

Item No. 1

Application Ref: 19/01752/FUL

Proposal: Proposed one and half storey 2 bed dwelling

Site: Land Adjacent To 15 Apsley Way, Longthorpe, Peterborough, PE3 9NE
Applicant: Mrs S.F. Fisher

Agent: Ms Catherine Symonds
Clear Design

Referred by: Councillor Fitzgerald and Councillor Ayres
Reason: Given the level of objections to this application, taking into account the views of the immediate neighbours regarding their concerns over the loss of residential amenity and their view that the proposal would not be in keeping with the character of the area and any number of other reasons given in replies sent to the department.

Site visit: 20.12.2019

Case officer: Mr Jack Gandy
Telephone No. 01733 452595
E-Mail: jack.gandy@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 application site comprise a portion of garden within the curtilage of No. 15 Apsley Way, a property predominantly located with the residential area. This parcel of land is situated on the inside of a highway bend, where access to this land is also provided. A separate access with parking provision is adjacent to No. 15 Apsley Way.

Proposal

Permission is sought for the construction for a one-and-a-half storey dwelling. The proposed dwelling would measure approximately 9.7 metres in width and approximately 9.2 metres in depth. The highest point of the property, the proposed ridge line, would measure approximately 6.6 metres in height above ground level. At its nearest point, the proposed dwelling would be set approximately 5.5 metres from the back edge of the public footway to the front of the site. The proposed dwelling would be served by a rear garden alongside on-site parking provision to the front of the dwelling.

Amended plans were submitted following Officer consideration that the original proposal submitted would have adversely impacted upon the character of the site and the surrounding area as well as the impact to the amenity of adjacent neighbours. Further plans were also submitted given identified drawings errors. The revised plans were subsequently re-consulted upon.

2 Planning History

Reference	Proposal	Decision	Date
98/00767/FUL	Detached garage (retrospective, amends previous approval 98/00027)	Permitted	26/08/1998
98/00027/FUL	Erection of detached garage	Permitted	05/02/1998

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Paragraph 47 - Determination of Applications

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 70 - Windfall sites

Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 109 - Transport Impacts

Development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraph 122 –Development and efficient use of land

Planning policies and decisions should support development that makes efficient use of land, taking into account: (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; (b) local market conditions and viability; (c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and (e) the importance of securing well-designed, attractive and healthy places.

Paragraph 130 - Poor Design

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an areas and the way it functions. Conversely where the design accords with clear expectations in plan policies, design should not be used by the decision marker as a valid reason to object to development. Local Authorities should seek to ensure that the quality of the development approved is not materially diminished between permission and completion.

Peterborough Local Plan 2016 to 2036

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment

Capital.

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.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

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.

LP13 - Transport

LP13a) 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.

LP13b) 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.

LP13c) 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

LP17a) Part 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.

LP17b) Part 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.

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.

LP31 - Renewable and Low Carbon Energy

Development proposals will be considered more favourably where they include measures to reduce energy demand and consumption, incorporate sustainable materials, incorporate decentralised or renewable energy or carbon offsetting. Proposals for non-wind renewable energy will be considered taking account of the impact of the landscape including heritage assets, amenity, highways and aviation. Wind proposals will also only be considered if in addition to these factors the site is in an adoptable Neighbourhood Plan and the proposal has local support.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission

will be refused.

4 Consultations/Representations

Archaeological Officer (11.12.19)

No objections: The City Council's Archaeologist advises that watching briefs undertaken at No. 1 Apsley Way and at 335a Thorpe Road in 2003 and 2006, respectively, revealed no archaeological features or artefacts, in spite of the fact that buried deposits did not appear to have been disturbed. These results would confirm that the subject area was part of the medieval open fields, away from the area of main settlement clustered around the medieval church of St Botolph to the south. Roman finds recorded in the general area, including a brooch and a bronze religious figurine, are not securely 'provenienced'.

Part of the site has already witnessed development. Therefore, widespread disturbance caused by former groundwork may be anticipated. On the basis of this evidence however, the proposed development is unlikely to impact on significant buried remains.

PCC Peterborough Highways Services (23.12.19 and 13.01.20)

No objections: The Local Highway Authority advise that there shall be adequate space within the site to park two vehicles without encroachment onto the public highway.

The proposed dwelling does not constitute 'intensification' of the access given that the existing access serves the existing dwelling.

The drawings show vehicles would require reversing manoeuvres on or off the public highway. Whilst it is unfortunate turning has been omitted, which would have been beneficial, given that 1no. single dwelling would be served, turning cannot be insisted upon.

It is appreciated that local residents have the knowledge and experience of local highway conditions, but comments can only be based upon on-site observations and the information put before LHA Officers during the consultation process.

Therefore, the following conditions are recommended on:

- Securing visibility to pedestrian splays at 1.5m x 1.5m either side of the proposed access;
- The new access should be built in accordance with the approved plans;
- The new parking area shall be built in accordance with the approved plans; and
- Details of temporary facilities to be submitted to, and approved by, the Local Planning Authority.

