

Item No. 2

Planning and EP Committee 30 July 2020

Application Ref:	20/00321/FUL
Proposal:	Conversion of existing garages to form three bungalows
Site:	Garages To The Rear Of 266 Eastern Avenue, Dogsthorpe, Peterborough, PE1 4PZ
Applicant:	Mr Harward Cross Key Homes
Agent:	Mr Russell Edwards Edwards Architecture
Referred by:	Councillor Ash
Reason:	The proposed dwellings would unacceptably impact upon the privacy of neighbouring properties. In addition, the plans show no or limited amenity space to serve these proposed dwellings.
Site visit:	24.04.2020
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 sites comprises a garage courted located within a residential area. There are 23no. garages within this court, accessed via a private road that connects to Eastern Avenue, with all boundaries of the site surrounded by gardens of adjacent residential properties.

Proposal

Permission is sought to convert the existing garages into 3no. single storey residential properties, to be used for affordable rented tenure. The three units would be split as follows:

- 2no. 2 bed / 3 person dwellings; and
- 1no. 1 bed / 1 person dwelling.

Amended plans have been received and consulted upon, given that the original proposal submitted to the Local Planning Authority was considered to be adversely harmful to the amenity of surrounding neighbours, specifically Nos. 95, 97 and 99 Poplar Avenue through rear-facing windows that would have appeared prominent across the rear gardens of these neighbouring dwellings.

Background

A planning application was submitted in 2014, under planning application reference 14/00864/FUL, for the construction of 2no. two storey, two bed affordable residential dwellings, as a semi-detached pair. Whilst Officers recommended approval of this application, this application was called in to the Peterborough Planning Committee, who overturned the recommendation of approval into refusal. There was one refusal reason, which was as follows:

The application scheme represents overdevelopment of the site by virtue of a cramped form of development, at odds with the established built form of the surrounding area. As such, the proposal would result in an overbearing impact, unacceptably harming the amenities of neighbouring

occupants. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).

2 Planning History

Reference	Proposal	Decision	Date
14/00864/FUL	Demolition of existing garage blocks and the construction of two two-bed affordable houses with associated external works and parking	Refused	28/07/2014

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 (2019)

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.

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

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.

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.

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

PCC Strategic Housing

No objections: Policy LP8 of the Peterborough Local Plan (2019) seeks the provision of affordable housing on sites of 15 or more units. Since this site is below this threshold, the requirement to provide affordable housing does not apply. However, it is understood that the units are proposed for delivery as 100% affordable rented tenure in the ownership of Cross Keys Homes. Therefore, the following comments are made

The proposal to provide bungalow dwellings on these sites is very welcome as this unit type is seldom delivered.

The proposed unit mix is 3 x 1 bed 1 person and 16 x 2 bed 3 person bungalows. In accordance with Policy LP8 of the Peterborough Local Plan, all new rented tenure affordable housing will be required to be built to meet minimum National Space Standards (as defined by Building Regulations).

Policy LP8 also says that all dwellings should meet Building Regulations Part M4(2) unless they are exceptional design reasons for not being able to do so (e.g. Listed Building constraints or site-specific factors such as vulnerability to flooding or site topography). The Design and Access statements for this proposal states that all the units meet this standard.

This application and the housing mix proposed is supported.

PCC Peterborough Highways Services (24.04.20)

The Local Highway Authority make the following comments:

Sustainable Travel

The closest bus stops are located on Eastern Avenue (approx. 325m from the site access) and Scaford Drive (approx. 275m). There are no concerns regarding access to sustainable travel measures.

Parking

- Clarification is required as to the current use and occupation of the site. The application form suggests a current use, however the D&A partly suggests otherwise. The number of existing parking spaces noted within the application form requires clarification. Displaced parking as a result of the closure of any existing garages still in use is to be identified, including details of reallocation, as appropriate.
- The five spaces proposed is considered acceptable and in accordance with the PCC Adopted Local Plan (24-Jul-2019).
- Details for the storage of cycles needed.

