

11/00477/FUL: CONSTRUCTION OF 3 BED DETACHED DWELLING AT 171 MAYORS WALK, PETERBOROUGH, PE3 6HB  
 VALID: 28<sup>th</sup> APRIL 2011  
 APPLICANT: MR A PIERRI  
 AGENT: JANICE KENDRICK DESIGN SERVICE  
 REFERRED BY: COUNCILLOR S DALTON  
 REASON: THIS AREA IS CROWDED AND VEHICLE PARKING ON THE JUNCTION OF WOODFIELD ROAD AND MAYORS WALK MAKES THIS A DIFFICULT AREA TO NEGOTIATE FOR DRIVERS AND PEDESTRIANS  
 DEPARTURE: NO  
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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Policy context and the principle of development;
- Design and visual amenity;
- Impact to neighbouring residents
- Amenity of future occupiers
- Highway Implications

The Head of Planning, Transport and Engineering 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.

### Peterborough Core Strategy DPD (2011)

**CS2 Spatial Strategy for the Location of Residential Development:** The spatial strategy makes provision for housing growth at a wide variety of places across the local authority area, but with a distinct emphasis on locations within and adjoining the urban area of the city. These are generally the most sustainable and help to maximise the use of previously developed land. The spatial strategy proposes that approximately 4,400 additional dwellings (including 1,634 dwellings already committed) will be provided from the existing built-up area of the city of Peterborough, outside the city and district centres. The figure is based on evidence from capacity work, in particular the Peterborough Strategic Housing Land Availability Assessment. Dwellings will be delivered from mixed-use schemes as well as wholly residential developments. In order to make the most efficient use of land, net residential densities will be expected to average approximately 50 dwellings per hectare, but the Council will seek a range of densities and dwelling types and sizes, in accordance with policy CS8.

**CS8 Meeting Housing Needs:** The strategy will be to secure a wide choice of high quality new homes that meet the needs of all members of the community, widening the range of property sizes available in response to future needs and demand, providing houses that will help to encourage employees to live locally rather than commute into Peterborough from elsewhere, and supporting the economic development strategy of this Core Strategy. Developers will be encouraged to bring forward proposals for housing which will provide a mix of housing types and size that will meet the identified need for Peterborough in order to secure mixed communities.

**CS10 Environmental Capital:** All development proposals of one dwelling or more, and other non-dwelling proposals concerning 100 square metres or more, should explicitly demonstrate what contribution the development will make to the Environment Capital agenda over and above that which would be required by the Building Regulations in force at the time, other development plan policies or any other consents as required through regional and national legislation.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required in order to meet the principles of policy CS12 'Infrastructure' then this may be negotiated on a site-by-site basis. However, to speed up and add certainty to the process, the City Council will encourage developers to enter into a planning obligation for contributions based on the payment of a standard charge. Subject to arrangements as set out in a separate Planning Obligations Implementation Scheme SPD, contributions received via this standard charge may be assembled into pools at an authority-wide level and to the relevant Neighbourhood Management Area (as described in policy CS6).

**CS14 Highways:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a Highway Safety Hazard

**CS16 Urban Design and the Public Realm:** new development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

### **Peterborough Local Plan (First Replacement (2005))**

**H16 Residential Design and Amenity:** Planning permission will only be granted for residential development if a basic standard of amenity can be secured.

**T10 Car and Motorcycle Parking Requirements:** Planning Permission will only be granted for car and motorcycle parking outside the city centre if it is in accordance with standards set out in Appendix V.

### **Planning Policy Statement (PPS) 1: Delivering Sustainable Development**

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

It states: 'Community involvement is vitally important to planning and the achievement of sustainable development. This is best achieved where there is early engagement of all the stakeholders in the process of plan making and bringing forward development proposals. This helps to identify issues and problems at an early stage and allows dialogue and discussion of the options to take place before proposals are too far advanced'.

### **Planning Policy Statement (PPS) 3: Housing**

Paragraph 41 of PPS3 (2010) states 'there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed'

Paragraphs 16 and 49 of PPS3 (2010) go on to state 'development should be well integrated with, and complement, neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Careful attention to design is particularly important where [a proposal] involves intensification of the existing urban fabric. More intensive development is not always appropriate'.

**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; and
- 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.

**Planning Obligations Implementation Scheme** – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010 Prior to adoption, the POIS was the subject of a 6 week public consultation period between March and April 2009. The POIS sets out the Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended).