PCC Pollution Team (17.12.19)

No objections: Pollution Control have no objections to the proposal, but advise the following:

The development site appears to have been used as a domestic workshop / garage, therefore there is a potential for 'made ground' to be present on the site. It would therefore be prudent to apply the unsuspected contamination condition if approval is sought. Additionally, demolition and construction should be carried out in such a manner so as not to cause nuisance to existing dwellings.

Condition: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

PCC Tree Officer (18.12.19)

No objections: The Tree Officer advises that the site is not within a Conservation Area and that there are no current Tree Preservation Orders on or adjacent to the site.

There is no objection to the proposal in principle. The Tree Officer does not consider the construction works on site will have an adverse long term effect on any trees or hedges on or adjacent to the property. The Tree Officer considers that it is the applicant's duty of care to ensure damage does not occur to third party properties, including all forms of boundary treatments including hedges and trees.

The Tree Officer requests that the existing Magnolia & Cherry situated on the front verge of the proposed property are retained, as well as details for a landscaping scheme to secure additional ornament planting to the frontage verge of the new dwelling to enhance the development of the site.

PCC Rights of Way Officer (10.12.19)

No objections.

Ramblers (Central Office) (16.12.19)

Neutral input from Peterborough Ramblers.

Local Residents/Interested Parties

Initial consultations: 6

Total number of responses: 52

Total number of objections: 50

Total number in support: 0

Several letters of representation were received objecting to the development from nearby residents. This amounts to 50 objections from 52 responses. No letters of support were received from nearby neighbours. The extensive objections are summarised below, but all comments are visible in full detail (minus personal data) on the pending planning file online.

First round of consultation

- The proposed dwelling would be within very close proximity to No. 15 and No. 23 Apsley Way.
- The property would not be in-keeping with the rest of the design of this part of Apsley Way.
- The development will result in a significant loss of green/garden space and established hedgerow which may affect wildlife.
- The proposed ground floor and first floor front facing windows will overlook No. 16 Apsley Way and impact upon this neighbour's privacy.
- The site's location on an apex, plus the relatively small driveway proposed, will increase the likelihood of further traffic/parking on the corner will almost certainly be increased, which will affect safety in the vicinity.
- If permitted, the proposal would unacceptably impact upon surrounding neighbours through an adverse loss of privacy, unacceptable overbearing and create shadows.
- Loss of important green space.
- Approval would set a precedent in this area for 'garden-grabbing' proposals.
- The pre-application advice given is incorrect. Policy LP3 encourages development on brownfield sites, it does not encourage or permit development of residential gardens in urban areas.
- The Court of Appeal (Dartford Borough Council vs Secretary of State for Communities and Local Government (2017) confirmed the correct approach to determine a development plan document is through "accordance of the language used, read as always in its proper context". The exercise of judgment falls within the jurisdiction of planning authorities and their exercise or judgement can only be challenged on grounds that it is irrational or perverse.
- The site currently serves as garden to No. 15 Apsley Way. It would be irrational or perverse to classify it as anything else. Even the Design and Access Statement acknowledges the site is garden.

- Overbearing impacts would result given the proposed dwelling's siting nearer to the streetscene (as a result of the triangular site area) and proximity to neighbouring properties.
- Loss of privacy, overshadowing and intrusion of outlook to the neighbouring properties and gardens of Nos. 15, 20, 22 and 23 Apsley Way.
- The proposed dwellings is poor in design terms and fails to meet Policy LP16's requirements. It is detrimental to the surrounding area's character and appearance.
- Garages are characteristic of the surrounding area and no garage is proposed. Open front gardens are also the norm in this area and the proposal fails to respect this character.
- The position of the drive on the apex, coupled with the proposed side fencing and the speeds road users travel down Apsley Way at, will increase the risk of accidents to road users and pedestrians.
- The Design and Access Statement is inadequate and its contents is disproportionate into how the proposal meets policies.
- Cycle parking is not proposed.
- The proposed ridge height is approximately 0.4 metres higher than surrounding properties.
- The site currently serves as garden and not 'previously developed land'. The pre-application advice provided in the planning application form states the proposal accords with Policy LP3, which is not the case given the NPPF's definition on previously developed land.
- The dwelling contravenes Policy LP16 by being out of character with the area and the design of the area as a whole. This is visible through its very small proposed garden against existing sizable gardens within the surrounding area.
- The proposed fencing is contrary to the open character of Apsley Way and it is also a traffic hazard
- The Tree Officer request a landscaping scheme to secure additional ornament planting to the frontage verge. This is contrary against the character of the surrounding area as well as a traffic accident risk.
- No. 15 Apsley Way is subject to restrictive covenants which prohibit the development of the proposed development.
- The proposed house would limit the amount of sunshine available to the garden and patio area of No. 23 Apsley Way. Natural light would be blocked and large shadows would fall across No. 23 Apsley Way.
- Alongside the proposed driveway and fencing, it is likely more vehicles will park on the bend given that there are no double yellow lines, which further limits visibility and increases the risk of accidents.
- The site is outside Longthorpe Conservation Area but the application does not consider the impact of the development to this Area.
- Removal of the hedgerow would incur a loss of habitat for wild birds and a loss of cover for animals such as hedgehogs and foxes.
- There is little indication on what materials are proposed.
- Government policy is to ensure the protection of gardens and open space. The proposal contravenes this policy.
- Vehicles regularly speed around the sharp bend. The proposed fence, along with any parked vehicles, will block the line of sight of vehicles approaching in either direction, thus increasing the danger.
- There is a covenant requiring house owners to preserve their front gardens as open spaces. The proposal would contravene the covenant.
- The proposed dwelling directly overlooks No. 23's garden and patio area and it does not consider the privacy of the garden area. The Leylandii trees on the right side of the development supposedly will be removed, the roots have probably spread and removing these may affect my property as they are close to the rear of our home. Smaller replacement trees will further affect the garden's privacy
- The proposed dwelling looks into a bedroom window above the garage, which will impact upon the neighbour's privacy.
- The proposed driveway is dangerous given its location. Neighbouring cars parked on their driveways will make it near impossible for a car to reverse out onto the road without being physically on the road before getting a clear view of any oncoming cars. Any cars parked on the drive way will be creating a potential hazard along the blind bend for cars entering or existing

