

Application Ref: 19/01141/FUL

Proposal: Proposed detached bungalow and associated parking

Site: 43 Crowland Road, Eye, Peterborough, PE6 7TP

Applicant: Mr Steven Milner

Agent: Mr David Hartley
David Hartley Associates

Referred by: Cllr Steve Allen

Reason: The applicant has addressed the major concerns raised during the previous application. The development will not alter the character of the area in any detrimental way. There are already rear garden developments along Crowland Road without any adverse effect on the character or amenities of the area. The current state of the site is an eyesore and the realisation of application will see a great improvement to the area.

Site visit: 15.08.2019

Case officer: Mr D Jolley

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Recommendation: **REFUSE**

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

Site Description

The application site is host to a detached two storey property and detached mobile home, and is bounded by a number of high hedges standing in the region of 6 - 8m in height along the north, south and eastern boundaries. Access is gained from Crowland Road, where there is a 2m high gate.

The character of the area comprises mainly residential ribbon development with detached two storey properties situated on large plots set back from the road. Parking is provided to the front or side with typically large amounts of space around each dwelling. To the immediate south is a public house with large car park and garden to rear. To the west is what appears to be some form of stables or agricultural buildings that has direct access from Crowland road, with open countryside beyond.

Proposal

The application seeks planning permission for the erection of a detached 3 bedroom bungalow to the rear of the existing. It is also proposed for the existing vehicular access from Crowland Road (along the southern boundary) to be widened and repositioned. Parking for both the host and proposed dwellings would be provided at the front of the site.

It should be noted that the proposal is a revision of application reference 17/02303/FUL which sought the construction of 2no. 3 bedroom dwellings to the rear of the site. This proposal was refused by the Council and subsequently dismissed at appeal. A copy of the appeal decision can be found at Appendix 1.

To facilitate the proposed development, a single storey rear extension to the host dwelling and a detached double garage would be demolished, as well as the removal of a mobile home.

2 Planning History

Reference	Proposal	Decision	Date
17/02303/FUL	Erection of 2no. detached 3 bedroom houses, associated garages and access	Refused	05/02/2018

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Local Plan 2016 to 2036 (Submission)

LP02 - The Settle Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP13 - Transport

a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

b) The Transport Implications of Development - Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

c) Parking Standards - permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

a) Amenity of Existing Occupiers - 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.

b) Amenity of Future Occupiers - Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

4 Consultations/Representations

Archaeological Officer (31.07.19)

No objections - Given the close proximity of the subject site to the known Anglo-Saxon cemetery, it is recommended that all groundwork is carried out under archaeological supervision (watching brief).

PCC Peterborough Highways Services (11.08.19)

No objections - Request conditions securing: visibility splays (as shown on the submitted

drawings); parking and turning provision/retention (as shown on the submitted drawings); bin storage (as shown on the submitted drawings); a construction management plan with associated wheel cleansing; and ungated access in perpetuity.

Cambridgeshire Fire & Rescue Service

No comments received.

PCC Pollution Team (01.08.19)

Pollution Control would request that the applicant undertakes a noise survey (this should cover the worst case scenario) to demonstrate that the proposed dwelling will not be affected by noise from the existing business.

Waste Management (31.07.19)

No objections.

PCC Wildlife Officer (06.08.19)

No objections - The proposed development is located in close proximity to Eye Green Gravel Pit County Wildlife Site, however it is considered that this proposal is unlikely to have an impact upon the features for which this site has been designated a County Wildlife Site. The proposal involves the removal of vegetation which is likely support nesting birds and therefore to mitigate the loss of nesting habitat, a range of nesting boxes should be installed. The proposal to include bat roost boxes is welcomed however full details regarding numbers, designs and locations of bird and bat boxes should be provided by the applicant which may be secured via a suitably worded condition.