Access

- The scope of use of the existing access is not provided, the change of use however will result in a theoretical reduction in vehicular trips.
- Whilst there is no direct segregated footway link to the site, the current layout provides a footway link to the shared-surface access.
- Pedestrian visibility splays are to be checked at the rear of said highway boundary.
- The width of the access appears to be sub-standard, however its existing use is taken into account, and the theoretical reduction in trips as a result of the development would result in net benefit.
- Vehicular visibility at the existing vehicular access is considered to be acceptable and fully sited within the highway boundary. There are no concerns about said boundary at this time. The internal layout would not be considered for adoption.
- Swept path analyses are to be provided to confirm that vehicles can egress in forward gear.
- The refuse collection arrangements appear to rely upon representatives from Cross Keys Homes, which may not be considered sustainable.
- Any proposed gates are to be set back a minimum of 6m from the highway boundary (rear of footway).

PCC Pollution Team (31.03.20)

No objection: There is no objection, subject to the following conditions and comments on:

Unsuspected Contamination

The responsibility for providing information on whether the site is contaminated rests primarily with the developer. Where permission is granted for a site on which the presence of contamination is known or suspected, the responsibility for safe development and secure occupancy of the sites rests with the developer and that the response has been determined on the basis of the information available, but this does not mean that the land is free from contamination.

Internal Noise

Where living rooms and/or kitchen are next to bedrooms, noise complaints can arise. The complaints often relate to noise from general living, footsteps, doors opening and closing, television etc. These are not noises that can be dealt with through the statutory nuisance regime. Therefore to prevent noise becoming an issue, it is recommended that like rooms are next to each other.

The Building Research Establishment document "Sound Control For Homes" 1993 (ISBN 0-85125-559-0) advises that: 'Adjacent rooms should be compatible in terms of noise production and sensitivity. 'Habitable' rooms, such as bedrooms, living rooms and dining rooms, are noise-sensitive. (Kitchens and bathrooms are not 'habitable' rooms.) Bedrooms are particularly sensitive to noise and should not be situated next to neighbours living or dining rooms, kitchens, common circulation areas, bathrooms, lifts or other service areas'. Compatibility between rooms of adjacent dwellings can be ensured by 'handing' identical dwelling plans.

Archaeological Officer (02.04.20)

No objection: The proposed development site and surrounding area contain no known heritage assets, due to lack of investigations and antiquarian observations.

Cartographic evidence (Ordnance Survey Maps) shows that the site has not witnessed any major developments prior to its use as a car park with garages.

The site remains uncharacterised due to lack of available data. In the absence of further information, an assessment of likely presence and significance of potential buried remains cannot be provided, as absence of evidence should not be taken as representing absence of archaeological remains.

Although the site has been used as car park and garages, the foundations are expected to be relatively shallow. Therefore, deeply stratified features/deposits, if present, are expected to survive.

If the proposal entails no groundwork, then there is no need to secure a programme of archaeological work. However, if the proposal entails groundwork, then a programme of evaluation by trial trenching targeted on the areas of groundwork/monitoring should be secured by condition.

PCC Tree Officer (14.04.20)

The above site is not within a Conservation Area and there are no Tree Preservation Orders on or adjacent to the site.

There is objection to the above proposal in principle. The reference within the D+A Statement re 'the intention of these proposals' with regards to the build, but will this be conditioned and what details do we have about any excavations for services, including electric, water and drainage etc?

The submitted 'Tree Survey' is no more than a survey table with four trees. Is there a plan to go with this table?

Do we have any details with regards to the garages to be demolished and the boundary treatment, once demolished or are the outer walls remaining?

Lead Local Drainage Authority (17.04.20)

Objection: The Lead Local Drainage Authority object to the proposed development for the following reasons:

- The method of surface water disposal has not been made clear within the Drainage Strategy document (dated February 2020). It states that the site will continue to drain as existing, specifying this is both by an adopted drainage network and by watercourse. The Anglian Water public sewer plans shown in Appendix B of the Drainage Strategy do not show any adopted public sewers within the site boundary. Therefore, confirmation is required of how the surface water from the site will be discharged and details of any necessary permissions needed to discharge said water.
- No details have been provided to demonstrate how the site currently collects, manages and discharges surface water and at what discharge rate.
- The Drainage Strategy document states that each site will discharge at the QBAR rate, however, it does not specify what these rates will be for each of the six proposed sites.
- No details have been provided that demonstrate the proposed methods to collect, manage and dispose surface water on each of the proposed sites. As a part of this application, we would expect to see a surface water drainage layout plan for each individual site. In addition to this, we would need to understand how the proposals will interact with the existing surface water drainage system on site.

