

Application Ref: 21/00736/R4FUL

Proposal: Proposed development of three residential dwellings

Site: Land R/o 30 Hallfields Lane, Gunthorpe, Peterborough, PE4 7YH
Applicant: Hope into Action

Agent: Portess and Richardson

Case officer: Mr M A Thomson
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Recommendation: **REFUSE**

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

Site Description

The application site comprises a parcel of land situated to the side and rear of 30 Hallfields Lane, a semi-detached two storey property. The remainder of the site is identified as Public Open Space (POS) and is laid to lawn, bounded by established landscaping, including trees and scrub. There is an informal footpath that crosses the POS, which links Hallfields Lane to Swale Avenue to the north-east.

Situated to the west is 30 Hallfields Lane (the host dwelling), to the north is the rear gardens of 32 Hallfields Lane and 44 Swale Avenue, and to the west is No. 46 and 48 Swale Avenue, which appear to be 2 of 8 maisonettes, with their shared private amenity space to the rear. Along the southern boundary is a tarmac road, which provides vehicle access to Kingdom Hall, with pedestrian access beyond to a further, larger area of POS. This pedestrian route along the southern boundary carries a variety of pedestrian, cycle and vehicle traffic, and forms part of the Green Wheel around the City.

It is understood that Kingdom Hall is not owned or operated by the Council, and whilst it currently does not appear to be operational, has planning permission to be used as a place of worship (Class F.1(f)).

The application site is not situated within a Conservation Area, and is within Flood Zone 1.

Proposal

The Applicant seeks planning permission for 'Proposed development of three residential dwellings'.

The scheme would form a pair of semi-detached dwellings (Block 1) in a dog-leg layout and a detached dwelling (Block 2) in an L-shaped layout, and Block 2 would utilise a flat roof single storey side element with what appears to be a fence above. These dwellings would utilise a shared design theme, they would be of modular construction utilising a modern design (render and boarding), framed windows and a monopitch roof.

Block 1 would have an overall floor area of 13m x 9.8m and proposes to stand at 6m in height. Block 2 would have an overall floor area of 8.5m x 9.8m and proposes to stand at 6m in height. The single storey side element would be flat roof stand 2.6m in height.

Access to the site would be from Hallfields Lane, sharing the existing vehicle access with Kingdom Hall, and would provide 5x parking spaces and associated turning.

The proposed dwellings would be run and operated by Hope into Action, a Peterborough based charity, who currently have 18x houses in Peterborough catering for 34 tenants, however, have housed 154 persons, including children, since 2010. Across the country, Hope into Action run 91x homes for over 250 tenants.

This proposal would allow Hope into Action to provide accommodation for 6-8 vulnerable persons.

This application has been subject to amended plans, which has introduced cladding to Blocks 1 and 2, additional planting around the site and illustrates 2x parking spaces to serve No. 30 Hallfields Lane.

2 Planning History

No relevant planning history

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)

Section 5 – Delivering a sufficient supply of homes
Section 8 – Promoting healthy and safe communities
Section 11 – Making efficient use of land
Section 12 – Achieving well-designed places
Section 14 – Conserving and enhancing the natural environment
Section 15 – Conserving and enhancing the historic environment

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.

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.

LP23 - Local Green Space, Protected Green Space and Existing Open Space

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

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.

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.

Other Documents

The National Design Guide (2021)

The RECAP Waste Management Design Guide SPD (Cambridgeshire County Council, February 2012)

4 Consultations/Representations

Police Architectural Liaison Officer

Objection – Further to discussions with the Case Officer, there are concerns that the footpath between the proposed dwellings 2 and 3 this footpath doesn't appear to lead anywhere. Having reviewed aerial maps, the proposed footpath is a desire line that has appeared over this area of land over a number of years. Whilst there are insufficient recordings of crime and ASB within this area, there are no shopping destinations or transport links from Swale Avenue to justify the need for an additional footpath to be installed, which could have a detrimental effect and subsequently increase the issues and potential for Crime and ASB.

Further, there is a formalised footpath to the east, situated between 84 and 86 Swale Avenue.

A shorter footpath leading to the front of dwelling 3 and the rear of dwelling 2 and increasing the rear gardens to these properties would be the preferred option. Would it be possible to change the orientation of these properties in order to have in-curtilage parking to the front of these? Boundary treatments Estate railings 1.3m to the front of Unit 4 if the above isn't possible. 5m Column lighting BS 5489:2020 along the existing foot/cycle path to increase natural surveillance.

PCC Open Space Officer

Objection – The proposed development would develop part of Hallfields Lane Public Open Space (POS / neighbourhood park). There is a historic public right of way through the site, and the

proposed development would result in the loss of POS, therefore any development would need to accord with Policy LP23 and Paragraph 99 of the NPPF (2021).

The application site is within Gunthorpe Ward, which also serves residents of Paston and Walton, where there is a deficiency of 6.17ha of Neighbourhood Parks.

