

11/01363/OUT: THE CONSTRUCTION OF TWO ADDITIONAL TWO BEDROOM PROPERTIES EACH WITH PARKING SPACE AND GARDEN, WITH ACCESS FROM REEVES WAY, AT 44 ASHCROFT GARDENS, EASTFIELD, PETERBOROUGH, PE1 5LP

VALID: 30th AUGUST 2011

APPLICANT: MR IKBAL

AGENT: ARCHITECTURAL AND SURVEYING SERVICES LTD

REFERRED BY: CLLR SHABBIR

REASON: TO ALLOW FULL DISCUSSION

DEPARTURE: NO

CASE OFFICER: MISS A McSHERRY

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The site capacity and impact on the character of the surrounding area
- The impact on neighbouring sites
- Access to the site and highway issues
- The impact of the development on trees
- Planning Obligation

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.

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy DPD (2011)

CS10 Environment Capital: Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK.

CS13 Developer Contributions to Infrastructure Provision: Where a planning obligation is required to meet the principles of Policy CS12, then this may be negotiated on a site-by-site basis however the City Council will encourage payments based on a standard charge set out in the Peterborough Planning Obligations Implementation Strategy SPD (2010).

CS14 Transport: New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

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)

H7 Housing on unallocated sites: Within the Urban Area residential development on any unallocated site will be permitted subject to certain criteria

H15 Residential density: Seeks the highest residential density compatible with the character of the area and other considerations

H16 Residential design and amenity: Seeks to ensure an adequate level of residential amenity

T9 Cycle Parking Requirements: Planning permission will not be granted unless it provides high quality off-street cycle parking in accordance with the minimum standards set out in Appendix IV.

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 the standards set out in Appendix V.

LNE9 Landscaping Implications of Development Proposals: Planning permission will not be granted for development unless it makes adequate provision for the retention and protection of trees and other natural features that make a positive contribution to the quality of the local environment and it makes adequate provision for landscaping of the site as an integral part of the development.

Material Planning Considerations

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

National Planning Policies

National Planning Policy Framework (NPPF) Consultation Draft (2011)

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change (2007)

Planning Policy Statement 3 (PPS3) : Housing

Planning Policy Guidance 13 (PPG13): Transport (2011)

Peterborough Planning Obligations Implementation Strategy

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

Outline planning permission is sought for 2 x No.2 bedroom properties, each with a parking space, and garden area. The proposal also involves the creation of a vehicle access from Reeves Way. This application is for the principal of two dwellings on this site, all other matters are reserved.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is within a residential area of Peterborough. No.44 Ashcroft Gardens is a two storey residential property that occupies a corner plot between Ashcroft Gardens and Reeves Way. The application site is currently part of the rear garden of this property and faces on to Reeves Way. The site covers an area of 270 sqm, and presently there is no direct vehicle access to it.

The surrounding area is characterised with large detached and semi-detached residential properties with side garages, and large rear gardens. The site is in relatively close proximity to existing bus stops on either side of Reeves Way.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
11/00633/OUT	Construction of 2 additional 2 bedroom properties each with parking space and garden and access made off Reeves Way	02.08.2011	REFUSED
10/00189/FUL	Construction of first floor side extension over garage and conversion of garage to create annexe	21.05.2010	REFUSED
08/01168/FUL	2 x 2 storey buildings, comprising 8 x 2 bed flats	14.01.2009	REFUSED
08/00452/FUL	Construction of 10 two-bedroomed flats	02.07.2008	REFUSED

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Transport and Engineering – No objection – The application is in outline only, with all matters reserved, therefore the access and parking arrangements are indicative only. No objections are raised to the principle subject to conditions and informatives.

Landscape Officer – No objection – The proposal would involve the removal of a mature Eucalyptus. Whilst the tree is dominant in the landscape it is structurally poor and as such is not considered worthy of a Tree Preservation Order (TPO), therefore no objections to the proposal.

Archaeology Officer – No objection – The proposed development is not likely to affect important archaeological remains.

Environmental Health Pollution Control Section- No objection.