- The Drainage Strategy document states that the drainage system will be designed for the 1 in 30-year critical rainfall event and the site will be designed for the 1 in 100-year critical rainfall event + 40% CC. However, no information has been included that details how much attenuation will be required and provided for each proposed site for each event and where will this surface water will be contained. We would expect to see a plan demonstrating overland flood flow and exceedance routes to demonstrate this, but also in the event of a blockage / failure in the drainage system.

- The proposal for permeable paving is noted and in principle, we would find the use of permeable paving acceptable, however we still require further clarification as to how this will be incorporated in the surface water drainage design for each plot.

In addition to the above list, construction details for all drainage assets are required, as well as maintenance and management schedules for all proposed drainage assets, this should include details of the parties responsible for said maintenance.

Recommendations

The LLDA would recommend the use of permeable paving within the car parking bays, impermeable surfacing could then be designed to runoff to the permeable paving parking areas, reducing the need for traditional drainage systems, such as, gullies and linear drainage. Additionally, permeable paving can be designed with a subbase that can be used to provide any necessary attenuation volumes on site.

Local Residents/Interested Parties

Initial consultations: 18

Total number of responses: 12 (11no. responses from residents, 1no. from Councillor Ash)

Total number of objections: 11(10no. responses from residents, 1no. from Councillor Ash)

Total number in support: 0

11 letters of representation have been received from the occupiers of 5 neighbouring properties. 10 of these letters represent objections to the proposed development, with 1 letter providing comments on a neutral stance. The following matters are raised:

Objection

- Strategic Housing Officers, who raise no objection to the development, do not account for the strong objections raised by residents of properties who abut to the application site and will have to reside with the development's impacts. Ultimately, these officers do not live here and approval of the development will seriously affect the wellbeing of residents,

- A similar planning application (reference 14/00864/FUL) to build two semi-detached housing was refused as it would have: "represented over-development of the site by virtue of a cramped form of development, at odds with the established built form of the surrounding area. As such, the proposal would result in an overbearing impact, unacceptably harming the amenities of neighbouring occupants."

- From the 2014 decision, it begs the question why the applicant 'Cross Keys Homes' are now proposing to build even more housing on this small cramped site in the form of three bungalows which will take up an even bigger footprint? It doesn't make sense in any shape or form, and they clearly don't care about upsetting the neighbouring occupants. They would be built within inches of the existing boundary, including high level windows as a result which would over-look straight into my partners' and neighbouring gardens and windows. It's completely unacceptable and utter disregard for our privacy. I therefore, see no reason why the outcome wouldn't be the same as 2014.

- The comments for Strategic Housing exceeded the consultation expiry date and therefore should not be taken into consideration.

- The garages are part of neighbouring garden walls and the new buildings which will replace this wall are too close to our gardens. There is a concern about privacy and new neighbours looking straight into my property.

- Fire risk and maintenance details are required for these bungalows.

