

09/00258/FUL: ERECTION OF 13 DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING AT 17 OUNDLE ROAD PETERBOROUGH PE2 9PB

VALID: 10 MARCH 2009

APPLICANT: HYBECK ESTATES LIMITED

AGENT: MR MALCOLM FOULKES ARNOLD, CORPORATE ARCHITECTURE

REFERRED BY: CLLR CROFT

REASON: OVERDEVELOPMENT, INCREASE IN TRAFFIC

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of residential development on this site
- Amount of development and impact on residential and neighbour amenity
- Character of the area
- Highway safety
- Connection between this development and the neighbouring proposal at the Cherry Tree

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

H7 - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.

H15 - Seeks the highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.

H16 - Allows residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.

H20 - Seeks proposals with a variety of both size and types of accommodation. Also seeks suitable provision of accommodation for single person households, young people, and homeless, those with learning or physical disability, older people and large family groups.

T1 - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.

T3 - Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties.

T8 - Allows development where vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated.

T9 - Seeks provision of high quality off-street cycle provision in accordance with approved standards.

T10 - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

DA1 - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

DA2 - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

DA4 - Permission will not be granted for development which could result in under use of land.

DA6 - Permission will only be granted if development can be satisfactorily accommodated within a site in terms of scale and density, would not affect the character of an area, would have no adverse impact upon the amenities of occupiers of nearby properties, can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.

DA11 - Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

LNE9 - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

IMP1 - Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 – Securing Sustainable Development – seeks to ensure the delivery of sustainable development through the planning system.

PPS3 – Housing – Seeks to ensure that a variety of good quality sustainable housing is maintained and created.

Residential Design Guide – sets out standards to ensure good quality residential development

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

It is proposed to erect 13 two-bedroom dwellings on the site. There would be two facing rows of dwellings running north-south, so providing rear gardens facing either east or west, and a pair facing north, with south facing rear gardens. Access into the site would be positioned almost as existing, with a slight alteration to improve visibility splays.

The area to the side of the existing house (which is used by Youth Services) would be laid out as garden space for the offices as well as accommodating parking spaces for use by employees.

The road into the site would become a shared surface adjacent to the housing, and parking would be provided in allocated bays off the street.

The houses are set out as six pairs and a single detached house, with the three pairs and detached house forming the western row linked by roofs over the side passageways.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site as whole (including the existing building at 17 Oundle Road) is a long thin house (occupied as offices) with an access alongside it, opening into a square behind, which is enclosed on the south and west by existing rear gardens. To the north there is existing industrial development, and on the east is the open space to the rear of the Cherry Tree public house. The site slopes downwards to the north, towards the river which is about 250 metres away.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
There is no recent planning history on this site			

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – A meeting was held with the agent for the application and Officers from the Planning and Highways Authorities. As a result of that meeting amendments were agreed to the scheme and it appears that a suitable highway layout can be achieved.

Revised plans will be submitted, reconsultation carried out, and the outcome reported to Members on the Update Report.

EXTERNAL

Senior Architectural Liaison Officer – Has raised concerns regarding surveillance of parking and security of shared rear accesses.

NEIGHBOURS

Letters of objection have been received from four local households raising the following issues:

- There is not enough space and the dwellings will be matchboxes
- Permission has not been obtained to change the entrance to the Cherry Tree pub
- Incredible amount of new dwellings already in the area
- Appears that developers have included land belonging to Milton Estates
- Windows directly overlook 19 and 21 Oundle Road
- Overlooking from windows into 23 Oundle Road
- Affect view from rear of 23 Oundle Road
- Need more traditional family homes in Woodston to improve local character
- Houses are smaller than surrounding housing with smaller number of rooms therefore not in accordance with Para 16 of PPS3 which requires development to be well integrated
- Not houses for families – will not have long term appeal for residents
- Will attract either buy to let owners or first time buyers, transitory ownership will not be consistent with local ownership
- Not in accordance with Council's press release of 22 April 2009 which suggest density target of 30 dwellings per hectare (dph)
- Biodiversity – gardens are too small to be planted up effectively and residents may prune overhanging branches from George Street properties
- Gardens will not provide a sufficient barrier to light and noise pollution
- Damage to roots of trees on surrounding land
- Ground works may affect neighbouring buildings
- Will reduce house values
- Oundle Road is on the decline with the quality of its residents and the way properties are maintained

COUNCILLORS

Cllr Croft has referred the application to Committee in the event of an Officer recommendation of approval, for the reasons set out above.