Apsley Way as well as being a dangerous blind spot for users of the driveway not seeing pedestrians using the pathway. Installing a 0.6m post and rail on the drive will also add to the issues.

- The Design and Access Statement is poor and factually incorrect. The property garden is vastly smaller in length compared to No. 23 and only intersects less than halfway down this neighbouring garden. Most surrounding properties have fairly large gardens either at the front or back. This property being on the corner has a wider frontage area by the road and a very narrow rear garden which is now proposed to be made even smaller. Bisecting the plot will make these two dwelling out of proportion to the neighbouring properties.
- The proposed building is to be set further forward than the adjacent properties building line creating a very small out of character garden. The building is not deemed to be central as described in the D&A statement.
- No. 15 Apsley Way's dormer windows on the side of the property are directly in line with the proposed building and again will affect the occupier of this room and their privacy.
- It would significantly impinge upon the amenity and outlook from neighbouring dwellings by imposing a property set on the very front part of the opposite plot which would be overbearing. The original concept of this part of the local area, honoured by all was a lower density, large garden, residential community setting the tone for the entrance and aspect of the whole road. This speculative development would radically and detrimentally change the character of this part of Longthorpe, and if successful could spawn other gardens 'growing' houses not plants - which would create environmental, social and aesthetic impacts.
- The proposed dwelling extends beyond a line drawn between the two existing buildings abutting it, this encroaches closer to the road thereby reducing visibility on a narrow bend.
- Space for only two cars is indicated, meaning any other vehicle visiting the property would be driven to pavement parking or park on the road, causing significant visual obstruction and causing a traffic hazard on the outside of a fast flowing bend.
- How can Peterborough be considered the 'UK's Environmental Capital' which has been promoted in recent years, if aggressive developments are allowed which result in further reduction in valuable green spaces?
- The hard surfacing is pre-existing which is undeniable, but it has never been used as a driveway in the accepted meaning of the word. The understanding is that its original purpose was access to the large workshop building in the rear garden, but the access has hardly ever been used.
- It therefore should be treated as a 'new' driveway and should be treated as such given the huge intensification of use to serve a new dwelling. This will therefore increase the risk of accidents on the adjacent bend.
- Because of the generous plots, driveways and garages along that stretch of Apsley Way, there are rarely examples on road parking. As a result of this, driving habits are established and that stretch has become a faster stretch than designed for what the law allows.
- The apex creates a number of hazards: The restricted vision using the driveway given the car parked at No. 23 Apsley Way, thereby increasing collision risk; street parking from visitors would cause a chicane like situation on the bend taking traffic necessarily to the wrong side of the road - this would be exacerbated by speed and it is already taken too fast by many users; Street parking is limited given the difficulties to park safely and with courtesy
- It is recommended that the LHA visit the site around 08:30hours to see the road actually being used by commuters rather than the sleepy suburban 'middle of the day' traffic patterns.

Second round of consultation

- The NPPF discourages development of gardens, advising that plans should consider the case to setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area (paragraph 70).
- The NPPF encourages development in general but it specifically requires the value of gardens be taken into account, including maintaining the desirability of an area's prevailing character and setting, as well as to secure well designed, attractive healthy places (paragraph 122).
- The proposal does not meet Policy LP16's criteria and will not positively contribute to character and local distinctiveness of the area.
- If planning permission is granted, it would set a precedent to development that any garden in the

area can be developed.

