

10/00990/FUL: CONSTRUCTION OF 5 BEDROOM HOUSE AT PLOT 5, HUNTLY LODGE,  
THE VILLAGE, ORTON LONGUEVILLE, PETERBOROUGH  
VALID: 4 AUGUST 2010  
APPLICANT: MR ZED AHMED  
AGENT: MR PAUL SHARMAN  
REFERRED BY: CLLR MURPHY  
REASON: DISAGREE WITH RECOMMENDATION – SITE HAS LAIN DORMANT FOR  
TOO LONG AND REQUIRES A MEMBER DECISION  
DEPARTURE: NO  
  
CASE OFFICER: MISS L C LOVEGROVE  
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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of the development
- The design and the impact of the proposal on the character of the area
- The impact of the proposal on the residential amenities of the occupiers of neighbouring properties
- Highway implications
- Landscape implications
- Ecology
- Securing satisfactory development

The Head of Planning Services recommends that the application is **REFUSED**.

## 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 – Housing Development on Unallocated Sites  
H16 – Residential Design and Amenity  
T1 – The Transport implications of New Development  
DA1 – Townscape and Urban Design  
DA2 – The effect of Development on the Amenities and Character of an  
CBE2 – Other Areas of Archaeological Potential or Importance  
CBE3 – Development affecting Conservation Areas  
CBE7 – Development affecting the Setting of a Listed Building  
LNE9 – Landscaping Implications of Development Proposals  
LNE10 – Detailed Elements of Landscaping Schemes  
LNE16 – Sites of Local Nature Conservation Importance  
LN19 – Protection of Species  
IMP1 – Securing Satisfactory 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 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning for the Historic Environment

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**

Planning permission is sought for the construction of a five-bedroom detached two storey dwelling within the development known as 'Huntly Lodge'. The proposal would extend to a footprint of approximately 395sqm with the addition of a detached triple garage and plant room to the front of the dwelling. The dwelling is proposed to be of a modern design with a large amount of glazing to the elevation treatment.

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

The application site was formerly a Peterborough City Council facility occupied by a large education building with access road from The Village through the neighbouring woodland. The site is enclosed by the Grade II listed wall which surrounded the 'kitchen garden' to Orton Hall, situated to the north east of the application site. There are a number of mature trees contained within the site and to the south is situated a woodland County Wildlife Site managed by the Woodland Trust.

### **5 PLANNING HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Date</b>	<b>Decision</b>
98/00888/R3FUL	Use of whole building for educational purposes (pupil referral unit)	30.09.1998	Permitted
03/00790/CON	Demolition of former school buildings	28.07.2003	Permitted
03/01174/R4OUT	Erection of five dwellings	29.10.2003	Permitted
06/01340/WCPP	Variation of Condition 1 of planning permission 03/01174/R4OUT to allow a further 3 years for submission of reserved matters	20.11.2006	Permitted
06/01688/REM	Erection of five dwellings	22.12.2006	Refused

08/01204/LBC	Widening of existing entrance and infilling of existing openings	31.12.2008	Permitted
09/00615/REM	Construction of detached dwelling and separate garage (Plot 4)	04.08.2009	Withdrawn
09/00789/WCPP	Removal of Condition 8 (ridge height) of planning permission 03/01174/R4OUT to remove ridge height restriction	30.09.2009	Permitted
09/00841/FUL	Proposed Great Crested Newt mitigation pond	25.09.2009	Permitted
09/00913/REM	Construction of 6 bed dwelling (Plot 5)	27.10.2009	Permitted
09/00978/REM	Construction of 6 bed dwelling (Plot 1)	21.10.2009	Withdrawn
09/01021/REM	Construction of 4 bed detached dwelling with separate garage (Plot 4)	03.11.2009	Permitted
09/01253/REM	Construction of 5 bed dwelling with games room (Plot 1)	21.12.2009	Permitted
09/01274/REM	Construction of two four-bed dwellings (Plots 2 and 3)	03.03.2010	Permitted
09/01314/REM	Construction of six bedroom house (Plot 5)	12.01.2010	Permitted
10/00498/FUL	Construction of two four-bed dwellings (Plots 2 and 3)	16.06.2010	Permitted
10/00960/FUL	Construction of 4 bedroom dwelling and attached garage (Plot 4)		Pending

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – No objections. Access arrangements are almost identical to those approved under 03/01174/R4OUT and adequate space for parking and turning is provided within the plot.

**Conservation Officer** – No comments received to date, will be provided in Update Report to Members.

**Wildlife Officer** – No objections. Mitigation Strategy is already in place and implementation should continue in accordance with the submitted strategy.

