathroom and would be obscured glazed, as such there would be no overlooking to property at no. 23. It is also considered that plot 1 would not result in any overbearing impact of loss of light to the occupiers of this property. There is adequate separation to the property at 3 Arthurs Court. It is acknowledged that there is a first floor window within the rear elevation to plot 1, however this would be at an oblique angle to the property at 3 Arthurs Court.

**Plot 2:** Plot 2 would be positioned central to the site and there is a separation distance of some 25m to the property at 3 Arthurs Court. The dormer windows within the south elevation have been replaced with rooflights, however the property would be positioned 17m from the shared boundary with no. 19. The dwelling would not therefore result in any adverse impact on the amenity of neighbouring occupiers in terms of loss of privacy of overbearing impact.

**Plot 3:** Plot 3 would be positioned to the rear of the site and approximately 10m from the shared boundary with no. 19. The dormer window have been replaced with rooflights and the windows have been repositioned in the east and west elevations. There is a back to back distance of 28m to the property at no.2 Arthurs Court. There is a double garage to the west of plot 3 which would have storage in the roofspace which would be served by external stairs. There is some inconsistency with the elevations of the garage and the site plan; the site plan does not show the external stairs. It is considered that the external stairs may result in the perception overlooking to the property at no. 2 Arthurs Court and therefore amended plans enclosing the stairs have been requested. The property a no. 2 Arthurs Court has been reconsulted and the details will be provided in an update report to Committee.

A number of objections have been received from neighbouring occupiers regarding overlooking, loss of sunlight resulting in an adverse impact on the amenity of neighbouring occupiers. A site visit was made by the case officer to the neighbouring property at no. 23. It is acknowledged that there would be a small but acceptable impact on the occupiers of this property due to the presence of plot 1. However it is considered that the separation distances to this property and that of no. 3 Arthurs Court is sufficient to avoid any adverse impact and there are no windows which would result in overlooking.

Concern has also been raised regarding the driveway to plot 1 moving closer to no. 23 and the subsequent noise implications. This is not an unusual relationship and the vehicular movements to and from the site would be significantly reduced by the domestic use compared with the former use of the site.

It is considered that the proposal would not unduly impact upon the amenity of neighbouring occupiers and therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

e) Highway Implications

Concerns have been raised regarding the proposed repositioning of the access closer to the shared boundary with no. 23 Castle End Road and reference is made to the access being blind and therefore a detriment to highway safety. The views of the Local Highways Officer has been sought and the view is that the use of the access by a single dwelling would be much less intensive than the former coal yard. In addition, albeit the access serving plot 1 would be narrowed, it is an existing access over which the Local Highways Authority has no control. The site plan indicates that appropriate vehicle to pedestrian visibility splays are available within the site serving plot 1.

The shared access to the remaining plots is of adequate size and vehicle to vehicle visibility splays measuring 2.4m x 43m are available within the site.

However, it has been requested by the Local Highways Authority that the shared access be relocated to enable vehicle to pedestrian visibility splays to be located within the site. The splays are currently in the grass verge adjacent to the access which is highway land and this is not acceptable to the Local Highways Authority. However, a similar layout has been approved at no. 1A High Street. It is also considered that the grass verge is unlikely to be used by pedestrians who are likely to walk on the road where there is appropriate visibility.

All plots are served with adequate parking provision and the internal dimensions of the garages have been increased in size and can be counted as a parking space.

It is considered that the proposal would not therefore result in any adverse highway implications and the proposal accords with policy CS14 of the Adopted Peterborough Core Strategy DPD and Policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

f) Residential Amenity

The dwellings would provide a satisfactory level of accommodation for the future occupiers. The dwellings would be served by natural light, would provide a good level of amenity in terms of privacy and a large enclosed garden area. Each dwelling would have space within the site for the parking and turning for several vehicles. The proposal therefore accords with policy PP4 of the Adopted Peterborough Planning Policies DPD.

g) Landscape Implications

The application is not supported with any arboricultural information. The site is within Maxey Conservation Area however, there are no Tree Preservation Orders on the site. The rear of the site is overgrown and contains a number of shrubs and trees. The Tree Officer considers the trees to be of low value and do not pose a serious constraint to development. There are however Ash trees on the western boundary which may be affected by the proposed garage to plot 3; and offsite trees on the southern boundary may be affected by the construction of the driveway. It is recommended that a Tree Protection condition is appended to any grant of planning consent.

A Landscaping condition would be appended to the decision notice requiring details of additional planting. This will include details of the retained elder/ivy to the northern boundary or an

appropriate replacement. A hedgerow planting scheme to be formed of blackthorn and hawthorn plants is proposed.