PCC Tree Officer (14.08.19)

No objections - No objection to the removal of the Leyland Cypress hedging to facilitate the proposal subject to a full and detailed landscaping scheme being conditioned for approval prior to the commencement of works on the site. Any scheme should include replacement hedge planting to the boundaries where possible/practicable, and suitable and appropriate tree planting within the site.

North Level District Internal Drainage Board (29.07.19)

No comment.

Eye Parish Council

No comments received.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representation have been received in relation to the proposal.

Councillor Allen has requested that the application be referred to Committee

I feel the applicant has addressed the major concerns raised.

I do not believe the development will alter the character of the area in any detrimental way.

There are already rear garden developments along Crowland Road without any adverse effect on the character or amenities of the area.

The current state of the site is an eyesore and the realisation of application will see a great improvement to the area.

5 **Assessment of the planning issues**

The main considerations are:

- Principle of Development
- Design and Layout
- Neighbouring Amenity
- Amenity provision within the development
- Access and Parking
- Biodiversity and trees
- Archaeology

Principle of Development

The application site is located within the identified settlement boundary of Eye Green and represents backland development. There are no national or local planning policies that specifically preclude such development and Eye Green is identified within the Local Plan as a 'Large Village' which has a range of shops, services and facilities to meet the day to day needs of future occupiers, along with good public transport links to Peterborough. Such locations are supported for housing by local and national policies.

However, for the reasons set out below, it is not considered that further residential development on the site is acceptable.

Design and Layout

The established pattern of development comprises detached and semi-detached two storey properties situated on generous plots in a ribbon form of development. In the earlier appeal decision, the Inspector noted that the application site and numbers 45-53 Crowland Road (to the north of the application site) are properties set back from the highway behind deep frontages with generous rear gardens. These rear gardens benefit from mature landscaping and are largely free of any significant development. Cumulatively, these properties contribute significantly to the distinct, spacious and verdant character here.

The proposal would introduce a single bungalow at the rear of the site of a footprint of approximately 110sqm. Furthermore, to facilitate the proposed dwelling, the existing vehicular access would be repositioned and widened to 5.5 metres, as well as dedicated parking provided to front of the site for 4no. vehicles. It is considered that the proposed dwelling, in combination with the proposed access and car parking, would significantly reduce the amount of space around the host dwelling which would result in a cramped and contrived development, failing to reflect the established pattern of development, where dwellings have more generous space about them. The amount of garden available to serve the host building and proposed dwellings would be significantly less than the immediate neighbouring properties, further eroding the established character identified above.

In dismissing the earlier appeal, the Inspector formed a similar view and Officers are of the opinion that the proposal has failed to address this concern. Whilst reduced to only 1no. dwelling, the overall mass/scale of development is such that the size of the backland development is not dissimilar from the earlier proposed 2no. dwellings. Therefore, the harm identified in respect of that earlier proposal remains with this.

It is noted that backland development has taken place at No.5 Crowland Road, where a bungalow has been constructed, and the Applicant considers that this sets precedent for allowing the current proposal. This is however different in context to the current proposal and therefore cannot be considered to lend support. This dwelling was also granted permission under an entirely differing national and local planning policy context, and is sited at such a distance from the application site (some 250 metres) that it cannot be considered as directly relatable.

On this basis, the proposal is considered to result in unacceptable harm to the character,

appearance and visual amenity of the site and its surroundings. It is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

Neighbouring Amenity

Whilst no letters of representation have been received from neighbouring occupants, the matter of neighbour amenity remains a material planning consideration.

The proposed dwelling would be positioned some 22 metres from the rear wall of No.43 Crowland Road (the host dwelling). It is generally considered that a back-to-back separation distance of 21 metres between principal windows should be provided to ensure adequate amenity of occupants in terms of overbearing/overlooking impact. Therefore, the proposal would provide a suitable separation distance between the existing and proposed dwellings in this instance. It is not considered that the proposal would result in an unacceptable loss of privacy or result in unacceptable levels of overlooking to principal windows or the primary amenity space serving the host dwelling.