N.B. Further to the receipt of an Open Space Assessment, the Open Space Officer has maintained their position and has sustained their objection to the proposal.

PCC Peterborough Highways Services

Objection – Further to the receipt of amended plans, the proposed access arrangements serving the new dwellings and Kingdom Hall is accepted. These works would require a separate S278 agreement.

The existing vehicle access to the area of public open space (the application site) would be made redundant and would otherwise be required to be stopped up; this is supported, however would also require a separate S278 agreement.

However, the proposed double width kerb serving No. 30 Hallfields Lane is unacceptable. This access should use single width and tandem parking so that it does not conflict with the proposed arrangements noted above, and the bus stop opposite.

Relevant visibility splays would be required to be provided either side of both accesses.

PCC Waste Management

No objection – If the proposed access road would not be adopted, the developer would be required to sign a waiver. Evidence of tracking to demonstrate whether a refuse collection vehicle could turn within the site is required, or alternatively demonstration that one could reverse from Hallfields Lane to the application site.

Cambridgeshire Fire & Rescue Service

Objection - From the information given, access for fire appliances may be considered inadequate.

Access and facilities for the Fire Service should be provided in accordance with the Building Regulations Approved Document B5, Volume 1: Dwellings, Section: 13 Vehicle Access.

The responsibility for approving access and facilities for the Fire Service rests with the Building Control Department of the Local Authority and they should be consulted on any proposals.

PCC Pollution Team

Objection - The compatibility of adjacent rooms/handling of house plans for the 1-bed dwelling adjacent to the 3-bed dwelling has not been achieved.

PCC Wildlife Officer

Object – Whilst this area of land has been neglected, without further evidence, it would be very difficult for this proposal to result in a net gain in biodiversity without a plan of continual ongoing management. Such a management plan would require large areas of the site being mown, with all arising's being removed and seeded with wildflowers. It is not considered that, a development of this size or scale, would be able to fund such an intensive management plan, and ensure that it is maintained as such on a regular basis.

As the site has apparently been left unmanaged for long periods of time, this increases the biodiversity value of the site. This would therefore require an even higher level of biodiversity net gain, management and maintenance given a large area of the site would be developed.

PCC Tree Officer

No objection - The site is not within a Conservation Area and there are no longer any protected trees covered by the Tree Preservation Order (TPO) No. 03/1979 [79/00003/TPO] on the site.

Please ensure that all tree planting within influencing distance of any adopted Highway - including footpaths/cycleway & carriageway together with any land drainage, including SUD's features suitably protects against future damage/liability, from tree root encroachment/damage. Details of tree pits, including all dimensions of engineered tree pit/s showing, installation, means of protection, including all works and any products to be used such as 'RootSpace', root directors, deflectors, barriers supported by your engineers and to manufactures recommendations/design guides.

A condition is sought with respect to submitting soft landscaping. Also please include plans showing details/sections of suitable and appropriate soil volumes for the tree species being planted in each location. When considering tree planting, please note the Council's Five Tree Planting Principles.

PCC Archaeological Officer

No objection - The subject site and surrounding area (250m radius) contain no known buried heritage assets. Given the small scale of the proposed development, a program of archaeological work would not be justified in this instance.

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 13

Total number of objections: 4

Total number in support: 9

2x letters of **objection** have been received, raising the following concerns:

- Development site is too small for 3x dwellings;
- Loss of privacy and overlooking to neighbours;
- Insufficient parking to serve the number of dwellings and bedrooms proposed;
- How would it be possible to enforce a clause of only 1 car per dwelling?
- Could the pub site not be used for these houses?;
- Litter

9x letters of **support** has been received, raising the following comments:

- Worthy use of the space;
- The charity involved transforms lives and takes in those members of society who cannot, for - varied reasons, find housing elsewhere;
- Modern design and building techniques would keep disruption during construction to a minimum;
- The development would enhance the local area; and
- The proposed site will not affect local residents or members of the public in any way.

1x letter of comments has been received, raising the following:

- Has a formal decision been made yet?;
- Is the land not owned by the City Council? If not who owns it, and if it is then how much is it being sold for?
- Is the footpaths, worn as it is, not a public right of way?
- What measures or safety improvements will be introduced, at the vehicle entrance to ensure safety for pedestrians, cyclists and to prevent cars simply parking up at this location?

Cllr S Bond originally **objected** to the proposal for the following reasons:

- I have visited the site many times due to litter and fly-tipping;
- The site just does not seem big enough to accommodate the size of the dwellings proposed and three car parking spaces plus a footpath;
- Three car parking spaces are surely not enough it should be at the least four;
- On the plans it appears that the occupiers of the dwellings will access their car parking spaces and dwellings via a public footpath which leads to the main entrance to a large recreational ground.
- Please do correct me if I am wrong in assuming that the footpath is a public footpath; and
- The dwellings will be overlooking resident's gardens in Swale Avenue.