Associated with the POIS is the Peterborough Integrated Development Programme (IDP). Its purpose is to provide a single delivery programme for strategic capital-led infrastructure which will allow for appropriately phased growth and development in the period to 2031. This document builds on the previous version of the IDP completed in April 2008. The purpose of the IDP is to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and importantly show how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years or so, why we need it, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that we have a coordinated plan of action on infrastructure provision.
- Form the basis for bidding for funding, whether that be from: Government; Government Agencies; lottery and other grants; charities; private sector investment; and developer contributions (s106 and potentially CIL).

In this context, the IDP is the fundamental bedrock to support the City Council's policies: the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategy priorities and infrastructure items which will enable the delivery of the city's growth targets for both jobs and housing identified in the Regional Spatial Strategy (RSS) (commonly known as the East of England Plan) and the Core Strategy. The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', instead they are well evidenced investment priorities that will contribute in an unambiguous manner to enhancing the area's economic performance, accommodating physical growth and providing a basis for prosperous and sustainable communities.

The IDP is holistic. It is founded on a database for infrastructure provision that reflects delivery by the private sector, the City Council and a range of agencies and utilities. The late 2009 review adds to the

programme for Peterborough; and all partners are committed to developing the IDP's breadth further through engagement with a broader range of stakeholders, including those from the private sector.

The document has been prepared by Peterborough City Council (PCC) and Opportunity Peterborough (OP), with the assistance from the East of England Development Agency (EEDA) and other local strategic partners within Peterborough. It shows a "snap shot" in time and some elements will need to be reviewed in the context of activity on the growth agenda such as the emerging City Centre Area Action Plan (CCAAP), and the Long Term Transport Strategy (LTTS) plus other strategic and economic strategies and plans that are also identifying key growth requirements. As such, it is intended that this IDP will continue to be refreshed to remain fit-for-purpose and meet the overall purposes of an IDP as set out above.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is to erect a two storey, 3 bed detached dwelling. The site will be accessed off Woodfield Road, proposes a single off street parking space and small rear amenity space (20m<sup>2</sup>). The scheme will also include a dedicated parking space for the existing dwelling 171 Mayors Walk.

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

The proposed site of application has a 2m high brick wall abutting Woodfield Road, with a single detached garage situated at the Southern most point with a space for a single vehicle to front.

To the North is 171 Mayors Walk, which I understand is a House of Multiple Occupation (HMO).

Two side windows face onto the site from 2 Woodfield Road.

There are no trees on site that contribute to the street scene.

### **5 PLANNING HISTORY**

08/00662/FUL - Construction of two flats with off-road parking and amenity space (Refused)

- R1 With the extension of the adjacent flat development, which articulates some cues from the surrounding street scene, Woodfield Road is made up of attractive semi detached properties with bay windows. The bland appearance of the proposed development would create an incongruous feature within the street scene and would be out of keeping with the appearance with the established form and character of the area.
- R2 The proposed development would be sited within 9.5m of No.171 Mayors Walk, and 2.5m of the garden area of 169 Mayors Walk. The limited separation distance would cause the proposal to create an overbearing feature in relation to No.171 and would unduly harm the residential amenities of the occupiers of the dwelling. It is also considered the proposal would cause an unacceptable level of overshadowing o the rear garden of 169 Mayors Walk.
- R3 The cramped nature of the plot would fail to provide an adequate level of private amenity space for the occupants of the new units. The poor quality of the space would be compounded by its limited depth and relation to the proposed building, the dwelling to the south and the boundary treatment to the east which would lead to an excessive level of overshadowing.

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Highways** – At the time of writing this report Highways have requested further details of parking arrangements. Further details will be reported in the update report.

**Archaeology Services** – No objection - The proposed development is unlikely to impact on important archaeological remains.

**Environmental Health** – No objection. A condition should be attached in case contaminated land is found.

**S106 Officer** – A S106 contribution of £6,000 is sought using POIS for this proposed 3 bed dwelling. A 2% Monitoring Fee of £120 also applies.