**Landscape Officer** – No objections. A uniform approach to landscaping should be taken but can be conditioned.

### **EXTERNAL**

**Natural England** – Proposal should not impact upon Orton Pits SSSI and SAC.

### **NEIGHBOURS**

No letters have been received from local residents.

### **COUNCILLORS**

Councillor Murphy – The site has lain dormant for too long and should be put to use as soon as possible. Disagree with the Officer recommendation.

## **7 REASONING**

### **a) Principle of development**

The application site is situated within the defined Urban Area of the Adopted Local Plan and constitutes redevelopment of a brownfield site owing to the previous educational use. Application reference 03/01174/R4OUT previously granted permission for development of five dwellings on the site and the specific plot (Plot 5) has been granted reserved matters approval twice for the construction of a six-bedroom dwelling. As part of the outline approval, all five dwellings combined

were restricted to a total footprint of 1200 square metres. This is the third full application on the site which seeks permission for dwellings outside of this footprint limit (10/00498/FUL for Plots 2 and 3, and 10/00960/FUL for Plot 4). It is considered given the outline and reserved matters approvals on the site, and the approval of application reference 10/00498/FUL, that the principle of residential development is acceptable.

The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement) and PPS3, subject to securing satisfactory levels of amenity and suitable design.

b) **Design and impact on the character and appearance of the area**

It is considered that the overall design of the proposed dwelling is not respectful or reflective of the design, character and built form already approved within the development as a whole. As part of the outline and approved matters applications, a set of Design Guidelines were established in order to provide continuity within the Huntly Lodge development site. As part of the new full permissions being sought on four out of the five plots, some of these design principles have been lost albeit many remain in force and as such, the current proposal should attempt to accord with these as much as possible. Those design principles which no longer apply include the footprint reduction for the development as a whole, limitation of the ridge height to 7.3 metres, and garaging and parking located to the rear of the dwelling. However others remain, including maintaining a 3 metre separation distance between properties for single storey elements and 8 metres for 2 storeys; maintaining a distance of 3 metres from the listed wall for single storey elements and 8 metres for two storeys; and ensuring that principal elevations are mainly masonry.

Whilst there are no dwellings currently present on site, all five plots have permissions which could be implemented and therefore the design of these approved schemes needs to be taken into consideration in determining the current proposal. Each of these dwellings has an established traditional form with simple and conventional roof structures albeit there is variation in the style of each dwelling. The applicant maintains that the application proposal respects the adjacent dwelling currently under determination for Plot 4 (10/00960/FUL) in terms of its style, design and scale. Whilst it is acknowledged that the footprint of the adjacent property is larger than neighbouring plots at 385 square metres, the scheme has been designed so as to as far as is practicable reduce its scale and massing through varied roof heights and form.

The design and form of the application proposal appears significantly bulky within its context with an odd built form and resultant roof composition. It cannot be said that the design of the dwelling in any way attempts to respect the traditional form established on the site and would represent an incongruous feature within the streetscene. The overall massing of the dwelling would appear unduly obtrusive and overbearing within its context and be significantly oppressive within its setting. Furthermore, its relationship within the application site appears cramped and as such, would appear as overdevelopment of the site. The plots are large and can accommodate large dwellings however it is considered that the application scheme is overly large for its plot.

The modern design of the dwelling in no way respects the neighbouring dwellings and the proposed materials further exacerbate this. Whilst local buff stock brick are included within the approved design guidelines for the site, all front elevations as approved on other plots are predominantly masonry and as such, the proposal will further appear at odds within the wider site.

In addition, the positioning of the proposed triple garage and 1.2 metre masonry boundary wall further serves to represent the dwelling as an incongruous element within the wider development. On all plots within the development, the front boundary wall has been set back and follows the line of the communal turning area to the entrance of the development. Each property has maintained a smooth line of boundary treatment and it is considered that to ensure each dwelling assimilates into the site, that this should be maintained. The application proposes to site the triple garage and boundary wall forward of the established building line. The wall would be positioned 11 metres forward of the established building line with the garage and turning area contained between the boundary wall and principal elevation. Whilst other schemes on the neighbouring plots have brought the garages forward of the dwelling, these have been designed as integral features of the dwellings and as such, do not appear at odds within the streetscene.

