

09/01317/FUL: CONSTRUCTION OF EIGHT, TWO BEDROOM AFFORDABLE HOUSES INCLUDING ASSOCIATED EXTERNAL WORKS AND PARKING AT GARAGES TO THE SOUTH OF THE RECREATION GROUND, CERRIS ROAD, DOGSTHORPE, PETERBOROUGH.

VALID: 23.12.2009

APPLICANT: CROSS KEYS HOMES LTD

AGENT: THE DESIGN PARTNERSHIP

REFERRED BY: CLLR ASH

REASON: WIDER PUBLIC CONCERNS REGARDING PEDESTRIAN SAFETY AND AMENITY OF RESIDENTS

DEPARTURE: NO

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Access to the site

The Head of Planning Services recommends that the application is APPROVED subject to conditions and the prior completion of a Planning Obligation.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

#### **The Peterborough Local Plan (First Replacement)**

- H7 New housing on unallocated sites must respect the character of the surrounding area**
- H16 Residential development must provide satisfactory amenity for residents**
- DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.**
- DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.**
- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T8 Development must safely connect to the existing highway network.

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

## **3 DESCRIPTION OF PROPOSAL**

Full planning permission is sought for the construction of eight, two bedroom affordable houses, with associated external works and parking. The properties would be arranged in two, two storey high terraced blocks, each containing 4 houses. Plots 1 to 4 are accessed from Western Avenue, and plots 5 to 8 from Cerris Road. 8 car parking spaces are proposed, one for each property, together with 5 visitor car parking spaces.

## **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site is located within a predominately residential area, consisting of 2 storey high residential properties. The site is bounded on three sides by the rear gardens of the properties on Western Avenue, Birchtree Avenue, and Cerris Road, and to the north by an existing recreation/play area. The access to the recreation ground is through the application site.

The site covers an area of 0.21 hectares and is a former residential garage court. The garages remaining on the southern boundary of the site have been boarded up, with only one still in use. The garage buildings that were positioned on the northern boundary of the site have all been removed. The access from Western Avenue currently has bollards in position preventing vehicle access. The access roads have kerb and footways.

## **5 PLANNING HISTORY**

No relevant planning history

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – Both accesses to the site are technically sub-standard and require upgrading, however they are both existing accesses and have been used in the past to serve the remaining 29 garage courts on site, and those removed. The Local Highway Authority recommends the maximum number of dwellings that should be served off the two accesses is 7 as this would generate a similar level of traffic (both vehicular and pedestrian) to the existing garages court use. However they do not recommend refusal of the 8 dwellings proposed. The vehicle to pedestrian visibility splays are sub-standard but they are accepted as they are existing accesses. Adequate vehicle to vehicle visibility is available at both accesses.

**Historic Environment Officer (Archaeology)** – Iron age, Roman remains have been found in the vicinity of the site, therefore an archaeological mitigation condition is recommended.

**Waste and recycling** – The Peterborough City Council refuse vehicles would not be able to enter and turn on site to collect the refuse and recycling of residents. The City Council would not accept refuse collection for the site from either Cerris Road or Western Avenue. The applicant will therefore have to arrange for an alternative means of collection from a private company.

### **EXTERNAL**

**Police Architectural Liaison Officer** – The existing garage block is seldom used so attracts groups that sometimes cause acts of anti-social behaviour. The development proposed would provide a solution to some of these existing problems on site. Development of this site should improve community safety for both existing surrounding residents and future residents of the site. There is some concern in respect of the amenity for occupiers of plots 1 and 8 adjacent due to their close proximity to the recreation ground. The applicant however has addressed this as far as they can, with the use of robust boundary details and defensive planting.

### **NEIGHBOURS**

Two public consultations have been carried out in respect of this application. The comments below are all in respect of the first consultation on the original plans. At the time of writing the committee report, no comments had been received in respect of the second consultation. Any comments received will be reported to Members in the Update report.

7 Letters of objection have been received from local residents, including the Old Dogsthorpe Residents Association the raising the following issues:

- The safety of children accessing the recreation ground, and the need for safety barriers beside the footpaths to segregate cars and pedestrians.
- Narrow access roads cannot accommodate two cars passing
- Refuse collection
- Fire service access
- Land should be used for recreation purposes
- Safeguard privacy for neighbours
- One garage on site is still occupied
- The pattern of traffic movements throughout the day will be different for housing than for the former garage courts
- No part of the existing recreation ground should be lost
- Parking in the area is problematic therefore sufficient car parking for the site should be provided
- Appropriate boundary treatments are required for the site and existing residents
- Existing right of ways for residents should be maintained

- Extra traffic problematic
- Impact on property values

## **COUNCILLORS**

Cllr Ash – This application has caused a lot of local interest. The main concerns are in respect of the safety issues, particularly with regard to the mixing of vehicular traffic and children using the shared access to the development site and the recreation ground. There is also the need to ensure that the amenity of residents surrounding the site is not adversely affected.

## **7 REASONING**

### **a) The proposed design and layout**

The proposed two storey high terraced housing with a hipped roof design is characteristic of the development in the surrounding area. The simple fenestration design and detailing is acceptable and is similar to the surrounding properties. The development is acceptably laid out on site, with adequate amenity space and car parking provision.