EXTERNAL

Police Architectural Liaison Officer – No objection – Provided future reserved matters applications provide adequate security (boundary fencing) for existing and new residents in and adjacent to the properties.

NEIGHBOURS

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

- Impact on neighbours privacy
- Visual impact of the development
- Inadequate provision of private rear garden spaces for properties
- Development out of keeping with surrounding
- Overdevelopment
- The close proximity of the proposed properties to those existing
- There is limited additional on street parking for vehicles in this location, and any on street parking slows passing buses
- The driveways will be an obstacle to people using the adjacent bus stops
- This is the 5th application since June 2008
- The applicant has never lived in the property, therefore has no appreciation of the impact of the proposal on the area and local residents
- The application is made with a view to financial gain, rather than the impact on the environment and residents

COUNCILLORS

Cllr Shabbir – This application should be considered by Committee to allow the applicant and his agent to put their case forward.

Cllr Goldspink – Has challenged a similar application before. This is a very pleasant residential street and the existing house occupies a pivotal position on the corner of Ashcroft Gardens and Reeves Way. It is completely inappropriate to cram additional dwellings onto this site as this will:

1. Create traffic issues on this corner plot;
2. Create noise and disturbance for neighbouring properties by adding dwellings in close proximity to existing dwellings
3. Destroy the character, ambience and setting of the street

I understand PPS3 now excludes residential gardens from brownfield land, therefore there is no presumption for development.

7 REASONING

a) Introduction

This is a revised planning application following the refusal by Officers of planning reference 11/00633/OUT for the construction of 2 additional 2 bedroom properties, each with a parking space, garden, and access from Reeves Way.

The only difference between this and the previously refused application, is the inclusion of indicative streetscene plans, to demonstrate how the development may appear in the streetscene and in relation to the existing neighbouring properties.

The previous application was refused by officers for the following reason:

R1 - The proposed development would overdevelop this rear garden site, resulting in a cramped form of development, that would be uncharacteristic of the layout pattern and character of sites in the surrounding area, to its visual detriment. This would be contrary to Policy CS16 of the Core Strategy DPD 2011, Policy H7 of the Peterborough Local Plan (First Replacement) 2005, and Planning Policy Statement 3 'Housing'.

b) The site capacity and impact on the character of the surrounding area

On 9th June 2010 Government implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden grabbing'. The Government then amended PPS3 with the following changes 1. private residential gardens are now excluded from the definition of previously developed land

in Annex B, and 2. the national indicative minimum density of 30 dwelling per hectare is deleted from paragraph 47. The aim was to provide an emphasis on decisions regarding the best locations and type of development for an area to be made at a more local rather than national level. This is a material consideration in determining planning applications.

The surrounding character of development in the area is generally one of large properties in large plots, with garages at the side of the properties. The highest existing density in the surrounding area is approximately 37 dwellings per hectare, with garden lengths averaging about 20m, and garden sizes approximately 160 sqm.

An indicative plan has been submitted with the application to demonstrate how the two dwellings could be accommodated on the 270 sqm site. The indicative layout by contrast to the generously proportioned surrounding sites, proposes a density of approximately 74 dwellings per hectare, with rear garden lengths of approximately 6m, and garden sizes of approximately 38sqm. The layout also only allows for a 1m set back of the properties from the side boundaries of the site, thereby restricting the positioning of the car parking to the site frontage, with the car parking spaces filling almost the full depth of the site frontage. It is not considered that any alternative indicative layout, would demonstrate how 2 x 2 storey 2 bed houses could be accommodated on the site which would provide adequate amenity space for future occupiers and provide car parking that is not so dominant on the site frontage and streetscene. It is argued that the indicative layout demonstrates that 2 dwellings on this site would overdevelop this piece of rear garden ground of No.44, appearing a cramped form of development for the plot, and being uncharacteristic of the more spacious layout pattern of development in the surrounding area contrary to Policies CS16, H7 and PPS3.

c) The impact on neighbouring sites

The proposed properties would be positioned 9 metres to the south of the existing property No.44 Ashcroft Gardens. It is considered that the proposed 2 storey high properties of the application site will have an overshadowing and indeed an overbearing impact on residents of No 44.