However they have since removed their objection and provided the following comments in **support**:

'When I first saw this planning application I was against it because I could not see in my mind how these residential properties would fit on the land available and how it was possible to have access to the properties without using public open space. Since then I have had a Team meeting with Noel Garner, Head of operations for Hope into Action. Noel sent me the plans of the planning proposals and explained the layout of the properties. I do not now have the same concerns in reference to the properties fitting on the land available, but I still have concerns in reference to the access to the properties as I believe public open space will be required to implement this access.'

I have been following the application on line and have noticed that the comments made from the public are in favour of this application. Therefore I feel it would be of some benefit to all if this planning application went before the planning committee. This planning application could be discussed and possibly new ideas would come forward on how to address the access to the properties issue without taking away public open space.'

5 Assessment of the planning issues

- The Principle of Development
- Design and Layout
- Crime and Anti-Social Behaviour
- Access and Parking
- Neighbour Amenity
- Amenity of Future Occupiers
- Biodiversity
- Fire
- Other Matters

a) The Principle of Development

Provision of housing for vulnerable people

Policy LP8 states that Planning permission would be granted for accommodation which is entirely aimed at meeting the housing needs of the most vulnerable, provided that the development:

1. Meets an identified need and is supported by Adult Social Care Commissioning;
2. Will be suitable for the intended occupiers in terms of standard of facilities, the level of independence and the provision of support and/or care;
3. Will be accessible by non-car means to essential services and community facilities as appropriate to the needs of the intended occupiers;
4. Does not conflict with any strategic policy of this plan and does not have any fundamental constraint.

The term 'vulnerable people' refers to a broad group of people who need some kind of support with their living arrangements to enable them to live safely. This could include people with learning

disabilities and autism; physical disabilities; sensory impairment; mental health support needs; ex-offenders; older people, young people and care leavers; and statutorily homeless households. It is important that accommodation proposals for vulnerable people consider the location of housing in relation to essential services and community facilities

Policy LP8 have a range of criteria which should be considered. Whilst comments have not been sought from Adult Social Care Commissioning, Officers are acutely aware that this type of accommodation is needed within the City. The charity would provide accommodation for up to 8x vulnerable persons, which in consideration of the planning balance, weighs in favour of the proposal.

The other matters to consider under LP8 are discussed in further detail below.

Loss of public open space

Policy LP23 states, 'existing non designated open spaces will, in principle, be protected from development. New development that will result in the loss of existing open space will not be supported, unless the criteria in the National Planning Policy Framework (NPPF, 2019) are met'.

Paragraph 99 of the NPPF (2021) states, 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.

LP23 then goes on to state, 'in addition, if the requirements of the NPPF (2019) can be satisfied, the proposal must also demonstrate that:

- a. The open space does not make an important contribution to the green infrastructure network or connectivity of habitats, and the development would not result in landscape or habitat fragmentation or incremental loss; and
- b. The proposed development can be accommodated on the open space without causing significant detrimental impact on the character and appearance of the area, ecology or any heritage assets'

Discussion

The Applicant has submitted an Open Space Assessment. This document describes the application site as, 'the ground levels ... are noticeably lower than the Swale Avenue properties as evidenced by the six concrete steps in the north east corner which provide the connection between Swale Avenue and the site. The grass appears to have been mown intermittently but the boundary planting has not been maintained and encroaches on all sides. There is the remains of a burnt out tree on the north-west boundary adjoining the rear of no. 30 and general littering. An informal route has been created from the Swale Avenue access to a point along the southern boundary where a break in the hedge now exists, as evidenced by the worn grass. This is clearly a preferred and more direct route for users than the access onto Hallfields Lane.'

The Applicant goes on to state, 'the space is extremely secluded. Given the extent of enclosure and the position and orientation of adjacent properties in relation to the open space, the scope to view the site from the adjoining houses is extremely limited. [In addition to this], views from outside the open space are extremely limited. The view from Swale Avenue is blocked by brick wall and is limited to a narrow view at the steps. The through way created in the southern hedge provides a

narrow glimpse in with one or two holes in the boundary planting. The driveway from Hallfields Lane gives a distant view of the southernmost part of the open space. Given this when entering or leaving the space views are extremely restricted and users are unable to see what is ahead of them. It is understood that there have been incidences of arson and anti-social behaviour.'

In justification for its loss, the Applicant states that, 'the size and use of the area in terms of the neighbourhood park as a whole and the contribution it makes to the recreational and amenity attributes of the park is extremely limited. Realistically it is too small for formal recreation and it does not have a welcoming environment where it feels comfortable to linger for informal activities such as sitting out or for younger children to play. In my view, one would not choose to spend time there particularly given the substantial high quality open space immediately to the south with all the opportunities it offers for outdoor formal and informal activities'. The open space appears to function solely and logically in providing a short cut through from Swale Avenue to Hallfields Lane and the park. It does provide some visual amenity outside the site from the boundary planting but that could reasonably be said of any boundary planting.'

