

10/00129/FUL: CONSTRUCTION OF 4 X 1 BED AND 6 X 2 BED FLATS IN 3 STOREY
BLOCK AT 38 ELM STREET WOODSTON PE2 9BL
VALID: 1 MARCH 2010
APPLICANT: MR R FASULO
AGENT: JOHN DICKIE ASSOCIATES
REFERRED BY: CLLR LEE
REASON: OVERDEVELOPMENT; ACCESS; LACK OF GREEN SPACE; PARKING
DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS
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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of residential development
- The impact on the amenity of occupiers of neighbouring dwellings
- Amenity of future occupiers of the proposed flats
- Design and character of the area
- Parking, access and highway safety
- S106

The Head of Planning Services recommends that the application is APPROVED.

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

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

H7 – Within the Urban Area residential development on any unallocated site will be permitted subject to criteria including efficient use of land, local character, living conditions and highway safety.

H16 – Seeks to ensure an adequate level of residential amenity in terms of light, privacy, noise attenuation and private amenity space

T1 – Permission will only be granted if a safe and convenient access is provided and there is no unacceptable impact on the highway network.

T9 – Requires cycle parking in line with adopted standards

T10 – Requires car parking in line with adopted standards

DA2 – Development should be in keeping with the area and have no detrimental impact on neighbour amenity

DA6 – Infill development should be to an appropriate scale for the site and be in keeping with the character of the area; have no detrimental impact on neighbouring occupiers; and have a suitable highway access

Emerging Core Strategy Policies (note these can be given little weight at this stage)

CS6 – Meeting Housing Needs – Encourages residential development

Material Planning Considerations

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

PPS1 refers to the importance of high quality design and sustainable development

PPS3 refers to the importance of high quality housing

From 6 April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

It is proposed to construct a single block containing ten flats over three floors. The block, although on the site of 38 Elm Street (now demolished), would face onto and read as part of Silver Street. The block is designed to pick up on some of the features of neighbouring buildings, and follows the existing building line along Silver Street.

The block would have a ground floor elevation incorporating some bay windows, a plain first floor with windows and the second floor would be mostly within the roof space, lit by dormer windows.

The vehicular and personal access would be from Elm Street. This would be functionally the “front” of the building, although the more detailed elevation would be on the Silver Street side, where there would be a row of small private gardens, the same depth as neighbouring front gardens, separating the building from the street. The car parking area would be on Elm Street, and the amenity space directly behind (or in front of) the block.

4 DESCRIPTION OF SITE AND SURROUNDINGS

This area is characterised on the Silver Street side by Victorian terraced housing with a strong, regular 2-storey ridgeline. On Elm Street there is some terraced housing, leading to later semi-detached housing. There are larger houses facing onto London Road to the east of the site.

There is notable on-street congestion, as few of the dwellings on Silver Street have off-street parking, but those immediately adjacent to the application site have access to parking at the ends of their gardens, accessed from Elm Street.

On Elm Street and the adjacent residential streets there is more available off street parking, but not every house is so provided.

There is a large tree adjacent to the south east corner of the site, the crown of which overhangs the site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00852/FUL	Construction of eight two-bed dwellings with associated external works and landscaping	28/1/2009	Refusal (subsequently dismissed at appeal)

INTERNAL

Head of Transport and Engineering – [Members should note that the following comments were in response to a plan which has been superseded. Comments on the revised plan will be reported in the update report.]

- Visibility splays are not shown and could not be achieved.
- A separate pedestrian access should be provided from Elm Street.
- Access must be a dropped kerb, not a bellmouth.
- Parking bays should be allocated.
- Cycle parking details required.

Waste Management – Applicant states refuse collection will be private. How will recyclable waste be collected? Bin store needs to accommodate 4 x 1100 litre Taylor bins [shared 1100 litre bins]. Recycling must be incorporated into collections by 31 December as required by the Household Waste Recycling Act 2003.

Heritage Access Officer – site is located immediately to the east of a considerable Anglo-Saxon settlement. Archaeological remains may extend into the development site. A condition requiring Archaeological investigation should be applied.

EXTERNAL

Senior Architectural Liaison Officer – [Members should note that the following comments were in response to a plan which has been superseded. Comments on the revised plan will be reported in the update report.]

- Parking courts should be gated. If deliveries and visitors are coming to the site via the parking area this will be almost impossible.
- Parking spaces will be provided with a reasonable amount of surveillance from some of the occupied rooms. Half of the occupants would not be provided with a view of their vehicles.
- Column mounted lighting should be provided to the court.
- Cycle lockers should be secure.
- Main access door to Flat 1 is vulnerable to crime.
- No mention of access control measures for the rear communal door, or how mail deliveries will take place. Ideally meters and secure mail boxes should be located externally.

