

09/00999/FUL: CONSTRUCTION OF THREE BEDROOM DWELLING AT 37 GLENTON STREET, EASTGATE, PETERBOROUGH
VALID: 1 SEPTEMBER 2009
APPLICANT: MR Z HAMIDI
AGENT: XEVA DESIGN CONCEPTS
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: SIGNIFICANT NEIGHBOUR OBJECTION REGARDING PARKING
DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE
TELEPHONE: 01733 454439
E-MAIL: louise.lovegrove@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of the development
- The design and the impact of the proposal on the character of the area
- The impact of the proposal on the residential amenities of the occupiers of nearby neighbouring properties
- Highway implications

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** – within the urban area development on any site not allocated in policy H3 including by infilling, redevelopment and change of use of existing buildings will be permitted where the site is not allocated for any other purpose, within a defined employment area, is or will be integrated with existing or proposed infrastructure to meet residential needs and where development would make efficient use of the site, respect the character of the area, provide good quality living conditions for residents, would not have a detrimental impact on highway safety, unacceptably constrain development of adjoining land or result in the loss of open space of recreational or amenity value.
- H16 Residential Design and Amenity** – planning permission will only be granted for 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.
- T1 Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

- T10 Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.
- DA1 Townscape and Urban Design** – planning permission will only be granted if the development is compatible with its surroundings in respect to the relationship to nearby buildings, and spaces, its impact to on longer views, creates or reinforces a sense of place, and does not create an adverse visual impact.
- DA2 The effect of development upon on the amenities and character of an area** – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.
- DA6 Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- IMP1 Securing Satisfactory Development** – 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 Delivering Sustainable Development
PPS3 Housing

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

Permission is sought for the erection of a detached two-storey, three-bedroom property in a traditional Victorian style on land at No.37 Glenton Street. The proposal will remove a large single storey office unit on the site. It is noted that planning application reference 09/00470/FUL for the erection of a three-bed dwelling was refused for the following reasons:

- R 1 The proposed dwelling by reason of its design and siting, would result in an awkward juxtaposition between the existing row of terraces to the west of the application site and the proposed dwelling which would appear at odds with and incongruent within the streetscene. The proposal is therefore considered out of keeping with the character of the area and contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan (First Replacement).
- R 2 The proposed dwelling by reason of its design, scale and siting fails to provide adequate access to the rear of the property and proposes bin storage to the front. This bin storage would be sited in close proximity to windows to primary habitable rooms of both the proposed dwelling and adjoining property, No.35 Glenton Street and would result in an unacceptable impact on the amenity of occupiers of these properties by virtue of smell. Therefore the proposal is contrary to policies DA2 and DA6 of the Peterborough Local Plan (First Replacement).
- R 3 The proposal has failed to make provision for the additional infrastructure requirements arising from the development, and is therefore contrary to Policy IMP1 of the Peterborough Local Plan (First Replacement).

Following negotiation, the applicant has redesigned the scheme to provide a one metre wide access to the rear garden which separates the proposal from No.35 Glenton Street. The scheme proposes a dwelling house with a footprint of approximately 45sqm. No in-curtilage car parking is proposed.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is formed by a plot of land between Nos.35 and 41 Glenton Street and immediately abuts a row of ten Victorian terraced properties. The site is currently occupied by a large single storey storage/office building which extends the entire width and depth of the plot. The building is predominantly flat roof in design albeit changes to dual pitched at the rear. The plot appears at odds to the surrounding area which is generally residential in nature with a variety of terraced, semi-detached and detached residential properties. Parking is mainly provided on-road.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/00460/FUL	Three-bed dwelling	31.07.2009	REFUSED

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – Whilst the Local Planning Authority objects to the loss of off-road car parking without replacement, a refusal on this basis in this location could not be sustained on appeal.

NEIGHBOURS

- A letter of objection has been received from one local resident in addition to a petition of 56 signatures raising objection to the proposal on the grounds of inadequate parking provision off-road which would lead to congestion on the public highway and potential dangers with regards to inadequate access for emergency vehicles.

7 REASONING

a) Introduction

This application has been submitted following refusal of a previous application (ref. 09/00460/FUL) for the erection of a three-bed dwelling which was refused due to the harmful impact the proposal

would have had on the character and appearance of the area. This application is not materially different to the previous scheme but has attempted to address the issues relating to the previous refusal.

b) Principle of development

The proposal to erect a detached three bedroom dwelling is an example of the re-development of existing 'brownfield' land. The site falls within the Peterborough urban area and is within close proximity to the city centre. The proposal offers good quality living accommodation which meets a range of residential needs.