- There is not enough space to build 3no. bungalows on the land.
- The development will not have a minimal impact upon street parking and it will affect local residents. Residents are struggling with parking all over the neighbourhood and this will be worsened now with more houses build in a narrow one way street.
- There should be an offer for properties who are 'joined with a garage to purchase these garages, so that the garages can be used for parking, free up street parking and reduce local crimes. There are residents who would be interested in purchasing some of the garage on this site.
- No letter was received in relation to this planning application. It is the duty of the planning department to all residents which this development could potentially affect. Failure to inform residents is unacceptable
- This part of Dogsthorpe has already seen its fair share of new housing recently with the extension to Poplar Avenue and the ongoing construction of The Scholars estate. What is the need or what significant gains are there to be had from this tightly, surrounded by a small patch of land occupied by garage?
- There are better areas to build housing than cramming more units into this densely populated areas, as the expense of the privacy of neighbours and potential issues such as maintenance issues and risk of fire and damage.
- The rear windows serving Bedroom 2 on each unit would gain unacceptable views into the rear gardens and rooms of Nos. 95, 97 and 99 Poplar Avenue.
- There is also the matter that the safety and wellbeing of children and the types of occupants typically associated with low-cost housing in regards to anti-social behaviour and paedophilia.
- Earlier this year, Cross Keys Homes more than doubled the weekly rent of the garages across Peterborough, which is not justifiable. This was more likely an attempt to get existing tenants to vacate them and use it as justification.
- The garages are part of the garden walls. What will happen to this boundary?
- The proposed dwellings would impact upon the light amount of sunlight entering neighbouring gardens.
- There are fire risks with the proposed units so close to neighbouring properties.
- There is not enough space to build on the land. Residents will be living on top of each other. This will disrupt a nice peaceful neighbourhood.
- No. 99 Poplar Avenue's rear garden measures approximately 8-10 metres in depth. From the plans, the bungalow's back wall would be on the edge of my property and windows facing straight in to this garden and the rear windows of the house which is totally unacceptable, especially for all neighbours with small children.
- Even if the windows are high level, the use of a 2 story kid's bed [bunk bed] will allow views in both directions from both neighbours. There are also concerns as to who will be the end user, such as a convicted child abuser or a stalker.
- Privacy would be affected and there would be none left.
- Sunlight will be lost to the rear gardens and be replaced by shadows.
- Maintenance of these bungalows would be impossible from neighbouring land without trespass onto neighbouring land.
- To build them on the edge of the application site is unlikely without the requirement to enter neighbouring land, which risks damaging neighbour property assets.
- If the bungalows catch fire, such will damage neighbouring properties. They are also too far from a road and firemen couldn't go around the houses to extinguish fire.
- As an owner of a building company, there are similar situations where our proposed applications get refused and we will pursue to stop this application. If the proposal is accepted, a legal team will be instructed to take this further and through court if necessary

Neutral comments

- The garage roofs are of asbestos construction. Please advise how this will be removed and disposed of? There is concern that the asbestos dust from the demolition would not only be a hazard to people living in the area with health problems, such as Chronic obstructive pulmonary disease (COPD), Asthma and any other lung condition, but also the impact that the asbestos dust would have on neighbouring properties.
- At the moment, there are properties that are quite secure as the brick wall from the garages form part of the boundary. If the wall is demolished, how long would it be before a suitable replacement

would be constructed as neighbouring properties would not be secure? A replacement brick wall is a more solid structure than a fence.

Councillor Ash - objection

If Officers are minded to approve the application, the application should be referred to Planning Committee. The principle reason is that it would appear from the proposed plans that the rear walls of the bungalows (north east side) form part of the boundary wall with the rear gardens of properties in Poplar Avenue. The proposed rooms to the rear will need windows along this wall, which I believe will have an adverse effect upon the amenity and privacy of adjacent properties in Poplar Avenue. In addition, the plans show no or very limited amenity space for residents who would be residing in the bungalows.

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
- Drainage
- Archaeology

a) Principle of development

The application site falls within the settlement boundary of the urban area of Peterborough. There are no national or local policies that preclude residential development upon brownfield land, i.e. previously developed land, which this site represents. This proposal is not considered to conflict with the requirements of Policy LP2.

In addition, the proposed dwellings would serve to provide affordable rented tenure, to be managed by Cross Key Homes if approved. Policy LP8 of the Peterborough Local Plan (2019) requests 30% affordable housing provision for developments comprising 15 dwellings or more. Whilst the developers do not have to provide this housing tenure, as the proposed development comprises 3no. dwellings and not 15no. dwellings (when the minimum requirement for affordable housing is necessary in policy terms), the provision of affordable rented housing is highly sought after to meet local needs, as advised by Strategic Housing Officers. As such, the positive provision of affordable rented housing is considered by Officers to be significant and a condition for these homes to be occupied under affordable rented tenure is recommended.

On one additional, separate point, the planning application 14/00864/FUL was refused on local policy which has now been superseded by the Peterborough Local Plan (2019). This however has no relationship to the new proposal and the two proposals have totally different design. It is not considered that the decision of this former proposal materially impacts upon the determination of the current planning application, reference 20/00321/FUL.