NEIGHBOURS

Letters of objection have been received from 8 local residents raising the following issues:

- There are already local car parking problems
- Not enough parking spaces – likely to be more than 20 [cars]
- Could be up to 32 cars if flats are fully occupied by people with cars
- Car parking has not been given enough thought in an already busy and crowded street
- Extra vehicles will create further chaos on London Road and Elm Street
- Top of Elm Street should be opened up to allow the traffic in on a one way system
- Recently the emergency services could not get to an emergency on the corner of Hunting Avenue and Park St due to cars being parked on both sides of the street and on the corners of each of the junctions
- Elm Street is not wide enough to accommodate the turning of vehicles from a housing development and currently two cars can barely pass side by side during evenings or weekends
- Elm Street is not an appropriate access route
- Storage unit for the refuse is insufficient
- Bin storage of this nature would attract vermin and bad smells, increase in noise due to residents all emptying their refuse into the area
- Concerns with the capabilities of the utilities such as the sewerage network

- Former property was only two stories
- Three storey development is out of character and would be an eyesore
- Proposal is overdevelopment creating a high density area which may seem overcrowded
- Plans are too ambitious, too many buildings in such a small place
- Many local Houses of Multiple Occupation
- Many rental properties
- Will this be affordable first time housing or more rented accommodation
- Area is overpopulated leading to lack of community feeling and anti social behaviour
- Why is the application for Elm Street when the properties will be on Silver Street
- Overlooking (to properties opposite on Silver Street, and to the rear of properties on London Road)
- Lack of green space

Some neighbours have commented that they are in favour of development in principle, but:

- Within the character of the area
- With all concerns taken into account
- Four houses would be suitable
- Suggest pocket park, playground or allotments

COUNCILLORS

Cllr Lee referred the application to Committee on behalf of the three ward Councillors. He expressed concern about bin storage, parking allocation and security, congestion on local streets, that the development might constitute overdevelopment, and the limited amount of amenity space.

7 REASONING

a) Introduction

This application has been submitted following a previous refusal and dismissal of a scheme for eight houses on the site. The Planning Inspector who decided the appeal concluded that the design, which incorporated dormers, was acceptable. The appeal was dismissed on the grounds of amenity/living conditions of existing and future residents.

b) Policy issues and Principle of development

Members will be aware that there is a need for significant numbers of new housing units, both nationally and locally. This must be balanced with the overall impact of the development on the character of the area, amenity and other issues.

Local Plan policy requires that housing development on unallocated sites (such as this, which is not allocated for any use in the Local Plan) has to meet certain criteria. In this case the relevant criteria of Saved Policy H7 relate to efficient use of land, parking, character of the area, access and amenity.

c) Neighbour amenity

The proposed block of flats would be built in line with the existing dwellings on Silver Street. Impact on nearby residents in terms of overshadowing would not be significant.

Overlooking from front or rear facing windows would also not be significant, as the windows would be in the same planes as existing windows on the Silver Street properties. Neighbours living on the opposite side of Silver Street have raised this as a concern, as the separation distance is about 15m, but this front-to-front distance is the same as for the rest of the street. In the case of the new flats there would be living rooms on the first and second floor. This front-to-front relationship is common where houses have been converted into flats, and Officers consider that the relationship is acceptable.

Windows are proposed in the side elevations of the block, facing east towards the rear gardens of properties on London Road, and west across the amenity area for the block, and towards the rear garden of No 1 Silver Street.

The windows facing towards the rear of the London Road properties serve kitchens and studies, and include a secondary lounge window. These can all be obscure glazed and fixed shut without unacceptable impact on living conditions within the flats. A Condition is proposed to control this.

The windows facing west would be about 16m from the boundary with No 1 Silver Street and about 20m from a ground floor window. This separation distance is considered adequate. Some views would be possible into the rear garden of No 1 Silver Street but similar views are likely to exist already from the rear upper windows of No 3 Silver Street.

Overall Officers consider that, subject to Conditions, the amenity of neighbours can be suitably protected and the proposal is therefore in accordance with Saved Policy DA2.

d) **Residential amenity**

The ten flats would each have windows to habitable rooms, and in most cases also to the kitchen. The upper floor flats would have reasonable privacy. Two of the ground floor flats would also have reasonable privacy to the main rooms, as units 2 and 3 would have a small garden to the Silver Street elevation. Unit 3 has a shared access running alongside, which would give views into the kitchen and study. As these are secondary rooms it is considered that the occupants can decide how to deal with possible looking in by fitting blinds or choosing to have an obscure glazed window. Flat 1 however has the shared amenity space extending up to the living room window, which would not secure adequate privacy in this primary habitable room. Officers consider that part of the amenity space could be fenced off to provide a small private garden for this unit, separating the living room window from the public area. A condition to this effect is proposed.