The Applicant concludes that the benefits of the proposal, to include: improvement to the link between Swale Avenue and Hallfields Park; improvement to green infrastructure and a biodiversity net gain; and provision of specialist housing, would outweigh the harm of the loss of the public open space.

Officer Assessment

POS is categorised into different types and the application site is considered to fall into the category of 'neighbourhood park', as confirmed by the Council's Open Space Officer.

Turning to the Peterborough Open Space Strategy (Atkins, 2016), Gunthorpe Ward is expected to experience a population increase of 73%, from 9,600 to 16,600 by 2036. Referring to Table 6-2 (Page 59), this sets out the quantitative deficiency of open space per type, per ward. Within Gunthorpe Ward (within which the application site is located), there is a surplus of 6.85ha of neighbourhood parks. However, the site lies immediately on the boundary with Paston and Walton Ward which has a deficiency of 6.17ha of neighbourhood parks. Therefore, taking this adjacent deficiency into account, it is considered that the area of the application site currently has sufficient neighbourhood park POS to meet the needs of residents (existing and planned), however this is only just and therefore the retention of all POS is important to the wider community.

The Applicant has not satisfactorily demonstrated that the application site is surplus public open space, on the contrary, they have placed significant emphasis on the land in its current state, but have not considered the scenario were it properly maintained, as it appeared to have been within the past decade (Appendix A). In addition to this, the Applicant has not considered the scenario whereby the landscaping along the north, east and western boundaries have been tidied up, and the southern boundary opened up, so that it better relates to the larger area of POS to the east.

It is important to also note that irrespective of the slight quantitative surplus identified for the two wards within the Open Space Strategy, this does not mean that it is surplus to requirements which is the policy test. The land subject to this application makes a vital contribution towards the overall POS provision for two wards, and its loss without justification would result in considerable harm to the amenities of the communities in the surrounding wards.

As such, it has not been demonstrated that the land is surplus to requirement, the area of POS would not be replaced by an equivalent or better provision in terms of quantity and quality, in a suitable location, and the development could not be accommodated on the site without having a detrimental impact on the character of the area, and biodiversity assets (discussed in further detail below).

Conclusion

In accordance with Policy LP23, the starting point is Paragraph 99 of the NPPF (2021) when assessing loss of POS is proposed. As demonstrated above, the application has not been

accompanied by satisfactory justification to demonstrate that there is a clear surplus of open space or land, the development would not be replaced by an equivalent or better provision in terms of quantity or quality in a suitable location, and the development is not for an alternative sport or recreation provision. Whilst the proposal would create three dwellings for vulnerable persons, which weighs in favour of the proposal, the development would result in the loss of public open space, which weighs heavily against of the proposal.

As such, the proposal would be contrary to Policies LP16 and LP23 of the Peterborough Local Plan (2019) and Paragraphs 99 and 133 of the NPPF (2021).

b) Design and Layout

The Case Officer has assessed the application in accordance with the general principles set out within the National Design Guide (MHCLG, 2021). Paragraph 21 of the NDG (2021) states, a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout (or masterplan);
- the form and scale of buildings;
- appearance;
- landscape;
- materials; and
- detailing.

Paragraph 36 of the NDG (2021) goes onto state that well-designed places have individual characteristics which work together to create its physical character. These characteristics help to nurture and sustain a sense of community, which all contribute towards the cross-cutting themes for good design.

The pattern of development of the area is largely defined by planned residential development, predominantly comprising semi-detached two storey dwellings with uniform front and rear gardens, served by off-street car parking, with larger community buildings, large areas of public open space and areas of mature landscaping in the wider area.

The application site itself forms part of the rear garden serving 30 Hall Lane, and an area of POS with an informal pedestrian route linking Hallfields Lane to Swale Avenue. There is mature landscaping along the southern boundary, which forms the boundary to the pedestrian and vehicle access road to an area of POS beyond and Kingdom Hall to the south.

The proposed development would reduce the amount of garden serving 30 Hall Lane; the amount of garden would be significantly less than its neighbours, it would not be commensurate in size and scale to what of a garden which would be expected to serve a 3-bed dwelling, particular so in this location, and is considered to detract from the planned pattern of development of the area.

The proposed dwellings would comprise a detached and pair of semi-detached dwellings over two floors, with a dedicated car parking area serving all three dwellings. The dwellings would be positioned 45 degrees to the access road, and a pedestrian route would be formalised to Swale Avenue. The dwellings would be of a pre-fabricated construction, built off site and assembled on site, and would utilise flat roofs and external cladding.

The proposed layout would be at odds to the established character and pattern of development of the area, and the dwellings would be served by comparatively small gardens which would not be particularly usable. Whilst the dwellings would be situated within a backland location, they would be sited immediately adjacent to a pedestrian route linking Hallfields Lane and an area of POS to the east, which also forms part of the Green Wheel. As such, the route would be heavily trafficked and would be visually prominent from the public realm.