Officers therefore consider that the principle of development is acceptable subject to other material planning considerations described below.

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

The garage court is surrounded by residential plots and it is considered that the proposal represents infill development on previously developed land, accessed by Eastern Avenue only.

The existing garages are not considered to be architecturally significant and therefore it is not considered that any alteration to their appearance would be unacceptable. The impact to the loss

of the use of the existing garages is addressed in Section d) 'Highway safety and parking provision'.

The three residential units proposed are modular and would predominantly be constructed off-site, before being transport to the site and placed in the positions as shown on the plan. It is considered by way of their single storey structure, that the proposed units would be subordinate to the surrounding two storey dwellings with private gardens that occupy the immediate area and therefore the units would not exceed the scale and proportions of these plots. Furthermore, the proposed units are to be sited where the existing garages are on site, thus following the existing layout of the site and, to an extent, their proportions.

Dwellings to Eastern Avenue and Popular Avenue are predominantly constructed in red brick. These proposed units would predominantly be finished in white render, with a cedar weatherboard finish around a grey front door, with grey uPVC frames to serve the windows. This is different to the surrounding area's character, but because the application site is tucked in behind the plots of two storey residential dwellings, with only one access into the application site, it is not considered that the proposed units would be readily visible from the street scene. Therefore, although different, it is not considered that the proposal would adversely impact upon the character and appearance of surrounding street scenes.

In light of the above, the proposal is considered by Officers to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

c) Highway safety and parking provision

Under adopted parking standards, two acceptable parking spaces are required to serve dwellings with two or more bedrooms, with only 1 space required to provide for one bedroom dwellings.

For the proposed development, there is a need for 5 vehicular parking spaces to the proposed dwellings. 5 spaces are identified on the plans and are labelled as such to the units. These spaces are considered to be acceptable. The Local Highway Authority has recommended a swept path analysis plan, to ensure vehicles can enter/exit the site in a forward gear. However, in this instance, Officers do not consider this to be essential. With the existing block of garages to the south to be demolished and be made available for the five parking spaces, Officers consider that sufficient turning space can be provided without the need to submitting a swept path analysis plan.

However, with regards to getting the units on site (as the units would predominantly be constructed off-site before being delivered to the site), it is considered that a construction management plan is essential for consideration prior to any development commencing on site. This is to ensure that the units can be delivered on site without unacceptably impact upon the amenity of surrounding residents, unacceptably impact upon neighbouring garages that are accessed through the application site (such as the garage serving No. 111 Poplar Avenue) and to ensure the units can be delivered to and located within the site without any unacceptable safety impacts. It is considered that it would necessary to secure submission and agreement of these details through a planning condition.

Other planning conditions are suggested to ensure the safety of the surrounding highways, such as removal of the permitted development right to erect gates, to avoid any risk of vehicles build up on Eastern Avenue. In addition, the narrow width of the site would make it difficult for fire emergency vehicles to enter the site. Therefore, it is considered essential for technical details of internal fire protection measures to be submitted and agreed prior to first occupation of the units and thereafter be provided.

Finally, although all of the existing garages would be demolished, which would result in the loss of 23 existing parking spaces (and therefore a net loss of 18no. spaces), Officers advise that the garages could be demolished at any time by the landowner without the requirement of planning permission. Accordingly, whilst their loss will undoubtedly result in increased on-street parking

demand in the immediate locality, this is not a ground upon which Officers consider a reason for refusal could be sustained at appeal.

On the basis of the above, the proposal is considered to accord with LP13 of the Peterborough Local Plan (2019).

d) Neighbour amenity

By ways of its location, the application site abuts to the boundaries of 16 different neighbouring plots. The scheme has been amended through altering the proposed window positions and layout of the units to avoid the sense of an unacceptable loss of privacy to neighbours north of the application site, specifically Nos. 95, 97 and 99 Poplar Avenue.