7 REASONING

a) Introduction

This application follows from pre-application discussion with Officers. The site is not allocated for housing, but surrounding sites currently in industrial use are so allocated. A variety of concerns were identified following the initial submission, and these were discussed at a meeting on 14 May. Revised plans will be submitted, reconsultation carried out, and comments reported to Members in the Update Report.

b) Policy issues and Principle of development

There is strong policy presumption in favour of re-using brownfield sites in a more efficient manner. The site is within the urban area boundary, and in a mixed area with a substantial amount of established residential use. The existing use (car sales) could easily be relocated elsewhere in the city. The site is not allocated for any particular use and is well located in relation to services, facilities and public transport. It is therefore well suited to residential development, in accordance with Policies H7 and DA6, and is acceptable in principle.

c) Amount and scale of development

The houses each have a footprint of about 40 square metres. They are two-bedroomed houses, each with private garden provision and each house has one parking space. The rear garden provision standard in the Residential Design Guide (RDG) is for 50 square metres for smaller houses, and is met here.

Reference has been made to a Council press mentioning a density of 30 dph. This press release set out options that are currently being considered to increase the number of prestige homes in the City. As yet no Policy changes have been introduced to support this aspiration. The figure of 30 dph has been established for some time as a suggested minimum density for residential development, not an absolute or a maximum. The site density of 93 dph is not low density development, but nor is it high density and it is considered suitable for the site.

Reference has been made to a need for family houses. Currently, only 25.8 percent of households in the district include children (research carried out for the 2008 Strategic Housing Market Assessment). There is a recent provision of larger homes in the Riverside (British Sugar) development and the Fletton and Woodston area contains a mix of house types and sizes. The east end of Oundle Road is well connected to local and City Centre services, facilities, employment opportunities and public transport. Sites of this nature are suited to higher density development as they can support a larger number of residents in a relatively sustainable manner. Taking these matters into account, it is considered that the proposed amount and scale of development is appropriate to the site and the area and the proposal is therefore in accordance with Policies H7 and DA6.

e) **Residential amenity**

As stated above, each house is provided with garden space that is in accordance with the standard set out in the RDG. None of the gardens is north facing, and so all should benefit from some direct sunlight.

Each house is allocated one parking space, and the revised layout of the parking area (which will be reconsulted on, and reported in full in the Update Report) has been carefully considered so that each space is directly outside the house it serves (with one exception). This allows for informal surveillance of parked vehicles, and also ensures that no household suffers disturbance from neighbours parking directly outside their windows.

The revised layout plan shows a private sideway to each house which will allow for movement of refuse bins and cycles. Secure gates will be required by Condition. Small areas of landscaping will be provided to break up the car parking, as well as small areas of hardstanding for leaving bins on refuse collection day.

The impact on sunlight penetration of the topography and surrounding trees has been considered. The site slopes down slightly from south to north, and the houses will be set on a ground level about 1-1.5m lower than Oundle Road itself. As there are no buildings adjacent to the boundaries it is considered that there will be no unacceptable impact on light penetration caused by the slope or the trees, which are mostly deciduous allowing sunlight to pass through in the winter months.

The Environmental Health Officer has been consulted in order that the impact of noise from adjacent uses can be assessed. This will be reported to Members on the Update Report.

The level of residential amenity proposed is reasonable and the proposal is therefore considered to be in accordance with Policy H16.

f) **Neighbour amenity**

There are established residential properties in George Street to the east, and a mixture of residential and commercial uses in the houses to the south, on Oundle Road. The dwellings in George Street have long gardens and are a minimum of 28m from the site boundary. Given the additional 9m separation provided by the rear gardens of the proposed dwellings, it is not considered that there will be any detrimental impact on occupiers of dwellings on George Street.

The neighbouring properties on Oundle Road are less well separated. No 27, being at the rear of its plot, is very close, only 4m corner-to-corner from the application site. It is 11.5m, corner to corner, from the nearest proposed new dwelling. There is one small window in the rear elevation at first floor level, which is about 17m from the rear windows on plot 13, but at 90 degrees to it. This will not lead to detrimental overlooking.

The other houses on Oundle Road are 22-26m from the site, with rear gardens (some used for parking) sloping down to the application site. All of these houses have rear facing windows, some large and clearly serving habitable rooms. No 23 has an area of decking immediately to the rear of the house, and the end part of the garden closest to the application site is surfaced for parking. The proposed dwellings closest to Nos 21-25 would be gable-on to the existing rear gardens. The end house of the row, Plot 13, does not show a south facing window, and a Condition will be

proposed withdrawing permitted development rights for the insertion of first floor windows into this dwelling.

Concerns have been raised by neighbours regarding privacy in the gardens and loss of view. It is considered that privacy will be protected by a new boundary treatment and control of windows as above. The loss of a view and impact on house values are not planning matters. It is therefore considered that the application is in accordance with Policies H7 and DA6.

g) **Parking**

Each house has been provided with one parking space, and CHECK REVISED PLAN spaces are proposed for the existing office use in 17 Oundle Road. The provision of one parking space per house (with two visitor spaces) is in accordance with the current standard. Each house has a rear garden where a cycle store can easily be accommodated.