- The site description 'Land Adjacent to 15 Apsley Way' is incorrect. The land is part of No. 15 Apsley Way.
- Restrictive covenants should be considered as part of the context of the site and the surrounding area, which the proposal clearly demonstrates no respect.
- The proposal is out of keeping. Furthermore, the drive to the new property would be right on the bend and would be a nightmare for anyone parked on the roadside. It would block the view ahead causing more near misses and accidents.
- The proposal will increase the potential of parked cars around this corner, becoming a danger to both road users and pedestrians, including many school children that access the local primary school. This area already suffers with excess parking due to people visiting the Fox and Hounds public house, Longthorpe Tower, and the local church for events.
- This application if passed will open the door for many local properties to try to squeeze in small, out of character dwellings adding further to all the above problems.
- The Council contradicts its own policy LP3 by interpreting garden as 'previously developed land'. The 9% of windfall must not include residential gardens and it is made clear through published local and national policies.
- Allowing intrusive development to maintain housing numbers will breach what is largely a coherent streetscape that retains its intended character.
- The design makes no attempt to mitigate the climate emergency, especially following Peterborough City Council declaring its own declaration in relation to the climate emergency.
- The description of the proposed building site as "adjoining land" to No. 15 is inaccurate. In reality the site is most of the garden of No. 15.
- Were the application to be granted it would be solely of financial benefit to the applicant and to the detriment of the environment of nearby residents.
- A precedent would be set for future purchasers of houses in Apsley Way to profit from using gardens as building sites, the unfortunate results of which can be seen not so far away in Central and Park Wards.
- Few details have been provided with regards to materials.
- There have been drawing errors on the proposed plans submitted. This includes the revised dormer not being shown on the site plan.
- The proposed dwelling will block out sunlight to the garden and patio area to No. 23 Apsley Way (imagery provided).
- The proposal would cause unacceptably overbearing and loss of privacy impacts to No. 23 Apsley Way. Are there minimum distances under current regulations?
- No cycle storage is proposed.
- All the properties from the entrance at Thorpe Road are erected on substantial plots defining the general characteristics of the properties. Some properties have large front gardens with the properties being set back with a smaller rear garden, whilst other dwellings are forward and have large rear gardens. The proposal will be set in front of the current properties close to the road, which would be out of character and would disturb the current natural setting of the properties, as the apex of the proposed building is currently within the natural building frontages.
- The current dropped kerb to No. 15 Apsley Way is connected to No.23 Apsley Way. The dropped kerb from 23 Apsley Way boundary to the connecting dropped curb at No. 15 is 3.6m away. Therefore, the statement of utilizing the current dropped kerb is inaccurate and the existing dropped kerb will be either extended round the bend or another dropped curb to be installed a few metres away. The existing driveway will not really be utilised but changed.
- The site is on a large bend. Any visitor or delivery parking will cause congestion to passing traffic, limiting views and create additional hazards to cyclists and vehicles. Vehicles turning in and out of the new driveway will be unseen by children running around the bend on the path, especially as the property will be close to the road. Other homes in this location have longer driveways which provide a clear view for both motorists and pedestrians.
- The school are currently trying to resolve congestion in Bradwell Road and have suggested that parents use Apsley Way as a stop off and collection point. This will increase traffic and parking in this road. Therefore there is serious concern about the development's impact upon the safety of local children.

Summarised matters raised in two petitions, received 2 March 2020 and 9 March 2020.

- The proposal represents a large bulk crammed into the site garden of No. 15 and shows no respect to scale, massing or depth of nearby properties.
- It would be the only dwelling without a garage and with boundary fencing to the front.
- The proposed position of the dwelling would appear overbearing and dominating across the street scene and to adjacent neighbours.
- The dwelling would remove valued garden that forms part of the area's character and provides environmental, health and wellbeing benefits for prospective occupants and the wider community.
- The siting on a an apex will worsen already dangerous situations for road uses when cars are parked on the apex, worsened still by the impaired visibility; visiting vehicles to the property parking on the bend and in other unsafe positions.
- There is not attempt to reduce demand on resources. No renewable energy sources or energy efficiency provisions are proposed, but Policy LP31 suggests for these to be a design requirement for new development.

Summarised matters raised in another petition received 9 March 2020.

- The siting of the proposed dwelling in the street scene will adversely impact upon its sense of space and 'airiness' created by the established spaced out houses and large gardens.
- The proposal overwhelmingly disregards the local character and vernacular of house, plot sizes and amenity spaces. It fails to positively contribute to local character and local distinctiveness, as required by Policy LP16. It also fails to ensure standards of amenity for future occupiers and neighbours, as required by Policy LP17.
- The ridge height is 0.4 metres higher than compared to surrounding properties.
- The requirement to provide visibility across the street's curvature prevents the proposal from being able to provide 2no. appropriate and deliverable parking spaces required by Policy LP13.
- The paucity of information makes the design too uncertain and the proposal incapable of any reasonable and proper assessment against the Local Plan.
- The points within this petition are expanded upon in much greater detail.

Councillor Fitzgerald and Councillor Ayres

- Given the level of objections to this application already, taking into account the views of the immediate neighbours regarding their concerns over the loss of residential amenity and their view that the proposal would not be in keeping with the character of the area and any number of other reasons given in replies sent to the department, should Officers be minded to approve the application, it is requested that this proposal is referred to the Planning Committee for their consideration.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area
- Highway safety and parking provision
- Neighbour amenity
- Occupier amenity
- Trees
- Lifetime homes and water efficiency
- Contamination
- Archaeology

a) Principle of development

The application site is located within the urban area of Peterborough and not within the open countryside. There are no national or local policies that preclude the development of dwelling in these area.