Whilst Officers are not averse to utilising new building materials or methods of construction, given

the layout of the development proposed, the loss of garden serving the host dwelling, and the fact that the proposed development would be visually prominent from the public realm, the proposal is not considered to reflect the context, layout or built form of the area, and would unacceptably and adversely harm the character and appearance of the immediate area. As such, the proposal is contrary to Policy LP16 of the Peterborough Local Plan (2019), Paragraphs 130 and 134 of the NPPF (2021) and the National Design Guide (2021).

- Waste

As confirmed by the Council's Waste Officer, for this site, it would be possible for a refuse collection vehicle to reverse from Hallfields Lane into the application site. Whilst this would not typically be an acceptable method of collection, given the constraints of the site it has been found acceptable in this instance. The Applicant has confirmed that, in the event planning permission was granted, they would seek to agree an indemnity agreement.

c) Crime and Anti-Social Behaviour

Further to discussions with the Police and Architectural Liaison Officer (PALO), Officers raised concerns with the territoriality of the site, the lack of defensive space to principal windows and the formalised pedestrian route to Swale Avenue.

The territoriality of the private and public space is weak; there is little to differentiate the application site from the pedestrian route from Hallfields Lane to the POS, or the link to Swale Avenue, and with little defensive space this would give rise to issues of anti-social behaviour, such as 'peeping' as well as knock and run. In addition to this, the amount of space situated either side of the pedestrian link to Swale Avenue would give rise to fear of crime, as well as a vulnerability to crime, as there is no clear sight lines from A to B, and at only 1.2m in width, the footpath is not sufficiently wide enough for a single person pushing a pram to pass a group of loitering youths, for example. Further, given the limited natural surveillance of this area, it would be prone to graffiti, and a long-term maintenance issue for future occupiers.

Whilst the PALO has confirmed that the area has a low number of crimes reported, concerns have been raised with retaining the footpath to Swale Avenue, that their preference would be for it to be omitted, with larger gardens provided to serve the dwellings. In addition to this, it has been suggested that the dwellings be re-orientated and improved boundary treatments to the front introduced.

Ordinarily Officers would seek to retain pedestrian access routes across development sites, however, Officers are mindful that there is a formalised pedestrian route linking Swale Avenue to the POS situated 150 metres to the east, which is a level access and has good levels of natural surveillance. Given the concerns surrounding the proposal, the opportunities for betterment, the fact the existing footpath is neither an adopted public right of way or a safe level access, its loss would be accepted in this instance.

Notwithstanding the absence of crime statistics, the development proposed would not reinforce the territoriality of the site, it would lend itself to anti-social behaviour and a vulnerability to crime, and the proposal would be contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).

d) Access and Parking

The Local Highway Authority (LHA) have raised an objection to the proposal, however this objection relates to the proposed double width kerb to serve the existing dwelling at 30 Hallfields Lane. The LHA have stated that a single width access with tandem parking would be safer given the juxtaposition of this access to the proposed improvements and bus stop adjacent. It is considered this detail could be secured by planning condition, and would otherwise be captured by the S278 process. As such, it is not a matter for which the current proposal could be refused against or sustained at appeal.

The proposal has been amended to widen the existing vehicular access serving Kingdom Hall to

provide the vehicular access for that use, and the proposed dwellings. The LHA have raised no objections to the proposed improvements to the existing access. It is considered to be of sufficient width to enable two way traffic, and all requisite visibility splays. There is an existing dropped kerb serving the current public open space which would become redundant following the development. The LHA requires that this be stopped up by way of a planning condition which would be reasonable and in the interest of highway safety.

The Councils Waste Officer has raised no objections to a refuse collection vehicle reversing from Hallfields Lane to the application site. As noted above, the Developer would need to sign a waiver to allow a refuse collection vehicle to service the site. Subject to signing a waiver, it is considered details of tracking could be secured by planning condition.

In accordance with LP8, one of the requirements is that the development would be accessible by non-car means to essential services and community facilities. Immediately in front of 30 Hallfields Lane, the host dwelling, are two bus stops, which are regularly serviced by the No. 62 and Citi 2 bus services, which connects to the City Centre and Peterborough City Hospital.

Satisfactory off-street parking would be provided to serve the development, and subject to securing a single width dropped kerb for 30 Hallfields Lane and satisfactory tracking for a refuse collection vehicle, the development would not give rise to an adverse highway safety hazard, and the proposal would accord with Policy LP13 of the Peterborough Local Plan (2019).

There is an historic pedestrian access which crosses the application site, however, this is not an adopted public right of way. Irrespective of this, the scheme as submitted would re-provide this pedestrian access, however, as discussed in detail below this would give rise to concerns of vulnerability to, and fear of, crime and anti-social behaviour.

For the avoidance of doubt, this does not overcome the other reasons for refusal set out elsewhere within this report.

e) Neighbour Amenity

The application site is bounded by residential development to the west, north and east.