The existing use at No 17 uses the area to the side for employee and visitor parking, on an informal basis. This use would be formalised with the layout out of dedicated parking spaces, to be used by employees during the day, and as overspill parking for residents at evenings and weekends.

h) **Highway safety and connection with neighbouring sites**

The initial submitted plans showed two different proposals for the access, one of which was a mini roundabout junction. This does not now form part of the proposal.

Discussions have been held with the agent and the Highway Authority to discuss amendments to the scheme, and it appears that a suitable highway layout can be achieved. Revised plans are being drawn up. This will be assessed and reported to Members in the update report.

There is a current Outline application pending for residential development at the rear of the Cherry Tree site, immediately to the east. Members resolved to approve that application in 2007. Access to the Cherry Tree site is a reserved matter.

The access for the application site is shown as a simple dropped kerb. The applicant has shown that shared use will be possible at a later stage, should the Cherry Tree site be developed and its existing access closed.

The site immediately to the north of the application site, which is currently in industrial use, is allocated in the local plan for housing. The layout of the application site will allow for a pedestrian and cycle connection to be established should residential development come forward on the industrial site.

i) **Character of the area**

The area is generally residential with some small scale commercial uses. In addition there is a well used public open space (Fletton Recreation Ground) almost opposite the site. Oundle Road is a main route into and out of the City, with a regular bus service which extends to Orton, including the employment area there, and Werrington. As the area has been developed over a long period there is a mixture of housing types and designs, with the housing closest to the application site being Victorian terraced and semi-detached housing. No 25 Oundle Road is detached, and Nos 27-35 Oundle Road have been redeveloped into a modern dwelling at the rear of the site and a commercial unit on the street frontage.

The Cherry Tree public house is adjacent to the site to the east, and there is industrial and commercial development to the rear (north) and closer to the river at the end of George Street. There is a small local centre at the George Street junction, which offers a mini-supermarket, hot food takeaways, a small number of other local services and the Baptist Church. Other uses in the locality are Railworld, a recent apartment development, a church, primary schools and a day nursery. The Guild House site further along the road is currently in office use but may be redeveloped as residential in the future. There is a community centre just to the south of Oundle Road. The character of the area can be best summed up as "mixed, with a bias towards urban residential".

It is considered that the proposed development is in keeping with this character. It is considered that this residential development is in keeping with and will contribute positively to the character of the area.

j) **Trees**

Although the main part of the site is hard surfaced and built on, there are some trees along the east boundary, and several just outside the side on the west and north. It is likely that root protection areas will be affected by development, but as the trees are around the edges of the site it is unlikely that this will have an impact on the proposed layout. A tree survey has been requested, this will be assessed by Officers and reported to Members in the Update Report.

k) **S106**

Contributions have been requested in accordance with the POIS, as well as site-related infrastructure contributions for public open space and bus stop improvements. The applicant is in discussion with Officers regarding the requested sums.

This/these requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

l) **Other matters**

The following comments have been made by neighbours. Comments are shown in bold with Officer's response below.

Appears that developers have included land belonging to Milton Estates

This has been checked with the applicant, who has declared that they own all the land within the application site.

Ground works may affect neighbouring buildings

Oundle Road is on the decline with the quality of its residents and the way properties are maintained

These are not planning matters.

8 CONCLUSIONS

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

- the site is well connected to services and facilities
- residential amenity including outdoor space and parking is provided in accordance with recognised standards
- access to the highway network is satisfactory for vehicles, pedestrians and cyclists
- provision has been made for the infrastructure requirements arising from the development
- the proposal is therefore in accordance with Policies H7, H15, H16, T1, T3, T9, T10, DA1, DA2, DA6, DA11, LNE9 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the education, community,

public open space and public transport needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C2 Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 No development shall take place until details of all materials to be used in the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C4 No development shall commence until details of the type, design and external finish of all windows, external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C5 No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include details of hard landscaping (including boundary treatments, bin stores and hardstandings), planting plans, written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities and an implementation programme.

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or the occupation of any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C7 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective,] another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C8 Prior to first occupation of the dwellings lockable gates to the side access passageways shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to enhance the amenity and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

C9 Prior to first occupation of the dwellings a scheme for streetlighting shall be implemented in accordance with details to be submitted to and approved in writing by the Local Highway Authority.

Reason: In order to enhance the amenity and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

C10 The garden areas within the curtilage of the site shall be laid out as an amenity for the occupants of the dwellings before occupation commences.

Reason: In order to enhance the amenity of the occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C11 No dwelling shall not be occupied until the area shown on the approved plans for the parking of vehicles has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.

Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).

C12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwellings shall be constructed other than as those expressly authorised by this permission.

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into the south elevation of Plot 13 other than at ground floor level.

Reason: In order to protect the amenity of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Conditions requested by the Highway Authority, and those arising from consultation on amended plans, will be reported to Members on the Update Report.

If the S106 has not been completed by 9 June 2009 without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure a contribution towards the infrastructure requirements of the area in respect of education, community, public open space and public transport however no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

This page is intentionally left blank