Comments have raised concern regards to whether Policy LP3 of the Peterborough Local Plan (2019) is sound. Specifically, Policy LP3 states "The overall development strategy is to continue to focus the majority of new development in and adjoining the urban area of the City of Peterborough (maximising growth within the urban area), creating strong, sustainable, cohesive and inclusive mixed-use communities, making the most effective use of previously developed land....". A representation received states that in the definition by the National Planning Policy Framework (2019), 'previously developed land' excludes land in built-up areas such as residential gardens. Therefore, it is suggested that there is a conflict to utilise Policy LP3 in decision-making and therefore it has no grounds to make planning decisions.

The starting point of any development is the Peterborough Local Plan (2019). Officers have sought legal advice and state that Policy LP3 neither encourages nor discourages use of residential gardens for development. Furthermore, Policy LP3 supports delivery of housing delivery through windfall sites (sites that are not specifically identified within the Local Plan). Such windfall sites can include residential gardens and Officers have historically approved housing delivery on gardens where other material planning considerations are not considered to be unacceptable. Furthermore, prior to its adoption in 2019, the Peterborough Local Plan (2019) went through extensive consultation and examination by an independent Planning Inspector who found the Plan to be 'sound', before it was adopted by Peterborough City Council.

Finally, a representation received requested how the application is determined in the context of sustainable development. Policy LP1 determines applications with a presumption in favour of sustainable development to aid in the growth of Peterborough up to 2036. For the Peterborough area, the questions of "what are current and present needs?" and "who represent these needs?" are answered through the analysis of the evidence-basis used to support the Peterborough Local Plan (2019). This evidence basis is updated through each revision of the Local Plan, alongside periodical assessments such as, for example, strategic housing market assessments.

Officers therefore consider the principle of development be acceptable, subject to consideration of the following material planning considerations.

b) Design and impact to the character and appearance of the site and the surrounding area

The surrounding area is comprised of two housing styles, predominantly one-and-a-half storey chalet bungalows and two storey dwellings. Properties are situated upon sizable plots, however, for dwellings to the north-side of Apsley Way (from No. 5 to No. 15 Apsley Way), the average plot size decreases in a west-to-east direction from the Apsley Way / Thorpe Road junction up to the bend in the highway adjacent to the application site. The plot at the turn of the bend is No. 15 Apsley Way with its existing side and rear gardens.

The proposed dwelling, to be erected within the existing side garden serving No. 15 Apsley Way, is small in area compared to surrounding plots, but Officers consider that it would continue the aforementioned layout pattern in this area. The proposed dwelling would also continue to provide an open frontage, similar to other properties in this area and therefore makes reference in design to the character and appearance of the surrounding street scene.

In terms of the dwelling's design, it is considered that the proportions are appropriate and take reference from the existing chalet bungalows within the surrounding area. Concerns have been raised with regards to the proposed roof height, advising that the proposed dwelling would be 0.4 metres taller than surrounding dwellings. However, on balance, this is not considered to be adverse, given the approximate 7.7 metre separation distance between the two storey side elevation of No. 23 Apsley Way and the proposed side elevation of the dwelling, plus the proposed proportions of the dwelling would be shared with the surrounding chalet bungalows.

The flat roof dormer proposed to the front of the dwelling is considered to accord with the street character of bungalows nearby, which include dormers to their front, side and rear elevations.

The Applicant has advised the materials would match to nearby properties. This is acceptable in principle, but full details would need to be submitted to the Local Planning Authority, which would be secured under a planning condition prior to any above ground works commencing.

Finally, comments raised note that there are few propositions to enhance the energy efficiency / renewable energy source uses to the proposed dwelling. Policy LP31 advises that development can be considered more favourably if such features are installed and no other adverse harms result. However, this policy does not consider proposals to be unacceptable if such features are not proposed. As such, this is not a reason to refuse the application upon.

Officers were previously against the proposal in terms of the harm to the character and appearance of the surrounding area, but a reconsideration of the surrounding area's development pattern, plus the design alterations proposed and consulted upon, which better reflect the street's characteristics, has altered this view.

On the basis of the above, the proposal is considered to be in accordance with Policies LP16 and LP31 of the Peterborough Local Plan (2019)

c) Highway safety and parking provision

Under adopted parking standards, two parking spaces are required to serve dwellings with two or more bedrooms, as well as providing appropriate and safe access to the public highway.

Two parking spaces would be provide via a tandem layout, via the driveway that extends towards the side of the proposed dwelling. The back edge of the driveway to the back edge of the public footway measures approximately 10.5 metres, which is sufficient for two vehicles to park without encroachment onto the public footway. In addition to this, pedestrian visibility splays of the standard 1.5 x 1.5 m dimension can also be provided without encroachment onto neighbouring land. Such splays and the parking layout shall be secured by condition. The 0.6 metre high boundary fencing proposed shall also be secured by condition for the avoidance of doubt.