Whilst there are no prescribed separation distances in local or national policies, the following distances are widely accepted by Councils across England. As a minimum, a back-to-back separation distance of 21 metres between a facing principal windows and/or primary amenity areas should be provided, 18 metres where this relationship would be off-set, or 14 metres where a principal window faces onto a blank two storey building. Where a three storey building faces a two storey building, a separation distance of 25m would be expected. In areas where there are very good levels of privacy and amenity, these distances would be expected to be exceeded.

30 Hallfields Lane

This property is a semi-detached two-storey property with a flat-roof single storey rear extension. There would be a separation distance of 15.2m from the rear wall of this dwelling to Unit 1, and 10m from the single storey element. Further to reviewing the planning history, it is not clear what this single storey element serves, however, given the size of the window it is reasonable to consider it serves a principle space, such as a kitchen area.

Given the distances involved, Unit 1 would result in an unacceptably adverse overbearing impact on the amenity of No. 30 Hallfields Lane. Further to this, the proposed development would significantly reduce the garden serving No. 30 Hallfields Lane. Whilst this property would retain a garden area, it would be tapered and is not considered to be commensurate in size or scale to the dwelling it would serve. As such, the proposed development would have an unacceptably adverse harmful impact on the amenity of this neighbour, and the relationship is not accepted in this instance.

44 Swale Avenue

This property is situated north of the application site; given the juxtaposition of the proposed dwellings, which would be 45 degrees to the access road, the first floor element of Unit 2 would directly overlook the rear facing openings and primary amenity space of this neighbouring dwelling. There would only be a separation distance of 18m and 13m respectively, therefore the proposal would have a wholly unacceptably adverse impact on the amenity of this neighbour.

It is noted that the proposal would introduce additional landscaping along this boundary, however, landscaping should not be used to hide unacceptable development, and does little to mitigate this adverse relationship, particularly so as Officers cannot seek retention in perpetuity or require that the landscaping is not trimmed. As such, the proposed development would have an unacceptably adverse harmful impact on the amenity of this neighbour, and the relationship is not accepted in this instance.

46/48 Swale Avenue

Given the juxtaposition of the first floor element serving Unit 3, and implementing the 45 degree horizontal and vertical rule, the proposal would not result in an unacceptably adverse loss of amenity to this neighbour, and the relationship is accepted in this instance.

Conclusion

In conclusion, the proposed development would result in an unacceptably adverse loss of outlook to 30 Hallfields Lane and it would unacceptably reduce the amount of garden area serving this dwelling. Further, it would also result in an unacceptably adverse loss of privacy to No. 44 Swale Avenue. As such, the proposal would be contrary to Policy LP17(a) of the Peterborough Local Plan (2019).

f) Amenity of Future Occupiers

Unit 1 would have an internal floor area of 4.7m x 3.8m, a total floor area of 35.72sqm, however, the usable internal floor space is reduced when taking into considering the internal staircase (2.6sqm), reducing the useable space to 33sqm.

There are no minimum space standards for new dwellings set out within the Local Plan. However, the Government has made the Technical housing standards – nationally described space standard (NDSS, March 2015) – a requirement for all new dwellings subject to change of use through the prior approval process and therefore Officers are of the view that this should be used as a benchmark in determining acceptably internal amenity space. The NDSS states for a 1-bed 1x person dwelling, which is served by a shower, a minimum of 37sqm is sought to be achieved. Whilst there would be a shortfall of only 4sqm, 33sqm is incredibly small for a self-contained dwelling, whether this be for a temporary or more permanent period, and is wholly out of keeping with the house types within the locality. With the exception of the constraints of pre-fabrication, there is no justification or mitigating circumstances for proposing such a small floor area, for example it is not the conversion of a listed building.

In addition to the substandard floor space proposed to serve Unit 1, it is noted that a primary habitable window serving a bedroom would be provided at ground floor. When considering the juxtaposition of this window to the communal car parking area, the spaces which are allocated for Unit 2, and the position of the front door serving Unit 2, this window would be afforded little to no privacy through the coming and going of neighbouring occupiers. As such, future occupiers would be forced to close their curtains or blinds for the majority of the day to be afforded any privacy, resulting in an unacceptable outlook, as well as an unnecessary reliance on artificial light.

With respect to Units 2 and 3, further to reviewing the internal layout of these dwellings, it is noted that there would be ground floor windows serving primary habitable rooms on the front elevation. When considering the juxtaposition of the pedestrian route linking Hallfields Lane to the area of Public Open Space to the east, as well as the footpath link to Swale Avenue, again, future occupiers would be forced to draw their curtains or blinds for the majority of the day to be afforded any privacy, resulting in an unacceptable outlook, as well as an unnecessary reliance on artificial light.

Further, it is not considered that the principal rooms at ground floor, by reason of layout, would be afforded a satisfactory outlook. For example, Unit 3 would have a ground floor rear facing bedroom, the outlook of which would only be 3 metres.