**Education** – Requests £6,140 for Primary and Secondary education

**Waste** – No comments received at the time of writing this report

## **EXTERNAL**

### **NEIGHBOURS**

8 letters of objection have been received; concerns include;

- lack of garden
- parking
- overcrowding
- out of keeping
- detrimental impact on character of the neighbourhood
- paving rear garden – flood risk
- overlooking and overshadowing to 169 Mayors Walk
- the proposed development would create another incongruous feature within the street scene which would be out of keeping with the appearance and with the established form and character of the area
- intensified use
- the garden/open space left to these properties is small, irregular and totally out of proportion to the houses
- proposal will further exacerbate the negative impact of 1A Woodfield Road on existing and adjacent neighbours
- design utilises square bay not rounded
- proposal does not provide parking for No.171
- overbearing on No.2 Woodfield Road
- loss of trees (2008) and new building will channel and exacerbate noise into Mayors Walk
- garden/plot size is out of keeping with surrounding gardens and general layout of the area
- loss of light and overlooking to No 2's kitchen and second bedroom
- by permitting the proposal, this will prevent No.171 from becoming an independent dwelling
- overdevelopment of the site
- detrimental impact on character and appearance of the area
- Woodfield Road does not need a bookend, it already has one with 171 Mayors Walk and its garden.

## **7 REASONING**

### **a) Introduction**

In 2008 an application 08/00662/FUL for a two storey building with front and rear pedestrian access, and dedicated parking located between the proposal and No.171 Mayors Walk. The 2008 site layout is similar to what is proposed. The application was refused for the following reasons:

1. Proposal fails to respect the character and appearance of the street scene
2. Impact to neighbour amenity including proximity to 171 Mayors Walk and overshadowing of garden to 169 Mayors Walk
3. Fails to provide adequate amenity space

This is discussed in more detail under Section 7(c) and 7(d), below.

## b) Policy context and the principle of development

The site of application is within the urban area of the city, therefore the principle of development can be considered under Policy CS1, CS2, CS8 and CS16 of the Peterborough Core Strategy DPD (2011).

A letter of representation from 1 Woodfield Road, A (vii) queries whether the Council's policy has changed relating to dwellings in gardens. PPS3 – Housing (2010) has been adopted, which states the principle of a proposal should not be considered acceptable because it is located on garden land.

## c) Design and Layout

The proposed dwelling will have a floor area of 9.4m x 5.4m, with a rear projecting element of 2.6m and will stand at 4.9m to eaves and 7m to ridge.

Reason 1 of the 2008 refusal stated the proposal fails to respect the character and appearance of the street scene. With regards to the current submission local residents are still of the view that the new design is detrimental to the character and appearance of the area.

With the exception of 1A Woodfield Road, the wider street scene is characterised by 1930's inter war development, comprising of semi detached, two storey dwellings with bay windows over two stories, gable fronted with overhanging eaves. It is considered the design of the proposal better represents the architectural character of the area and is sited in accordance with the historic building line. However the width and depth of the proposal and plot is considered at odds with the context of Woodfield Road. The following measurements have been taken from the submitted Site Location Plan 1:500.

	Frontage	Depth	Footprint	Plot Size (m <sup>2</sup> )
Proposal	9.4m	8m	61.79m <sup>2</sup>	169m <sup>2</sup>
2 Woodfield Road	5.75	7m	52.25m	184m <sup>2</sup>
4 Woodfield Road	5.75	7m	52.25m	223.25m <sup>2</sup>

From the submitted information the proposal is indicated to have a ground floor area of 58m<sup>2</sup> on a 198m<sup>2</sup> plot, however from the submitted Site Location plan 1:500 the proposal will have a footprint of 61.79m<sup>2</sup> on a plot of 169m<sup>2</sup> with a frontage of 9.4 metres. The above table can be used as a comparison of the local context and street scene character.

Given the juxtaposition of the proposal it is considered it will have sufficient space around the dwelling (1m to Southern boundary, 3m to Northern boundary). Other properties on Woodfield Road generally have a distance of 3m between boundaries, with the exception of properties which have extended to side. However, these properties benefit from being sited on larger plots and as a direct result have larger rear amenity spaces (discussed below).

### Materials

Details of materials have been highlighted as 'to be decided'; if the proposal is recommended for approval a condition should be attached requesting material samples prior to commencement of development.

### Bin Storage

Peterborough City Council currently has 3x waste collection bins and it is anticipated that a 4<sup>th</sup> will be introduced in the near future; therefore it is important that the design of new dwellings provide adequate room to store bins that will not create detrimental smells to future occupiers or neighbours. A dedicated bin store has not been indicated on the plans however it is anticipated that bins could be stored to the side or rear of the plot, hidden from the public realm. It is possible a bin store could reduce dedicated off-street parking or private amenity space. If the scheme is recommended for approval, a condition should be attached to indicate bin storage to ensure bins are not stored to front.

### Garden Sizes

The 2008 refusal reason No.4 highlighted that the proposal did not provide sufficient rear amenity space. Objections received also state the garden space is not suitable for a family. To confirm the previously refused scheme, for 2x apartments, indicated a private amenity space of 25m<sup>2</sup>. This scheme will create 20m<sup>2</sup> of what is considered usable private amenity space.