With regards to the impact to No.45 Crowland Road (to the north), the proposal would be set back a distance of 12 metres from the rear elevation of this neighbouring property with a detached single garage intervening. This off-set, in combination with the single storey nature of the proposed dwelling, is considered sufficient to ensure that the proposal would not appear unduly dominant or obtrusive to neighbouring occupants. Furthermore, it would not result in an unacceptable degree of overshadowing impact to the amenity area of No.45, with a large area of the neighbouring garden unaffected by the proposal.

In light of the above it is considered that the proposal would not unacceptably harm neighbour amenity and is therefore in accordance with Policy LP17 of the Peterborough Local Plan (2019).

Amenity provision within the development

It is noted that the Council's Environmental Health Team has requested a noise report be undertaken to determine the impact of noise upon the development, principally from the nearby Public House to the south of the site. However, given the presence of an existing dwelling on the site and the separation distance of 12, it is considered unlikely that noise could form a reasonable reason for the refusal of the application.

With respect to liveability of the proposed dwelling, it is noted that the parking area to serve the new dwelling would be some 40 metres from the dwelling which is considered to be less than ideal and substandard in terms of providing good levels of access for those with mobility difficulties. This does not accord with policy LP13 which states that provision should be made for all user groups. However, this previously formed a reason for refusal in respect of the earlier 2 dwelling scheme but the Inspector did not consider that the harm was substantial. Accordingly, this reason was not upheld at appeal and on the basis of this, Officers do not consider that this matter could be used as a reason for which the current proposal could be resisted.

With regards to bin storage, the proposal would provide a communal bin store capable of accommodating 6no. bins, situated centrally within the site. The previous 2 dwelling scheme was refused as the proposal failed to provide bin storage/collection in accordance with the Council's adopted RECAP Waste Management SPD (2012) however it is considered that the current proposal has addressed this. The communal bin area proposed would be within 30 metres of the proposed dwelling, and the collection point (adjacent to Crowland Road) would be a further 21.5 metres. Whilst this overall drag distance is considerable, it fully accords with the maximum standards set out in the SPD and accordingly, Officers consider that adequate amenity provision in respect of bins would be provided.

Turning next to the proposed dwelling, all primary habitable rooms would be served by adequate natural daylight/sunlight and outlook. The proposal, and No. 43 Crowland Road, would be served by 9 metre deep gardens and whilst this is considered to be commensurate in size to serve a 3-bed dwelling, this does not overcome concerns relating to conflict with the established pattern of

development and hard to the character of the locality, as discussed above.

Notwithstanding the above, Policy LP8 of the recently adopted Peterborough Local Plan (2019) has introduced a new requirement that all residential dwellings within the City be designed to a minimum of Building Regulations Part M4(2) (often referred to as 'Lifetime Homes'). The proposed dwelling would, in the view of Officers, fail to meet these requirements as follows:

- The principal entrance to the dwelling does not provide a level landing of 1500mm x 1500mm which is covered to a minimum of 600mm depth x 900mm width;
- No evidence has been provided that the minimum access zones can be provided around the beds within each bedroom; and
- No evidence has been provided that the minimum access zones can be provided within the main ground floor bathroom.

Whilst amendments/clarification could be sought from the Applicant in this regard, as the proposal is deemed unacceptable in other respects, it is not considered prudent to seek amendments at this time.

In light of the above it is considered that the proposal fails to provide adequate residential amenity for future occupiers and is therefore contrary to Policies LP8 and LP17 of the Peterborough Local Plan (2019).

Access and Parking

The scheme would provide parking and turning to serve both the proposed and existing dwellings, utilising a single access point from Crowland Road and car parking to the front of the site. The access would be slightly relocated from its current position, and widened to 5.5 metres to enable vehicles entering/exiting the site to pass one another without conflict. The submitted drawings have demonstrated that the required visibility splays can be provided to the proposed access and on this basis, the Local Highway Authority (LHA) has not raised any objections.