The Council's Pollution Control Officer has objected to the proposal, raising concerns with the compatibility of the internal layout for the pair of semi-detached dwellings. For example, Unit 1 would have a first floor kitchen/diner, whereas at the first floor of Unit 2 bedrooms are proposed. As future occupiers could work shifts, or use their dwellings differently to one another, this could result in occupiers of Unit 1 using their kitchen during the hours that others would typically sleep, which would adversely impact the amenity of future occupiers in the adjacent bedrooms. As such, the internal layout could result in unacceptable levels of noise and disturbance, and would not provide satisfactory amenity for future occupiers. It's important to emphasise that it would not be possible to fully mitigate noise through the Building Control process, and would be required to be mitigated at the planning stage through internal design.

As expanded upon above, the development could lend itself to vulnerability to, and a fear of, crime and anti-social behaviour, which would further detract from the amenity of future occupiers.

As such, it is not considered future occupiers would be afforded satisfactory living conditions, and the proposal would be contrary to Policy LP17(b) of the Peterborough Local Plan (2019) and Paragraph 130(f) of the NPPF (2021).

In addition to the above, Policy LP8 states that residential development for vulnerable persons should seek higher access standards so that sufficient choice is available in the market for people with particular needs, such as the requirement for wheelchair accessible homes, or homes which could be adapted over a person's lifetime. Part M (Volume 1) of Building Regulations (October 2015) sets out these additional higher standards. Any dwellings identified as needing to meet the policy requirement for any of these standards should have regard to this section of the Building Regulations. Based on the information provided it is not considered that Unit 1 would meet building regulations.

g) Biodiversity

Trees

The Council's Tree Officer has raised no objection to the proposal, advising that the site is not within a Conservation Area and there are no longer any protected trees covered by the Tree Preservation Order (TPO) No. 03/1979 [79/00003/TPO] on the site.

Conditions are however sought with respect to securing a soft landscaping scheme for the site, as well as details of soil volumes for the tree species being planted in each location and root protection barriers. Subject to these conditions, the proposal would make provision for a satisfactory landscaping scheme for the site, and would accord with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

Wildlife

The Council's Wildlife Officer originally raised no objections to the proposal, however, this was on the understanding that the application site was residential garden land and not an area of public open space. Further to clarification from the Case Officer, the Council's Wildlife Officer has noted the overgrown nature of the site, and therefore considers the application site as having high biodiversity value. Owing to the fact that a large amount of the site would be lost to development and/or intensively managed garden land, it is not considered that the development would give rise to a biodiversity net gain, as claimed by the supporting information. Indeed, given the scale of development and the amount of natural habitat lost, it is not considered that it would be viable to secure a biodiversity management and maintenance plan, given the amount of habitat lost and the amount of work required to off-set this loss

Whilst conditions could be attached securing additional a robust soft landscaping scheme, the proposed development would result in the loss of an area identified as having high levels of biodiversity, and insufficient information has been provided to demonstrate the proposal would either maintain the biodiversity value of the site, or result in a biodiversity net gain. As such the proposal would not accord with Policy LP28 of the Peterborough Local Plan (2019).

h) Fire

Cambridge Fire and Rescue have objected to the proposal, advising that access for fire appliances may be considered inadequate. Whilst access and facilities are typically considered at the Building Control stage, if access for fire appliance is not considered possible at the planning stage, permission should be refused.

It is anticipated that fire appliance could access the site from Hallfields Lane, or an alternative method such as a sprinkler system could be introduced, however, at the time of writing this report insufficient information has been provided which demonstrates that the proposed development could make provision for fire appliance, therefore the proposal would be contrary to Policies LP13 and LP16 of the Peterborough Local Plan (2019).

i) Other Matters

The following matters were raised within letters of representation, not addressed within the report above:

- Insufficient parking to serve the number of dwellings and bedrooms proposed;

Officer Response:- The Local Highway Authority have responded advising satisfactory parking and access would be provided to serve the development.

- How would it be possible to enforce a clause of only 1 car per dwelling?

Officer Response:- It would not. The wording of conditions must accord with the six tests, as set out under Paragraph 56 of the NPPF (2021). They must be reasonable, necessary, enforceable etc.

- Could the pub site not be used for these houses?;

Officer Response:- An application submitted on the adjacent pub site is not before Officers; Officers cannot choose which sites come forward, and must determine the application before them.

- Litter

Officer Response:- There is nothing to suggest the erection of 3x dwellings would exacerbate issues of litter within the area.

- A letter was received raising a number of questions, which are answered below:

- Has a formal decision been made yet? – The Application is to be determined by the Planning and Environmental Protection Committee.

- Is the land not owned by the City Council? If not who owns it, and if it is then how much is it being sold for? – This is not a material planning consideration.

- Is the footpaths, worn as it is, not a public right of way? – It is not an adopted public right of way.

- What measures or safety improvements will be introduced, at the vehicle entrance to ensure safety for pedestrians, cyclists and to prevent cars simply parking up at this location? – This is discussed above, under Access and Parking.