The revised drawings confirm that the hedge along the boundary of no. 19 and no. 21 shall be retained.

It is considered that the proposal would not result in the loss of trees/shrubs which provide a positive amenity benefit and an appropriate landscaping scheme shall be secured by condition. Hence the proposal accords with policy PP16 of the Adopted Peterborough Planning Policies DPD.

#### h) Ecology

The Wildlife Officer has assessed the information submitted and raises no objection in principle to the development. As the proposal involves the removal of trees/shrubs that may support nesting birds construction works should avoid the months between March and August. It is recommended that to mitigate the loss of potential nesting habitat a range of nesting boxes are installed that cater for a number of different species including House Sparrow, Starling & Swift, as well as bat roosting features. Details regarding numbers, designs and locations would be secured by condition. In addition the use of native tree and shrub species would be welcomed within the Landscaping scheme.

The Wildlife Officer is satisfied that there is no evidence of badger setts within the application boundary, however, there is suitable badger habitat and potential for setts to be present within the dense vegetation immediately west of the site. As a precaution all construction trenches should be covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped.

In addition, the habitats immediately to the west of the site are likely to support foraging bat species. Therefore details of external lighting will need to be agreed and the design should be sensitive to bats by reducing light spillage by use of directional lighting etc.

Concerns have been raised by neighbouring occupiers regarding the position of the garage to plot 1 and its proximity at bat colony which lives in a dense ivy along the northern boundary with number 21 Castle End Road. The neighbour is surprised that the Wildlife Officer has made no reference to this. The Wildlife Officer is satisfied that the ivy is unlikely to support roosting bats as it doesn't provide suitable roosting features. Bats may well be roosting in the vicinity, for example in nearby buildings or suitable mature trees and therefore may be seen feeding around this ivy, however, the Wildlife Officer considers that by cutting the ivy back this would not negatively affect bats. It would be preferable to retain this ivy if possible as ivy is valuable to insects as a nectar resource.

It is therefore considered that the proposal would not result in harm to protected species and would make provision for the enhancement of biodiversity within the site.

#### i) Archaeology

Former investigations carried out in 1999 at Maxey Coal Yard, immediately to the west of the proposed development site, produced evidence for Saxon, Medieval and post-medieval occupation. Similarly, an evaluation conducted in 2003 at Willow Brook Farm Yard, to the south, suggested occupation from the Late Saxon period to the early post-medieval period. The available evidence would indicate that the site has high potential for the presence of early medieval and later remains. The known land use would suggest that, if present, these remains would survive in a good condition of preservation. Therefore in accordance with CS17 of the Adopted Peterborough Core Strategy DPD the Archaeologist recommends a programme of archaeological work (trial trenching) is secured by condition.

j) Flood Risk

The site is not located within a flood plain and is highlighted as a 'low probability' of flooding according to Environment Agency's Flood Zone Map. The annual probability of flooding from fluvial/tidal sources is less than 0.1%. Accordingly and because the site is less than 1 hectare, a Flood Risk Assessment is not required to accompany this application.

k) S106

The development would give rise to an additional burden on the services and infrastructure of the City Council. In accordance with policy CS13 of the Adopted Peterborough Core Strategy DPD and the Planning Obligations Implementation Strategy (POIS) a S106 pooled contribution would be required for each dwelling. However, following a written statement from the Department for Communities and Local Government on 28 Nov 2014 advising that tariff style contributions for small scale development of 10 dwellings or less or with a combined floor area of less than 1,000m<sup>2</sup> should no longer be sought. The Council is content with this position and we are in agreement that we can't seek a S106 contribution.

l) Environment Capital

In accordance with policy CS10 of the Adopted Peterborough Core Strategy DPD a condition would be appended to any grant of consent requiring the development to meet at least a 10% improvement on the Target Emission Rates set by the Building Regulations.

## **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 site is located within the village boundary of Maxey where the principle of a small scale windfall site is acceptable;
- The development would enhance the character and appearance of this part of the Conservation Area;
- The proposal would not unduly impact upon the amenity of neighbouring occupiers;
- The proposal would not result in any adverse highway implications;
- The proposal would not result in the loss of trees which add positively to the visual amenity of the area; and
- The proposal would not result in harm to protected species and would make provision for the enhancement of biodiversity within the site.