As the application is in outline only, there are no details of the proposed locations of windows. However there is potential that first floor rear or side windows could unacceptably reduce the current privacy levels of neighbouring sites, particularly as a result of the short depth of gardens proposed.

This is contrary to Policies CS16 of the Core Strategy DPD 2011, and Policy H7 of the Peterborough Local Plan (First Replacement) 2005.

d) Access to the site and highway issues

Access is not a matter to be considered in full at this stage. Our highway colleagues have commented that in principle a vehicle access could be taken from Reeves Way to serve the application site, subject to it meeting their technical highway specifications and without causing any highway safety danger. The detailed access design would be dealt with under any subsequent reserved matters access application, should the application be approved. The proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD 2011.

e) The impact of the development on trees

The proposal would involve the removal of one mature Eucalyptus tree which is dominant in the surrounding streetscene. The Landscape Officer however has assessed the tree and found it to be structurally poor and so not worthy of protection or retention. In this instance therefore, the tree loss should not be a barrier to the proposed development, and any subsequent reserved matter landscape application should the application be approved, would deal with the landscaping of the site and any required replacement tree planting.

f) S106

In accordance with the Planning Obligations Implementation Scheme heads of terms have been submitted with the application. Notwithstanding this no S106 planning obligation has been secured to

date. Should no planning obligation come forward then the Council would include this as a reason for refusal. This ensures that this can be taken into consideration in any referral to the Planning Inspectorate should Members be minded to refuse the application.

The S106 contribution sought accords with both national and local policy and in your officer's opinion complies with the CIL regulations 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.

In the absence of a signed legal agreement the proposal is contrary to the Peterborough Planning Obligations implementation strategy and Policy CS13 of the Peterborough Core Strategy DPD 2011.

g) **Miscellaneous**

The following concerns were also raised by neighbours:-

- Financial gain, and the fact the applicant does not live in the property – These are not material planning considerations.
- This is the 5th application on the site – The Local Planning Authority is duty bound to consider all planning applications it receives and cannot control the number of planning applications an applicant submits.
- Any on street parking would slow down buses – The Local Planning Authority can only ensure that any development has sufficient on site car parking spaces in accordance with its standards to meet the needs of the development, and cannot control any on street car parking. In this instance the maximum standard for 2 bedroom properties is one space per property, therefore there is sufficient space on site for the car parking requirements of the development.
- Adverse impact on nearby bus stops – The Local Highway Authority has not raised any objection to the principle that proposed vehicle accesses could co-exist with the existing bus stops. As part of any reserved matters application for the access the specific relationship with the bus stops will be considered.

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 2 dwellings on this site would appear overly cramped for the plot and be uncharacteristic of the more spacious layout pattern of development in the surrounding area.
- It is considered due to the small size of the site that any 2 storey property on the site would unacceptably overshadow, be overbearing and reduce privacy of surrounding residential properties.
- A planning obligation has not been secured to meet the infrastructure needs arising from the development.
- The proposal is therefore considered to contrary to PPS3, Policies CS16, and CS13 of the Peterborough Core Strategy DPD, and Policy H7 of the Peterborough Local Plan (First Replacement) 2005.

9 RECOMMENDATION

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

- R1 The proposed development would overdevelop this rear garden site, resulting in a cramped form of development, that would be uncharacteristic of the layout pattern and character of sites in the surrounding area, to its visual detriment. This would be contrary to Policy CS16 of the Core Strategy DPD 2011, Policy H7 of the Peterborough Local Plan (First Replacement) 2005, and Planning Policy Statement 3 'Housing'.**

- R2** The proposed 2 storey dwellings by reason of their size, scale and siting would overshadow, be overbearing and reduce the privacy of surrounding residential properties. This is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).
- R3** The scheme fails to make provision for additional infrastructure and community facilities which are necessary as a direct consequence of development and is therefore contrary to policy CS13 of the Peterborough Core Strategy DPD (2011).

Copy to Councillors Shabbir, Goldspink, and Todd

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