The proposed units are to be sited in areas where the built development, i.e. the garages, already exists and there is no built development on land proposed anywhere else within site. With 10 existing garages abutting to the south boundary of the site to be demolished and it is not proposed to construct any buildings within the area to be vacated. It is not considered that the proposal would adversely impact upon dwellings to the south of the application site. The properties to the south of the site are served by sizable gardens that measure approximately 20 metres in depth from their rear elevations to their rear garden boundaries, which is considered to be sufficient to avoid any adverse harm from the proposed development in terms of over dominance or loss of light to the rooms within the properties.

The proposed units are larger in scale than the existing garages and would be visible from surrounding neighbours. However, whilst visible, it is not considered that they would appear adversely prominent or cause unacceptable shadowing impacts, given their single storey nature but also the angled pitches of the proposed rooflines would limit a massing impact across the rear boundaries of Nos 95, 97, 99 and 101 Poplar Avenue.

In light of the above, the proposal is considered to be in accordance with Policy LP17 (Part A) of the Peterborough Local Plan (2019).

e) Occupier amenity

The three units each comprise of primary habitable rooms such as bedrooms, living spaces and kitchen. Each of these rooms are served by windows, allowing for natural light and outlook to be gained from these rooms. A refuse store is also proposed to the west of the application site and is sited away from the dwellings for the benefit of their own amenity. Given the distance that the refuse store lies from the public highway, refuse collection would exceed maximum distances for PCC refuse collectors. Therefore, the use of private refuse collectors would need to be sought.

Members will note that there are no private gardens proposed for these dwellings. Whilst Officers would normally consider this to be unacceptable, it is considered in this instance that the benefit of securing these highly sought after affordable homes that are aimed at persons aged 55 plus outweighs the need to provide gardens. Furthermore, the parking and turning serving these homes is considered necessary to ensure the sustainability of the site, plus access needs to be retained to the rear of No. 111 Poplar Avenue to ensure that these neighbours can continue to use their garage, which is sited on their own land. Given these considerations, Officers consider that in this instance only, it is acceptable to recommend approval without provision of private outdoor amenity spaces.

Finally, Environmental Health have recommended details be submitted to deal with contamination if it is found during development. Such matters are reasonable to secure through use of a planning condition.

On the basis of the above, the proposal is considered to be in accordance with Policy LP17 (Part B) of the Peterborough Local Plan (2019).

f) Trees

The Tree Officer has raised no objections to the proposed development. The application site is not within a Conservation Area and there are no Tree Preservation Orders (TPOs). There are trees on neighbouring residential plots with their serving gardens, but there are none within the application site. As neighbouring trees are enclosed within neighbouring gardens, it is not considered that they would be adversely harmed by the proposed development. As such, the Tree Officer raises no objection to the proposed development.

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

g) Drainage

The Drainage Team have advised that the current proposal is short on a number of details as outlined in their objection

The existing site is completely hardstanding and has no natural drainage points. As this site is considered to represent 'previously developed land' (brownfield), the proposed run-off rates should not increase from the existing rates, otherwise it would represent a worsening impact in drainage terms. The submitted drainage strategy is insufficient on several details as outlined in the Drainage Team's objection. Permeable paving is proposed, allowing for drainage infiltration into the ground which is positive in principle, but such is only acceptable if the site's drainage operations are acceptable

Given that this is a 'minor' and not a major planning application, it is considered possible to secure relevant drainage matters under a pre-commencement condition. Furthermore, the existing site is served by gullies, which means that the site already has a positive drainage system that could be utilised as part of the proposed development. The Drainage Officer has therefore clarified their agreement in relation to a pre-commencement condition.

In essence, the key matters that would need to be secured through condition would include: determining current run-off rates of the site; determining proposed run-off rates in relation to the proposed development; how surface water would be discharged and managed; and what attenuation and betterment measures are proposed above the existing situation to improve the site's drainage.

Water efficiency: 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 accord with Policy LP32 of the Peterborough Local Plan (2019).

h) Archaeology

Although the site has been used as car park and garages, the foundations are expected to be relatively shallow. Therefore, deeply stratified features/deposits, if present, are expected to survive.