Residents and visitors to the block, including delivery persons, would have to get to the front door through the car park and amenity space. This area would normally be expected to be kept private – and in this case, having the only access off Elm Street, when the block reads as part of Silver Street, could be confusing for visitors. The ground floor flats have external doors and “front” gardens on the Silver Street elevation; this could be confusing as the block cannot have two street addresses – it must be either Elm Street or Silver Street. Therefore signage will be required on the Silver Street side to ensure that all visitors and deliveries are directed to the Elm Street access. This can be secured by Condition.

The agent for the application has advised that suitable security measures will be put in place, such as electronic gates and an entryphone. Post delivery persons and meter readers would have to have a code for the gate; letter boxes and meter boxes would have to be externally accessible. Details of these can be agreed by Condition. Other deliveries would not be able to be left if the recipient was out.

The suggested boundary treatments to Elm Street and Silver Street comprise a 0.5m wall with 0.6m railings. It is considered that this does not provide sufficient security for the Elm Street side, as it would not be well overlooked. The boundary treatment to the car parking area should be 1.8-2m tall in order to discourage persons from climbing over it. Some suitable defensive planting on the inside could also be considered but none is proposed. It is considered that a low wall with railings, designed to avoid giving convenient handholds, would be sufficient and this could be secured by Condition.

The amenity space is limited, comprising about 160sq m, and north facing. If Members accept the Condition requiring some division to provide privacy for flat 1, there would be about 100 sq m of shared amenity space, not including the small “front” gardens for the ground floor flats. In the absence of any adopted standard relating to the provision of amenity space, and bearing in mind that it is a matter of choice for future occupants, the provision is considered acceptable.

e) **Design and character of the area**

The proposed block would have dormer windows on the main elevations. Dormers are not currently a feature of Silver Street, however the block is considered large enough to create, to an extent, its own character. The height of the block is slightly greater than that of the adjacent houses, but not sufficient to overpower the existing terrace. The front building line of the block is in line with the adjacent houses, and there are bay windows proposed at ground floor to continue the existing pattern.

There are two doors proposed on the Silver Street frontage, which would give access to flats 2 and 3; flat 1 has a gate and small garden on the Silver Street side, with a door on the side elevation. The doors to flats 2 and 3 throw the appearance of the front elevation slightly out of balance, but they would be partially screened behind the front boundary treatment.

Elm Street is less uniform in appearance than is Silver Street, with varying design and sizes of dwelling. The elevation to Elm Street would be set back from the street, with the parking area to the front.

The chimneys do not appear to serve any purpose however they are in keeping with the pastiche “Victorian” style of the building.

Overall the design is considered acceptable.

f) **Parking, access and highway safety**

Each flat would have a secure cycle locker within a shared store large enough to accommodate one cycle comfortably, or two with care. There is no adopted cycle parking standard for dwellings; the emerging standard is one space per bedroom. The agent for the application has advised that the door to the cycle store would be lockable, with automatic lighting. There would also be provision for visitor cycle parking outside in the car parking area. Overall the provision for cycles is considered acceptable.

The proposed site layout shows 10 car parking spaces. The parking area would be reached via Elm Street, which is itself reached via Park Street and Woodbine Street. The connection via Park Street to London Road also serves Hunting Avenue.

Several of the neighbours have objected to the application on the grounds of congestion. Many of the properties in the area have off street parking, and concerns have been raised that one parking space per flat will not be sufficient, however the provision is in accordance with the adopted standard.

The access to the highway would be 5m wide with electronically operated gates.

The plan has been revised following initial comments from the Highway Authority, and comments on the revisions will be reported on the Update Sheet.

g) **Refuse bin storage and collections**

The revised plan shows a bin store large enough to accommodate three Taylor bins. The agent for the application has advised that all collections will be by a private company, and has not explained how recyclable waste will be separated, stored or collected. While it would clearly be preferable for the arrangements to be in line with PCC standards, so that refuse can form part of the separated/recycled waste stream handled by PCC, there is no Planning Policy in place requiring this.

There are however legislative requirements which are not part of planning law, which empower Local Authorities in their role as Waste Collection Authority to require suitable facilities for recyclables to be put in place. In this case, although the proposed arrangements are not suitable for PCC refuse collection, there is sufficient space to accommodate the additional bins if the Waste Collection Authority so required, and therefore Officers consider that the proposed arrangements are acceptable.

h) **Other matters**

The following comments have also been raised by neighbours:

Capacity of services/utilities

This is a matter between the developer and the utility companies.