6 Conclusions

The proposal would go towards providing accommodation for up to and including 8 vulnerable persons, which weigh in favour of the proposal, however, the proposal would result in the loss of public open space which is not surplus to requirement, the development would be contrary to the established character of the area and give rise to vulnerability to crime and anti-social behaviour, it

would harm neighbour amenity or provide satisfactory accommodation for future occupiers, and would have an adverse impact on the biodiversity value of the site. As such, when considering the proposal in the planning balance, the benefits of the proposal do not outweigh the identified harm.

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that Planning Permission (Regulation 4) is **REFUSED** for the following reasons:

- R1 The proposed development would result in the loss of 1,370 square metres of public open space, in an area where it is expected to see a population increase of 73% by 2036. It has not satisfactorily demonstrated that the area of public open space is surplus to requirement during the plan period, that the loss would be replaced by an equivalent or better provision in terms of quantity and quality, in a suitable location, and the proposal would not for an alternative recreational provision. Whilst there are public benefits of bringing forward housing for vulnerable persons, this is not considered to outweigh the significant harm arising as a result of losing public open space, and the proposal would be contrary to Policies LP16 and LP23 of the Peterborough Local Plan (2019), and Paragraph 99 and 130 of the NPPF (2021).
- R2 The proposed development would result in the reduction of a garden serving No. 30 Hallfields Lane, so that it would no longer reflect the established pattern of development of the area. Further, the proposed layout would be at odds with the established character and pattern of development of the area, and the design of the dwellings would not reflect the established size, scale, massing or palate of materials found within the immediate locality. This unacceptably adverse impact would be exacerbated as these dwellings would be visually prominent from the public realm. As such, the proposed development would be not respond to the established character or pattern of development of the area, and would be contrary to Policy LP16 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).
- R3 Due to the juxtaposition of Unit 1 to 30 Hallfields Lane, this would result in an unacceptably adverse loss of outlook to this neighbour, and it would reduce the amount of garden area serving this dwelling, to an unacceptably harmful degree. Further, the proposed development would result in an adverse loss of privacy to rear openings and the primary amenity space serving No. 44 Swale Avenue, also to an unacceptably harmful degree. As such, the proposed development would not preserve the amenity of neighbour occupiers, and would be contrary to Policy LP17(a) of the Peterborough Local Plan (2019).
- R4 By reason of its internal layout, Unit 1 would not be provided with satisfactory living conditions for a single person. Further, given the juxtaposition of the ground floor window serving Unit 1's only bedroom and the communal car park, this primary habitable room would not be provided with a satisfactory outlook or privacy, where there would be an unnecessarily reliance on artificial light to be afforded such. With respect to Units 2 and 3, given the juxtaposition of principle windows serving primary habitable rooms and the pedestrian link between Swale Avenue to Hallfields Lane, future occupiers would not be provided with a satisfactory outlook or privacy, where there would be an unnecessarily reliance on artificial light to be afforded such. In addition to this, given the internal arrangement of Units 1 and 2, this could give rise to adverse levels of noise and disruption to future occupiers, and the ground floor bedroom serving Unit 3 would have an outlook of only 3m, which would be an unacceptable outlook serving a primary room. As such, future occupiers would not be provided with satisfactory living conditions, and the proposal would therefore be contrary to Policy LP17(b) of the Peterborough Local Plan (2019) and

Paragraph 130(f) of the NPPF (2021).

- R5 Due to the internal layout of proposed Units 1 and 2, this would introduce bedrooms adjacent to kitchen/lounge areas and as these dwellings would be within separate occupancy, it is reasonable to expect that future occupiers would lead different lives, and use their bedrooms and living rooms at different times of the day. As such, this could result in adverse levels of noise and disturbance between future occupiers leading to an unacceptable level of amenity. Therefore the proposal would be contrary to Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraph 130(f) of the NPPF (2021).
- R6 The proposed pedestrian link between Swale Avenue and Hallfields Lane would not provide a clear sightline, be unduly narrow, and would give rise to concerns of vulnerability to crime. In addition to this, the pedestrian link would not benefit from good levels of natural surveillance, and there would be little territoriality between the public realm and the proposed development. The proposal would therefore give rise to issues of anti-social behaviour and crime which would be to the detriment of future occupiers and the amenity of the wider area. As such, the development would be contrary to Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 134 of the NPPF (2021).
- R7 To facilitate the development proposed, a large amount of existing natural features would be required to be removed. These features contribute to the application site benefitting from high levels of biodiversity value. Insufficient information has been provided to demonstrate that the biodiversity value of the site would either be maintained or enhanced, and therefore the proposed development would be contrary to Policy LP28 of the Peterborough Local Plan (2019) and Paragraph 174 of the NPPF (2021).
- R8 Insufficient information has been provided which demonstrates that the application site could be satisfactorily serviced by fire appliance in the event of emergencies. As such, the development does not accord with Policies LP13 and LP16 of the Peterborough Local Plan (2019).

Copies to: Councillors Bond Andrew, Bond Sandra and Tyler Bryan

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