A number of comments have raised safety concerns with regards to the proposed access, in terms of its siting in relation to the bend, vehicles potentially reversing out on to the road and the impact to pedestrians, especially during peak periods when children head to Longthorpe Primary School. The bend adjacent to the site is a concern, hence the visibility splays to be secured. Officers do consider it necessary to ensure that the front area forward of the dwelling is kept clear to ensure maximum visibility and hence this is to be secured by way of a planning condition.

Furthermore, whilst securing on-site turning would be beneficial to avoid vehicles reversing onto Apsley Way, such is not characteristic of nearby dwellings within the surrounding area. Officers consider that by providing the maximum visibility as can be secured, on balance, the proposal would not cause adverse impacts to the surrounding public highway safety. Finally, the comments relating to pedestrian safety are noted, but Officers consider that the provision of pedestrian visibility splays alongside a clear site frontage, would not arise adverse harm to the safety of these users.

No cycle parking is proposed. Whilst Policy LP13 requests provision of cycle parking in a covered space, it is not considered reasonable to refuse on this matter alone.

On the basis of the above, the proposal is considered to be in accordance with Policy LP13 of the Peterborough Local Plan (2019).

d) Neighbour amenity

The side boundaries of the application site abut to No. 15 Apsley Way and No. 23 Apsley Way.

i) No. 23 Apsley Way

No. 23 Apsley Way is the adjacent neighbour to the north east of the application site. The dwelling is served by a sizable rear garden, a double garage and additional on-site parking forward of the garage. Officers do not consider that the proposed dwelling would be unacceptably prominent and overbearing to this neighbour. The neighbouring attached garage measures approximately 6 metres in width. At its nearest point, the proposed dwelling would be off-set from the boundary by 1.7 metres. Therefore, there is approximately 7.7 metres between the proposed dwelling and the two storey elevation of No. 23 Apsley Way. The neighbouring side elevation to No. 23 has a window that serves a bedroom, however it is not considered that an adverse loss of outlook or privacy would result given the separation distance but also there is a lack of window openings facing No. 23 Apsley Way. One rooflight is proposed to serve a bathroom, which can be obscured glazed via a condition to aid securing the privacy of No. 23 Apsley Way.

The proposed dwelling would be visible from the rear garden of No. 23 Apsley Way. Views from the bathroom windows would be directly towards to the centre of the neighbouring garden, but given that such windows are to be secured with obscure glazing, it is not considered an adverse loss of privacy would result.

Finally, Officers do not consider that unacceptable overbearing impacts would arise to No. 23 Apsley Way's rear garden to an unacceptable and unusable level. This is because firstly, the immediate area to the rear of No. 23 Apsley Way is the patio and for most properties is normally the most-utilised by homeowners for their recreation. It is considered that proposed siting of the dwelling would not appear prominent to this patio area as a result of the proposal's siting. Secondly, the proposed dwelling's siting would be situated approximately along the rear elevation building lines of No. 15 Apsley Way and No. 23 Apsley Way. It is not considered that the proposed dwelling would project adversely towards the neighbouring rear garden and whilst the dwelling would be visible from the rest of No. 23 Apsley Way's garden, given the sizable area of this neighbouring garden, it is not considered that the proposed dwelling would impact upon its usability or enjoyment.

ii) No. 15 Apsley Way

No. 15 Apsley Way is the adjacent neighbour to the west of the proposed dwelling.

A side facing dormer on No. 15 Apsley Way would face towards the proposed dwelling. The dwelling would therefore reduce some of the views and outlook to this dormer. On balance, the proposed roof which would slope away from the neighbour and it is considered that the outward, divergent project of the proposed dwelling would on balance not cause prominent shadowing or overbearing to this neighbour. Furthermore, no side-facing elevations windows are proposed, therefore Officers do not consider that the proposal would unacceptably impact upon the privacy of this neighbour. The one rooflight proposed facing towards No. 15 Apsley Way serves an-suite. Therefore, obscure glazing is considered to be necessary to secure through a planning condition.

To ensure an acceptable level of privacy is retained for both No. 15 Apsley Way and No. 23 Apsley Way, Officers consider it necessary and reasonable to remove permitted development rights for additional rooflights and dormers by way of a planning condition.

iii) Other nearby properties

Finally, the proposed dwelling would be readily visible from the street scene. Given the separation of the Apsley Way highway, the adjacent footways and the neighbouring gardens and driveways to dwellings opposite the application site, Officers do not consider that unacceptable overbearing or shadowing impacts would impact upon nearby dwellings to the south and east of the application site. It is also not considered that the first floor bedrooms plus ground floor kitchen would cause an unacceptable loss of privacy to properties such as Nos 18, 20 and 22 Apsley Way, given that the street-facing elevations of these neighbouring dwellings would be located more than 20 metres from the front elevation of the dwelling.