The proposal therefore accords with policies CS1, CS2, CS10, CS14, CS16, CS17, CS21 of the Adopted Peterborough Core Strategy DPD, policies PP1, PP2, PP3, PP4, PP12, PP13 and PP16 of the Adopted Peterborough Planning Policies DPD and the NPPF.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 No development shall take place until details of the materials to be used in the external surfaces of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The 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 Notwithstanding the details hereby approved, the scheme for the provision of additional biodiversity enhancements to achieve a net gain of biodiversity; for example the inclusion of a range of bird boxes to cater for a number of species including House Sparrow, Starling, House Martin & Swift as well as bat roosting features and the planting of a range of appropriate native tree and shrub species shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details during the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

Reason: In the interests of the enhancement of biodiversity in accordance with Policy PP16 of the Adopted Peterborough Planning Policies DPD and Policy CS21 of the adopted Peterborough Core Strategy DPD.

- C 4 All construction trenches shall be covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped.

Reason: In order to avoid harm to protected species and in accordance with policy CS21 of the Adopted Peterborough Core Strategy DPD.

- C 5 No lighting shall be erected unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the lighting is designed to be sensitive to bats by reducing light spillage by use of directional lighting etc. in accordance with policy CS21 of the Adopted Peterborough Core Strategy DPD.

- C 6 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 adopted Peterborough Core Strategy DPD 2011.

- C 7 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier

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

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 8 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 9 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a Tree Survey has been undertaken of the trees within influencing distance of the western and southern boundaries of the application site and a Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology has been submitted to and agreed in writing with the Local Planning Authority that identifies (not exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees affected by the proposal;
- Details of all Root Protection Area infringement during the demolition, construction and landscaping phases with details on how the impact will be minimised. Method Statements will be required for all demolition activities within Root Protection Areas;
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Signs will be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP14 of the Peterborough Planning Policies DPD (2012).

- C10 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C11 The external chimney flue to Plot 3 shall be finished in black and shall be retained as such in perpetuity.

Reason: In order to protect the character and appearance of the conservation area and in accordance with policy CS17 of the Adopted Peterborough Core Strategy DPD.

- C12 Before the development hereby permitted is first occupied, the proposed dormer window within the first floor north elevation of plot 1 serving the bathroom; the first floor window within the east elevation to plot 2 serving the en-suite and the first floor window within the east elevation of Plot 3 serving the en-suite shall be obscure glazed to level 3, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

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

- C13 Notwithstanding the details hereby approved a drawing showing the position of a refuse collect point, close to the public highway will be submitted to and approved in writing by the Local Planning Authority. The collection point shall be provided in accordance with the approved details prior to the development being occupied.

Reason: In the interests of amenity and in accordance with policies PP2, PP2 and PP4 of the Adopted Peterborough Planning Policies DPD.

- C14 Surface water shall be disposed of by water of soakaways. If percolation tests show that this would be an inappropriate disposal method, then the development should be built in accordance with alternative details that have been submitted to and approved the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding and in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD.

- C15 The manufacture details of windows, dormer windows, rooflights and doors shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details.

Reason: In order to protect the character and appearance of the conservation area and in accordance with policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD (2011).

- C16 The rooflight to the front elevation to plot 1 shall be of traditional style in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

Reason: In order to protect the character and appearance of the conservation area and in accordance with policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD (2011).

- C17 Notwithstanding the submitted plans hereby approved, rainwater goods shall be cast iron or aluminium (or replica), finished black with half round gutters and set on rise-and-fall brackets (or fixed to rafter feet) the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any rainwater goods. The approved rainwater goods shall be retained as such thereafter.

Reason: In order to preserve the special architectural and historic character of the in accordance with the provisions of the Town and Country Planning (Listed Buildings and

Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C18 Prior to occupation of development the spaces shown on the approved drawing shall be laid out for vehicles to park and turn clear of the public highway and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

- C19 Prior to occupation of development hereby permitted the vehicle to vehicle visibility splays of the following dimensions 2.4m x 43m on both sides of the new access shown on the approved plan shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2.4m x 43m measured from and along respectively the channel line of the carriageway.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C20 The new access shall be constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C21 Prior to commencement of development details of the temporary facilities that shall be provided clear of the public highway for materials storage and for the parking/turning/loading/unloading of all vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with policies CS14 of the Adopted Peterborough Core Strategy DPD and policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C22 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site proposals plan PP/010/Rev C
- Proposed Plot 1 PP/001/Rev C
- Proposed Plot 2 PP/002 Rev C
- Proposed Plot 3 PP/003/Rev B
- Plot 1 garage plans PP/010
- Plot 2 and no 21 garage plans Two/21
- Plot 3 Garage Details Rev B

Reason: For the avoidance of doubt and in the interest of proper planning.

Copies to Councillors: P Hiller