Based on the 2008 reasons for refusal it is considered the proposal fails to provide adequate rear amenity space for a 3 bedroom dwelling as the area which is private and not overlooked is not considered to be proportionate to the size of the proposal. Further, it is considered this area will be overshadowed for the majority of the day given its juxtaposition between the proposal and No.2 Woodfield, and is an unreasonably narrow part of the site.

By virtue of size, scale, design, layout and appearance the proposal is considered to detract from the character and appearance of the street scene and fails to provide adequate amenity space for future occupiers, and is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy H16 of the Peterborough Local Plan (First Replacement) (2005), PPS1 (2005) and PPS3 (2010)

**d) Impact to neighbouring Amenity**

Refusal reason No.2 of the 2008 application considered the proposed height and juxtaposition of the building at a distance of 9.5m from principle rear windows to 171 would detract the amenity of these occupiers by reducing their outlook. It is further considered the juxtaposition and height of the proposed building would be overbearing when the occupiers of 171's use their remaining private rear amenity space. Further, as the proposal is situated in almost exactly the same position as the previous 2008 application, it is considered the proposal will result in overshadowing of 169 Mayors Walk.

Whilst the proposed dwelling will not result in any overlooking to 169, 171 Mayors Walk or 2 Woodfield Road, the proposal is considered to create an overbearing form of development that would detract neighbouring amenity by way of loss of light and outlook, and is considered to be contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).

**e) Highway Safety**

At the time of writing this report Highways have requested additional details regarding parking. Further details will be included in the update report.

**f) S106**

The S106 contribution required by the Planning Obligations and Implementations Scheme (POIS) has been agreed by the Applicants Solicitors. Subject to the granting of Planning Permission a S106 contribution of £6,000 will be sought and a 2% Monitoring Fee of £120 also applies.

Education have requested a contribution of £6,140 towards Primary and Secondary Education. Having discussed the matter with the S106 Officer, POIS includes a contribution towards Education; therefore the POIS calculation should be used in this instance.

**g) Archaeology**

The Archaeology officer responded with no objections to the proposal, stating the proposed development is unlikely to cause significant damage to important archaeological remains.

**h) Other Issues**

Flood Risk – Having reviewed the Environment Agency website, the application site is not shown as at risk of flooding.

Paving – The Guidance on the permeable surfacing of front gardens (2008) strives to ensure new development, or development which replaces existing hard surfacing, mitigates surface run off. If the application is put forward for approval, a condition should be attached to ensure any hard surfacing is constructed utilising permeable methods.

Buy to Let/HMO's – A letter of objection highlights that the area has become synonymous with Houses of Multiple Occupation and Buy to Let properties. Planning is not allowed to control whether or not the property is rented out or owner occupied but permitted development rights could be withdrawn preventing it for being used as a small scale HMO (3 to 6 unrelated persons), however, there is no evidence to suggest that small scale HMO use of the property would be unsatisfactory.

## **8 CONCLUSIONS**

Whilst the design, height, juxtaposition and appearance of the proposed dwelling will follow the spirit of the character of the area, the proposal is considered to detract neighbouring amenity by creating an overbearing form of development that will result in the loss of light and outlook to Neighbours 169 and 171 Mayors Walk, and fails to provide adequate private amenity space for a 3 bedroom dwelling.

By virtue of size, scale, design and layout the proposal is considered to create an overbearing form of development that would detract neighbouring amenity by way of loss and outlook, and fails to provide adequate private amenity space for a 3 bedroom dwelling. The proposal is considered to be contrary to Policies CS1, CS2, CS8, CS13, CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies H16, and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2010).

## **9 RECOMMENDATION**

The Head of Planning, Transport and Engineering Services recommends that this application is REFUSED for the following reason:

R1. The form of development is at odds with the established pattern of development locally and consequently:

- the proposal will create an overbearing form of development that will result in a detrimental loss of light and outlook to neighbour occupiers
- the proposal fails to provide adequate rear amenity space for a 3bedroom dwelling

The proposal is contrary to Policies CS16 of the Peterborough Core Strategy DPD (2011) and Policies H16, and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2010).

R2. No legal agreement has been entered into to mitigate the demands that the development would have on social and physical infrastructure. The proposal is therefore contrary to Policy CS13 of the Peterborough Core Strategy DPD (2011)

Copies to Councillors S Dalton, N Arculus, M Dalton