It is considered that the siting, scale and design of the development is acceptable and can be satisfactorily accommodated on the site without any visual harm the character or appearance of the surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan

### **b) The impact on neighbouring sites**

The principle elevations of the properties are positioned facing the rear of the properties on Cerris Road and Western Avenue. Sufficient separation is proposed between the proposed and existing properties to safeguard privacy, approximately 44m to the rear of the properties on Cerris Road and 34m to the rear of the properties on Western Avenue. This is well in excess of the minimum 21m separation distance normally required, between dwellings with habitable rooms facing one another.

The separation distance between the proposed side elevations of the new properties and the rear of the properties on Birchtree Avenue is approximately 23m, with only an obscure glazed landing window on this elevation. This results in an acceptable relationship between the properties in terms of privacy.

Concern was raised in respect of the impact of the mass of the proposed southern side elevations on the properties in Birchtree Avenue. To overcome this amended plans were received hipping the roofs of the properties and deleting the staggered building line in each of the terraces. This reduced the mass and bulk of the development when viewed from the rear of the properties on Birchtree Avenue. The relationship between the development and the properties on Birchtree Avenue in the amended plans is now considered to be acceptable.

The separation distances and orientation of the development in relation to the surrounding properties ensures that there would be no unacceptable overshadowing or reduction in light levels for neighbouring sites.

The traffic movements associated with the development are considered comparable with those of the previous garage court use of the site, and therefore cannot be considered to be unacceptably harmful to the amenity of surrounding residents.

It is therefore concluded that the development would not unacceptably impact on the amenities of the surrounding residential sites in accordance with Policy DA2 of the Local Plan.

### **c) Access to the site**

The remaining garage courts on site and those that have been removed were served off the two accesses (Cerris Road and Western Avenue) on site. The layout of the development proposes that each of the existing accesses serves 4 of the proposed properties only, with no through traffic, which was previously permissible.

Both access to the site due to their narrow width are sub-standard, however as they are both existing accesses and have been used in the past to serve the remaining 29 garage courts on site, and those garages removed, only any additional traffic movements over and above this previous use could justify any road improvements.

The Local Highway Authority recommend that the maximum number of dwellings that should be served off the two accesses is 7 as this would generate a similar level of traffic (both vehicular and pedestrian) to the existing garages court use. This is because they feel that as the Western Avenue is currently bollarded off its re-opening should only serve 3 dwellings and the use of Cerris Road could serve 4 dwellings, and this would have a similar impact on the highway network to that from traffic from all 29 existing garages travelling through the Cerris Road access.

Whilst the concerns of the Highway Officers are understood, in this instance on balance Officers do not consider that the one additional dwelling served from Western Avenue could justify refusal of the application, in view of the previous traffic use. The Local Highway Authority whilst recommending a maximum number of 7 dwellings, do not consider a refusal for 8 dwellings in this instance could be justified.

Concern has been raised in respect of the safety of children due potential conflict between children accessing the recreation ground and vehicles using the site. There are already footpaths with kerbs along the access roads leading to the recreation ground, which separate vehicles and pedestrians. However due to the narrow width of the access road it is considered that drivers may use the footpaths as extra width to enable 2 vehicles to pass. Therefore it is considered necessary for safety measure to be erected beside the footpaths to prevent this happening and thereby providing greater safety for pedestrians. This should be secured by way of a planning condition.

The visibility splays available at both accesses are considered to be acceptable. The development provides one car parking space per property maximum in accordance with the Peterborough City Council car parking standards. In addition to this 5 visitor spaces are proposed, therefore the car parking provision for the site is acceptable.

The agent has confirmed that the refuse/recycling collection for the site would be by a private contractor.

#### d) **S106 Planning Obligation**

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

The Peterborough City Council planning obligation strategy in line with policy IMP1 triggers a requirement for this development to meet the community needs of the development. The applicant submitted a financial appraisal, which demonstrated that as this was a 100% affordable housing scheme, it would not be viable if the standard strategy figures were applied. In view of the scheme providing the additional community benefit of affordable housing, a reduction in the standard figure was agreed.

These requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

It is considered that the siting, scale and design of the proposed development is acceptable and can be accommodated on the site without harm to surrounding residents or the character or appearance of the

surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan. On balance it is considered the traffic movements of the 8 houses would be comparable with the former traffic generation on site, therefore the substandard accesses could accommodate the development proposed.

## **9 RECOMMENDATION**

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the development needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).

**C4 The dwellings shall not be occupied until the area shown for parking and turning on the plan attached has been drained and surfaced [or other steps as may be specified] [in accordance with details submitted to and approved in writing by the Local Planning Authority], and that area shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).

**C5 No development approved by this planning permission shall be commenced until:**

**a). A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.**

**b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:**  
- a risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected, and  
- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

REASON: To ensure that the proposed site investigations and remediation will not cause a risk to human health or pollution of Controlled Waters.

**C6** If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

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

**C7** Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To protect human health and the environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

**C8** Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate the location, species and size of all new planting. Any trees, shrubs or hedges dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

**C9** The development shall not commence until details of all boundary treatments have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C10** Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

- C11** Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:
- (a) A phasing scheme and schedule of the proposed works;
  - (b) Provisions to control construction noise and vibration emanating from the site;
  - (c) A scheme for the control of dust arising from building works and site works;
  - (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;
  - (e) A scheme of working hours for construction and other site works
  - (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and
  - (g) The site compound (including site huts) and parking for contractors and other employee vehicles.

The development shall be carried out in accordance with the approved construction management plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

- C12** Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, a scheme for the protection of pedestrians using the footways shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 6 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure the community requirements of the scheme however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Ash, Miners, Saltmarsh