The LHA has requested that conditions be appended with respect to: the access being constructed in accordance with the submitted plans; satisfactory visibility splays in accordance with the submitted plans; provision of parking, turning, wheel cleaning and bin storage; the submission of a construction management plan; and no gates being installed to the vehicular access. A number of informatives have also been proposed. All conditions proposed are considered necessary, relevant and reasonable.

On this basis, it is considered that the proposal would provide adequate parking to serve both dwellings, and would not pose an unacceptable risk to highway safety. Accordingly, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

Biodiversity and trees

The application site is bounded by a number of mature conifers, to the point where they are overbearing within the streetscene and on the neighbour to the north. However none of these would qualify as worthy of retention by way of a Tree Preservation Order, as confirmed by the Council's Tree Officer.

In order to facilitate the proposed development these trees would be removed, and this removal is supported by Officers as it is considered their removal would significantly improve the streetscene. The Tree Officer has raised no objections to their removal but has requested that a scheme of mitigating landscaping be secured which is considered reasonable and will ensure that the overall appearance of the development is softened.

With regards to ecology/biodiversity, the Council's Wildlife Officer has raised no objection to the proposal. Whilst the site is located in close proximity to the Eye Green Gravel Pit County Wildlife Site, it is considered that the proposal is unlikely to have an impact upon the features for which this site has been designated.

The Wildlife Officer has however advised that the proposed tree removal would result in the loss of habitat for nesting birds and therefore to compensate, bird nesting boxes should be secured by condition along with the use of native species in any replacement planting. This is considered reasonable and necessary. Further, the Applicant is proposing the inclusion of bat roosting boxes which is welcomed, however the details/number of these are also required which could also be secured by condition. Subject to these mitigation features being incorporated into the scheme and secured by condition, the proposal would preserve the biodiversity value of the site, and accord with Policies LP28 and LP29 of the Peterborough Local Plan (2019).

Archaeology

The Council's Archaeological Officer has advised that the proposed development site is located some 100m to the north-west of an Anglo-Saxon cemetery which was discovered during past mineral extraction. Whilst recent investigations have failed to locate burials in close proximity to the subject site, the existence of human remains in undisturbed pockets of land should not be discounted. Given the close proximity of the application site to the known Anglo-Saxon cemetery, if planning permission is granted an evaluation by watching brief should be secured by planning conditions. On this basis, the proposal is in accordance with Policy LP19 of the Peterborough Local Plan (2019).

6 Conclusions

Whilst it is acknowledged that the proposal is acceptable in respect of several of the Council's adopted planning policies, Officers consider that the harm that would arise to the character, appearance and visual amenity of the area outweighs any public benefits arising from the development. Accordingly, the proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposal would introduce a dwelling in the rear garden of the host dwelling. This backland development, together with the intensification of residential development on this plot through the associated access and car parking, would fail to respect the surrounding established layout pattern and character of the residential built form. The proposal would significantly reduce the amount of space around the host dwelling within the plot, which would result in a cramped and contrived form of development, failing to respect the established character of the area whereby dwellings have more generous space about them. Accordingly, the proposal would result in unacceptable harm to the character, appearance and visual amenity of the locality and is therefore contrary to Policy LP16 of the Peterborough Local Plan (DPD) 2019.

- R 2 The proposal fails to adequately demonstrate that the proposal dwelling would meet with all of the requirements set out in Building Regulations (2010) Part M4(2). Specifically: the principal entrance to the dwelling would not provide a level landing of sufficient size/covering; no evidence has been provided that the minimum access zones can be provided around the beds within each bedroom; and no evidence has been provided that the minimum access zones can be provided within the main ground floor bathroom. Accordingly, the proposal is contrary to Policy LP8 of the Peterborough Local Plan (2019).

cc. Cllr. S Allen. Cllr R Brown. Cllr. N Simons