High number of local rental/HMO properties

Whether neighbouring properties are rented or owner-occupied is not relevant to the determination of the application. Licensing of HMOs is undertaken by the Housing team; those that require planning permission would be dealt with appropriately when an application was received.

Why is the application for Elm Street when the properties will be on Silver Street

The plot is known as 38 Elm Street. There was previously a house on the plot, closer to Elm Street than Silver Street. The application shows that the flats will be accessed from Elm Street.

Lack of green space

There is currently no adopted standard for the provision of amenity space.

Suggested alternative uses

There is no Planning reason to require any alternative use. This site is in a residential area and residential use is appropriate.

i) **S106**

The applicant has agreed to enter into a planning agreement to meet the infrastructure needs arising from the development.

This/these requirements accord with both national and local policy and in your Officer's opinion complies with the 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:

- the proposal will contribute towards meeting a local and national housing need
- the proposal is for residential development in a residential area
- adequate parking and access can be provided
- the proposal would not have any unacceptable impact on the amenities of occupiers of neighbouring properties
- satisfactory levels of amenity would be provided for future residents
- the design of the proposed building is appropriate to the area
- the applicant has agreed to make a contribution to the infrastructure needs arising from the development
- the proposal is therefore in accordance with Saved Policies H7, H16, T1, T9, T10, DA2, DA11 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of a planning obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the infrastructure 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 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 Statement 5 (Planning for the Historic Environment), and Saved Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).
- C3 No development shall take place (unless otherwise agreed in writing by the Local Planning Authority) until samples (or a manufacturer's specification if agreed by the Local Planning Authority) of the following materials to be used in the construction of the external surfaces of the buildings 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.**
Roofing materials
External bricks
Windows and doors
Cills and lintels
Treatment of dormer cheeks
Chimney caps and pots

Rainwater goods

Paving for parking and amenity areas

Wall and railings to Silver Street boundary.

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

- C4 The development shall not commence until details of the boundary treatment and gates to the Elm Street boundary have been submitted to and approved in writing by the Local Planning Authority. The gates to the parking area shall be remote controlled electric gates. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.**
Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C5 Prior to the commencement of development details of the security features intended to control unauthorised access to the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the dwellings and shall be thereafter retained in working order.**
Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C6 Prior to the commencement of development details of the post delivery boxes and utility meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. The approved boxes shall be designed so that post can be delivered and meters read from outside the buildings. The approved facilities shall be implemented prior to first occupation of the dwellings and shall be thereafter retained.**
Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C7 The first and second floor east facing windows shall be fitted with obscured glazing, details of which shall be agreed in writing with the Local Planning Authority, before the development hereby permitted is first occupied, and apart from any top hung fan lights shall be incapable of being opened, and shall subsequently be maintained as such.**
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).
- C8 Prior to the first occupation of the dwellings a section of the amenity space shall be separated off to form a private garden for Flat 1, and this shall be laid out so as to protect the privacy of occupants by preventing other users of the shared amenity space from having views into Flat 1. The details shall be agreed in writing with the Local Planning Authority and the private area shall be thereafter retained.**
Reason: In order to provide a reasonable level of privacy for occupants, in accordance with Saved Policy H16 of the Peterborough Local Plan (First Replacement).
- C9 The dwellings shall not be occupied until the approved cycle parking lockers and visitor cycle parking have been provided and secured, and those areas shall not thereafter be used for any purpose other than the parking of cycles in connection with the occupation of the dwellings.**
Reason: In the interests of provided facilities for cyclists and encouraging travel by sustainable modes, in accordance with Policy T9 of the Peterborough Local Plan (First Replacement).
- C10 The dwellings shall not be occupied until the area shown on the approved plan for the parking and turning of vehicles has been provided and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the occupation of the dwellings.**
Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).

- C11 The garden area within the curtilage of the site shall be laid out as an amenity for the occupants of the dwellings before occupation commences.**
Reason: In order to provide adequate amenity for the occupiers, in accordance with Policy H16 of the Peterborough Local Plan (First Replacement).
- C12 The dwellings shall not be occupied until signage has been erected, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, on the Silver Street elevation, directing visitors and deliveries to the Elm Street access. The signage shall thereafter be retained.**
Reason: In order to protect the amenities of the area and to ensure convenient access for visitors in accordance with Saved Policies DA2 and T3 of the Peterborough Local Plan (First Replacement).
- C13 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority of, a Method Statement detailing how the unsuspected contamination shall be dealt with. The Method Statement shall be implemented as approved.**
Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed by the 31 May 2010 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 a contribution towards the infrastructure requirements arising from the development however no S106 Obligation has been completed. The proposal is therefore considered to be contrary to Saved Policy IMP1 of the Peterborough Local Plan 2005 (First Replacement).

Copy to Councillors Benton, Croft, Lee

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