Overall the design, scale, massing and bulk of the proposed dwelling is at odds with the established form of the site and would appear out of keeping with the character and appearance of the surrounding area contrary to policies H7, DA1, DA2 and CBE3 of the Adopted Peterborough Local Plan (First Replacement).

c) **Impact on residential amenity**

It is considered that the proposed dwelling would not significantly harm the amenities of occupiers of neighbouring Plot 4. The positioning of the proposed dwelling is such that it would be set away from the neighbouring residential property, given its corner plot location. There is proposed to be a separation distance of some 6.2 metres from the side elevation of the proposal to the side elevation of Plot 4. Therefore it is unlikely to have an overbearing or overshadowing impact upon the neighbouring property.

d) **Highways implications**

The application scheme proposes to use the existing access under ownership of the City Council as approved under the outline approval 03/01174/R4OUT. Given that the access was established as acceptable for use by the five dwellings, the Local Highways Authority is content with the proposal. There is sufficient parking and turning provided within the site and as such, the proposal accords with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

e) **Landscape implications**

There are no detailed proposals for the landscaping of the application site contained within the application submission. This is not unusual for an application of this type and it is considered that landscaping (both hard and soft) as well as boundary treatments can be conditioned as necessary. Landscaping is an integral part of the assimilation of the dwelling into its surroundings and it is essential that the proposals for all five dwellings on the site maintain a coherent landscaping approach. In this instance, the proposed front boundary wall would be forward of the established building line and would appear out of keeping with its surroundings.

f) **Ecology**

It has been established that there is a medium sized population of Great Crested Newts present on the application site and the applicant has submitted an Ecological Mitigation Strategy. This strategy has been approved previously by both the City Council's Wildlife Officer and Natural England, the latter of whom has issued a license for development. This license expires on 2 October 2011 and should development not have been started in this time, a revised strategy and license will need to be submitted. However for the purposes of this submission, the proposal accords with Policy LNE19 of the Adopted Peterborough Local Plan (First Replacement).

g) **Securing satisfactory development**

The Draft Planning Obligations Implementation Scheme is applicable in this instance and the applicant has agreed to enter into a S106 agreement.

This requirement accords with both national and local policy and in the Planning Officers opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above).

## **8 CONCLUSIONS**

The proposal is unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The design, scale, mass and bulk of the proposed dwelling does not respect or reflect the established character and appearance of other dwellings within the Huntly Lodge development and as such, will appear incongruous and at odds with the streetscene; and
- The proposed detached garage and front boundary wall are proposed to be forward of the established building line and will appear at odds with the character and appearance of the development as a whole; and

- The proposed dwelling, as a result of its size, scale and bulk, cannot be satisfactorily accommodated within the plot and would represent overdevelopment.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is **REFUSED** for the following reason:

**R1** The proposed dwelling would be out of character with the surrounding development; taking no reference in design terms from the approved schemes on the neighbouring plots. The footprint of the dwelling would be tight to the boundary and this combined with poor elevation treatment, scale, massing and bulk of the scheme would create a contrived development which would not follow the rhythm of development in the immediate vicinity. The built form of the dwelling and associated parking area appears cramped within the plot and as such, is considered incapable of being accommodated on the site. The proposal would appear unduly obtrusive and overbearing within the streetscene and would accordingly be detrimental to the surrounding character and appearance of the area. Therefore the proposal is contrary to policies H7, DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) which state:

H7 Within the Urban Area residential development on any site not allocated in policy H3, including by infilling, redevelopment, and change of use of existing buildings, will be permitted where the site:

- (a) is not allocated for any other purpose; and
- (b) is not within a defined Employment Area; and
- (c) is, or will be, well related to existing or proposed services and facilities necessary to meet residential needs, including public transport; and where development would:
- (d) make efficient use of the site or building in terms of density and layout; and
- (e) respect the character of the surrounding area; and
- (f) provide good quality living conditions for residents; and
- (g) be acceptable in terms of highway safety and traffic flow; and
- (h) not unacceptably constrain development on adjoining land for an allocated or permitted use; and
- (i) not result in loss of open space of recreational or amenity value or potential.

DA1 Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- (b) creates or reinforces a sense of place; and
- (c) does not create an adverse visual impact.

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and
- (b) would not adversely affect the character of the area; and
- (c) would have no adverse impact on the amenities of occupiers of nearby properties.

**R2** The positioning of the proposed triple garage and front boundary wall forward of the established building line of the Huntly Lodge development would represent an incongruous feature, out of keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) which state:

DA1 Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- (b) creates or reinforces a sense of place; and
- (c) does not create an adverse visual impact.

- DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:
- (a) can be satisfactorily accommodated on the site itself; and
  - (b) would not adversely affect the character of the area; and
  - (c) would have no adverse impact on the amenities of occupiers of nearby properties.

Copy to Councillors Murphy, Goodwin, Winslade

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