On the basis of the above, the proposal is considered to be in accordance with Policy LP17 (Part A) of the Peterborough Local Plan (2017).

e) Occupier amenity

The proposed dwelling would be served by a rear garden and it is considered that the internal layout would acceptably serve the needs of future occupiers. The habitable rooms, being the bedrooms, living spaces and kitchen, are all served by window openings to allow both light and outlook to future occupiers, which is considered to be acceptable. Bin storage is also proposed to the rear of the driveway.

The rear garden appears small, but on balance it is not considered to be unacceptable as a result of its approximate 12 metre depth and its approximate 90 square metre area. However, to ensure this is not lost by way of future development, which would impact upon the needs of future occupiers, Officers consider it reasonable to remove permitted development rights to construct extensions and outbuildings through a planning condition.

In light of the above, the proposal is considered to be in accordance with Policy LP17 (Part B) of the Peterborough Local Plan (2017).

f) Trees

The Tree Officer has advised that the site is not within a Conservation Area and that there are no tree preservation orders. Furthermore, the hedge that wraps around the site frontage is not protected and therefore can be removed without planning consent.

The Tree Officer has suggested retaining the two west-most trees to the site frontage, as well as securing a landscaping scheme for ornamental planting. To avoid a conflict with highway safety and visibility, as well as to ensure appropriate an appropriate planting scheme, it is considered necessary and reasonable to secure the landscaping scheme through a planning condition. Tree protection methods shall also be secured to protect the trees along the site frontage nearest to No. 15 Apsley Way.

On the basis of the above, the proposal is considered to be in accordance with Policy LP29 of the Peterborough Local Plan (2019).

g) Lifetime homes and water efficiency

Policy LP8 requires that all new dwellings comply with Part M4(2) of the Building Regulations. The proposed dwelling appears to comply with this requirement. There are acceptable clearance around all of the bed spaces and ground floor sanitation facilities are provided. There is a porch overhang forward of the front door, which provides for a covered access. Sufficient clearance is provided to the principal private entrance. The widths to the internal corridors are greater than the minimum requirement of 0.9 metres to provide sufficient circulation for movement within the dwelling.

Policy LP32 requires all new dwellings to have efficient water usage, limited to 110 litres of water per person per day, as defined by Part G2 of the Building Regulations. This matter can be secured under a planning compliance condition.

In light of the above, the proposal is considered to be in accordance with Policies LP8 and LP32 of the Peterborough Local Plan (2019).

h) Contamination

The City Council's Environmental Health department raise no objection to the proposed

development, but advise that the construction of the domestic garage on site has potential for 'made ground' (human disturbance upon the land it is situated on). Therefore, a scheme for dealing with any unsuspected contamination should be applied to the scheme. Officers consider this request is reasonable to secure under a compliance condition for this proposal.

On the basis of the above, the proposal is considered to be in accordance with Policy LP33 of the Peterborough Local Plan (2019).

i) Archaeology

Within the wider area, archaeological schemes have previously been performed at No. 1 Apsley Way and No. 335A Thorpe Road, however, no features or artefacts were discovered. The City Council's Archaeologist advises that the subject area was part of the medieval open fields, away from the area of main settlement clustered around the medieval church of St Botolph to the south.

Given that the application site is part of a wider residential scheme, plus land would have been altered to produce a garden space serving No. 15 Apsley Way when it was first constructed, it is not considered that the proposed dwelling would unacceptably impact on any significant buried remains.

In light of the above, the proposal is considered to be in accordance with Policy LP33 of the Peterborough Local Plan (2019).

Other matters not considered above

- Pre-application advice: A section of the pre-application response to the Applicants was pasted into the planning application form. The full pre-application response is more detailed and extensive. Only the Applicant can decide whether to share to full pre-application response provided by the Council in relation to the plans submitted under that application.
- Assessment of proposal and arising precedent: It is not considered a precedent to wider development in the nearby area would follow the outcome of this application. Planning applications are assessed on a discretionary basis and the merits and issues of proposals are considered against adopted policies.
- Longthorpe Conservation Area: The site is approximately 64 metres north of the Longthorpe Conservation Area. It is not considered that the proposal would impact upon setting of this defined area.
- Trees: There are no protected trees or hedges on-site or immediately off-site. No planning consent is required to remove such trees or hedges.
- Green spaces: Although gardens are green by their nature, it is not considered that the application site hosts valuable 'green space' that is beneficial to nearby residents. This is because the private side garden only provided amenity benefits to the occupiers of No. 15 Apsley Way as a result of its enclosure.
- Separation distance and overbearing impacts: There are no defined rules in planning that specify minimum distances in relation to overbearing. Such matters are assessed on a case-by-case depending on what is proposed and the proposal's relationship to neighbouring properties and what they are served by.
- Site address: The description 'Land adjacent to 15 Apsley Way...' was applied by Technical Advisors registering the submitted application. It is a means of identifying the application site. Whilst there are other ways to label the site location, it is not considered that the site as described has any major impact upon the determination of this application.