The City Council's Archaeologist considers that the application site and surrounding area contains no known heritage assets, but this is primarily due to a lack of archaeological investigations and antiquarian observations. Given this, the Archaeological Officer has advised that an absence of evidence should not mean absence of buried archaeological assets, but if no groundworks are proposed, there is no requirement to secure archaeological work.

The agent has clarified that there is no intention to break ground and that the existing building

slabs serving the garages will be used and maintained. Therefore, as the ground will not be disturbed, it is not considered necessary to secure archaeological investigations.

In light of the above, the proposal is considered to be in accordance with Policy LP19 of the Peterborough Local Plan (2019).

Other matters not considered above

- Consultee responses: Consultees will only advise support or objection on the basis of their professional grounds. For example, Housing Officers will comment whether they have any objection to affordable housing proposed on site, but will not comment upon amenity impacts.
- Responses submitted after consultation expiry date: The expiry date is a statutory provision on a minimum period that the local planning authority must allow for comments and not a restriction to when comments can be made. If comments are received after the expiry date of the consultation period and if time allows they can be taken into account when determining planning proposals. Expiry dates are also 'reset' if revised plans are submitted and re-consultation is required.
- Boundary treatments. If the rear walls of garages have to be demolished, because of structural integrity or damage for example, and that they are situated on the boundary of neighbouring land, the Agent has advised that 1.8 metre high close boarded fences would be erected subject to party wall agreements. Walls however would be retained if the garage is not situated on the boundary. Such fencing is characteristic of residential areas and therefore this is not considered to be unacceptable.
- Justification for submission of application: The Local Planning Authority have no input in the Applicant's reasoning to submit this application. It is simply the role of the Local Planning Authority to consider the material planning factors and to determine whether the proposal is acceptable in planning terms. In this instance the Planning Committee's role is to consider whether or not to support the Officer's recommendation and determine the application.
- Options to purchase garages: This is not a material planning consideration, but instead would be a private civil matter between the landowner and neighbours.
- Cross Keys Homes and data on occupation of garages: The Peterborough Planning Department does not hold information on which garages are still used by local residents. Such data is provided by the Agent and an element of trust is provided by Planning on the basis that these figures are correct.
- Notification of development: The Local Planning Authority has fulfilled its duty in sending letters out to all properties that have boundaries adjacent with the application site, to notify occupiers of the proposed development.
- Housing development elsewhere in Dogsthorpe: The Local Plan (2019) directs housing development in settled areas. Whilst Dogsthorpe may have had housing development approved elsewhere, the proposal meets policies defining where the principle of housing development is acceptable.
- Increase in rental value of garages: The increase of rent charges by the landowner to use the garages is not a material planning consideration.
- Comments have been made regarding the potential occupants of the dwellings should permission be granted. The nature/identity of the occupiers is not a material consideration in determining this application.
- Determination of planning application 14/00864/FUL: This represents a different proposal considered under policy which has now been superseded by the Peterborough Local Plan (2019).

Although this application was refused, the current proposal under 20/00321/FUL has been considered on its own merits, in line with the Peterborough Local Plan (2019), which Officers do not consider to be unacceptable.

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 harmed by the proposed development, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- The proposed housing scheme would provide acceptable provision and it is not considered that the proposal would unacceptably impact upon the safety of surrounding highways, in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- The impacts of the proposed development to surrounding neighbours would not cause unacceptable harm to their amenity, in accordance with Policy LP17 (Part A) of the Peterborough Local Plan (2019).
- The amenity of future occupiers would be acceptably served by the proposed development, in accordance with Policy LP17 (Part B) of the Peterborough Local Plan (2019).
- The proposal would not adversely impact upon any protected trees, in accordance with Policy LP29 of the Peterborough Local Plan (2019).
- The proposal would not adversely impact upon the drainage of the site, in accordance with Policy LP32 of the Peterborough Local plan (2019).
- The proposed scheme would not disturb any significant buried heritage assets, 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.

- Location Plan (Drawing number 0005 Revision P02)
- Existing Site Plan (Drawing number 0100 Revision P03)
- Proposed Site Plan (Drawing number 0010 Revision P06)
- Existing and Proposed Elevations (Drawing number 0300 Revision P04)

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

- C 3 The materials to be used in the construction of the external surfaces of the 3no. dwellinghouses hereby permitted shall match the materials as specified on the drawing 'Existing and Proposed Elevations' (Drawing number 0300 Revision P04). Such materials shall be maintained and retained thereafter.