The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement) and PPS3, subject to securing satisfactory levels of amenity and suitable design.

c) Design and impact on the character and appearance of the area

The overall design of the proposed dwelling is respectful and reflective of the character and built form of the terraced properties immediately to the west of the application site. The revised scheme sets the proposal in line with this row of properties follows the established building line and is considered acceptable in this respect. Furthermore, given the character and age of the terraced properties, it is considered appropriate that a new build dwelling be detached from these older dwellings in order to ensure that it does not appear out of keeping and incongruent within the streetscene. The design of the proposal would make a positive contribution to the streetscene and greatly improve the visual amenity of the area as a whole.

d) Impact on residential amenity

It is considered that the proposed dwelling would not significantly harm the amenities of occupiers of surrounding properties. The revision to the scheme to site the dwelling in line with the existing terraced properties will ensure that the built form of this part of Glenton Street is maintained. This positioning will also prevent the significant amount of overshadowing that would have resulted to No.35 Glenton Street had the property been set back by 5 metres to provide off-road car parking. Furthermore, there is a significant level of separation distance between the proposal and No.41 Glenton Street (approximately 8m between elevation walls) which will reduce the overshadowing impact. In addition, the windows of the proposed dwelling have been positioned to ensure that no overlooking will occur.

In addition, it is considered that the proposed dwelling will ensure an adequate level of amenity for any future occupiers with a rear garden of approximately 107sqm. The dwelling provides sufficient outdoor amenity space and the rooms are of an adequate size.

e) Highways implications

The Local Highways Authority has not raised any objection to the proposal despite the lack of off-street car parking. However, one letter of objection from a local resident and a petition have been received with regards to the lack of car parking proposed and the impact this may have on the flow of traffic along Glenton Street. It is considered that whilst off-road car parking is desirable, in this instance it is not considered necessary. The application site is located within walking distance of the City Centre and is located in close proximity to bus stops which serve the Queensgate Bus Station. The location is therefore considered highly sustainable and capable of accommodating no car parking provision. Furthermore, in setting the proposed dwelling back by 5 metres to allow for off-road parking, this would create an unacceptable level of overshadowing to primary habitable rooms of No.35 Glenton Street which would unduly harm the amenity of occupants of the property. Overall, it is considered that the benefits in terms of the enhancement of the character and appearance of the area and the protection of neighbour amenity outweigh the potential parking problem along the public highway.

f) Securing satisfactory development

The Draft Planning Obligations Implementation Scheme is applicable in this instance and the applicant has agreed to enter into a S106 agreement.

This requirement accords with both national and local policy and in the Planning Officers opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above).

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 proposal represents redevelopment of brownfield land within the urban area of Peterborough and would contribute to the provision of a range of housing within the City in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal has been designed to ensure it makes a positive contribution to the character and appearance of the streetscene and will not appear unduly obtrusive or overbearing, in accordance with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal will not have a significant overshadowing or overbearing impact on the amenity of surrounding occupiers, will not result in a loss of privacy to primary habitable rooms due to overlooking and will ensure a good level of amenity for future occupiers in accordance with policies DA2, DA6 and H16 of the Adopted Peterborough Local Plan (First Replacement); and
- Given the sustainable location of the application site, the lack of off-road car parking will not cause undue stress on the public highway, in accordance with policies T1 and T10 of the Adopted Peterborough Local Plan (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 (as amended) for a financial contribution to meet the infrastructure 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 five years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- C2 Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted must be submitted to and approved in writing by the Local Planning Authority. 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).
- C3 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), domestic enlargement to the dwelling 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).
- C4 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 any elevation of the dwelling other than those expressly authorised by this permission.**
Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C5 An enclosed space for refuse bins shall be provided to the rear of the dwelling prior to first occupation in accordance with details submitted to and agreed in writing by the Local Planning Authority before development commences.

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

C6 Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, details of all boundary walls and fences must be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.

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).

C7 The existing access to Glenton Street shall be permanently closed to vehicular traffic before the dwelling is occupied. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 3 months of the date of this resolution 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 infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: M Collins, S Goldspink, M Todd