- Restrictive covenants: This fall under separate legislation outside of planning and therefore they cannot be considered under assessment of any proposal.
- Design and Access statement: Officers consider that the statement submitted is satisfactory for proposal determination
- Advertisement of planning application: For this development, neighbours adjacent to the site were consulted, along with an advertisement in a local newspaper and a site notice. This is considered to be satisfactory, given that it would be adjacent neighbours who would feel the impacts of the proposed development.

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 principle of development is acceptable.
- The character and appearance of the site and the surrounding area would not be adversely impacted upon by the proposed development, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- The safety of surrounding highways would not be unacceptably impacted upon by the proposed development, in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- The amenity of surrounding neighbours would be retained to an acceptable level, in accordance with Policy LP17 (Part A) of the Peterborough Local Plan (2019).
- The proposed development would adequately serve the amenity of future occupiers, in accordance with Policy LP17 (Part B) of the Peterborough Local Plan (2019).
- Protected trees would not be adversely harmed by the proposed development, in accordance with Policy LP29 of the Peterborough Local Plan (2019).
- The proposed dwelling would comply with Part M4(2) of the Buildings Regulations and would meet water efficiency standards described in Part G2 of the Building Regulations, in accordance with Policies LP8 and LP32 of the Peterborough Local Plan (2019).
- No known contamination would impact upon the construction or use of the proposed dwelling, in accordance with Policy LP33 of the Peterborough Local Plan (2019).
- The proposed development would not adversely impact upon any significant buried remains, in accordance with Policy LP19 of the Peterborough Local Plan (2019).

7 Recommendation

The Executive Director of Place and Economy 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Elevations, Floor Plans and Block Plans (Drawing number 05B)

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

C 3 No development other than groundworks and foundations shall take place until details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

- Walling;
- Roofing;
- Cills and lintels;
- Windows and doors;
- Roof lights; and
- Rainwater goods.

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details and thereafter retained as such.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

C 4 Before the development hereby permitted is first occupied, the two rooflights and two rear-facing windows to serve the first floor en-suite and bathroom, as shown on the drawing 'Proposed Elevations, Floor Plans and Block Plans' (Drawing number 05B) shall be fitted with obscure glazing to a minimum of Pilkington Level 3. The obscure glazing shall be continuous and shall not incorporate any clear glazing features. It shall subsequently be retained as such in perpetuity.

Reason: In the interests of securing privacy to both future occupiers and the amenity of the neighbours No. 15 Apsley Way and No. 23 Apsley Way, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C 5 Prior to occupation of development hereby permitted, vehicle to pedestrian visibility splays of the following dimensions 1.5m x 1.5m shall be provided on both sides of the new access, measured up each side of the access and along the back edge of the highway from where the access joins the public highway. The splays shall be maintained thereafter and shall be kept permanently clear of any obstruction over a height of 600mm.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C 6 Prior to commencement of development, details of the temporary facilities that shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction (and demolition of any existing buildings) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C 7 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Policy LP33 of the Peterborough Local Plan (2019).

- C 8 Prior to the first occupation of the dwelling hereby permitted, the area shown for the purposes of parking as shown on the drawing 'Proposed Elevations, Floor Plans and Block Plans' (drawing number 05B) shall be provided. Such provision shall thereafter be retained for this purpose and not put to any other use.

Reason: In the interests of highway safety and retaining adequate parking provision to serve the dwelling, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C 9 The development hereby permitted shall achieve the Optional Technical Housing Standard of 110 litres of water usage per person per day.

Reason: To minimise impact on the water environment, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

- C10 Notwithstanding the provisions of Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be a residential dwelling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of providing the necessary parking or access requirements for a small-scale house in multiple occupation, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C11 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, dormers, rooflights, porches or outbuildings shall be constructed other than as those expressly authorised by this permission or those expressly authorised by any future planning permission.

Reason: In order to protect the amenity of surrounding neighbours, to ensure the amenity of future occupiers and to protect the character and appearance of the site and surrounding street scene, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C12 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re enacting that Order with or without modification), no fences, gates, walls or means of enclosure shall be erected within the curtilage of the dwellinghouse hereby permitted, or forward of any elevation which fronts on to a highway, unless expressly authorised by any future planning permission.

Reason: In order to ensure an open character is retained as well as to ensure maximum visibility for vehicular operators and surrounding highway users, in accordance with Policies LP13 and LP16 of the Peterborough Local Plan (2019).

C13 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the 0.6 metre high fence, as shown on the drawing 'Proposed Elevations, Floor Plans and Block Plans' (Drawing number 05B), shall be erected in accordance with this drawing. It shall be maintained and retained thereafter.

Reason: For the avoidance of doubt and in the interests of retaining adequate pedestrian visibility splays, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C14 Prior to any development other than demolition, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- Details of any boundary treatment
- Raised platforms and decking areas

The approved hard landscaping scheme shall be carried out prior to the occupation of the dwellings, and retained thereafter.

The soft landscaping shall be carried out within the first available planting season following first occupation or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

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 visual amenity and enhancement of biodiversity in accordance with Policy LP16 and LP28 of the Peterborough Local Plan (DPD) 2019.

Copies to Ward Cllrs Ayres and Fitzgerald.

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