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 No development, including any demolition works, shall take place unless and until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management Plan shall include (but not exclusively the following):

- a scheme of working hours for construction and other site works;
- a scheme to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of and haul routes across the site;
- a scheme to identify how the units would be delivered and the methods to deposit the units on-site;
- a scheme identifying site compound/storage areas;
- a scheme for parking of contractors' vehicles;
- a scheme for access and deliveries;
- a noise management plan including a scheme for the monitoring of construction noise; and
- a scheme for the control of dust arising from building and site works;
- details of remedial measures to be taken if complaints arise during the construction period; and
- details of temporary fencing.

The demolition and construction works shall thereafter shall take place in accordance with the approved details.

Reason: In the interests of the amenity of the area and highway safety in accordance with Policies LP13 and LP16 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed in writing before development commences.

C 5 The access to the site shall be ungated and retained as such in perpetuity.

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

C 6 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 Planning Policies DPD (2012).

C 7 Prior to the first occupation of any of the 3no. units dwellings hereby permitted, the area shown for the purposes of parking on the drawing 'Proposed Site Plan' (Drawing number 0010 Revision P06) shall be laid out and the vehicular spaces shall be labelled with the

corresponding dwelling unit that they serve, in accordance with this drawing. Such provision shall thereafter be retained for this purpose and not put to any other use.

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

- C 8 Notwithstanding the provisions of Part 3 Class L 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 for 3no. residential dwellings 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 and there will be no permitted development right to change the use of the dwellings to a Class C4 use without a further grant of express planning permission from the local planning authority.

Reason: For the avoidance of doubt and that the site is not capable of providing the necessary parking or access requirements for small-scale house in multiple occupations, in accordance with Policies LP13 and LP16 of the Peterborough Local Plan (2019).

- C9 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).

- C 10 Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H 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 works which would normally be permitted development under the aforementioned provisions, such as extensions, additional doors and windows, roof enlargements, roof alterations, porches, outbuildings, hard surfaces, chimneys, flues or microwave antenna, (not exhaustively) 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 as well as the character and appearance of the surrounding area, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C11 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 other than 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 as well as the character and appearance of the surrounding area, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C12 The 3no. dwellings hereby permitted shall all be affordable housing units only, as defined in Annex 2 of the National Planning Policy Framework (2019).

Reason: For the avoidance of doubt and the site is only acceptable in the interests of the principle of development, in accordance with Policy LP8 of the Peterborough Local Plan (2019).

C13 Prior to first occupation of any of the 3no. residential units hereby permitted, details of a scheme for the provision of internal fire sprinkler systems shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the technical details of the sprinkler systems, a plan for each unit for where they would be installed and details on how they would operate. The approved sprinkler system shall be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be retained in perpetuity.

Reason: The site is unable to provide adequate access for fire service vehicles and such safety must be accounted for.

C14 No development shall commence on site unless and until 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:-

- Existing and proposed finished ground and building slab levels
- Planting plans including species, numbers, size and density of planting
- Details of any boundary treatment (including temporary fencing to secure neighbouring gardens during construction)
- Details of bin storage and design

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 of this area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

C15 No development shall commence unless and until details of a drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, but are not limited to:

- Details of the existing and proposed run-off rates and volumes of the site;
- Details of the proposed method to discharge surface water, and confirmation that the Surface Water Drainage Hierarchy has been followed;
- Details of the methods to collect surface water from the site and how it would be discharged from the site;
- Details of the attenuation required for the 1 in 100 year critical rainfall event plus 40% climate change allowance and where this will be provided above and below ground, including means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

- Flood water exceedance routes, both on and off site, and
- Construction details of all drainage assets, including but not limited to, permeable paving.
- A management and maintenance plan to secure the operation of the drainage scheme throughout its lifetime.

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

Reason: In the interests of operating an acceptable, reliable and sustainable drainage system to serve the dwellings hereby permitted, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

Copies to Ward Councillors Ash, Jones and Yurgutene.

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