

11/01383/FUL: CONSTRUCTION OF A 2 BED DETACHED DWELLING AT 171 MAYORS WALK, PETERBOROUGH, PE3 6HB
 VALID: 14TH SEPTEMBER 2011
 APPLICANT: MR A PIERRI
 AGENT: JANICE KENDRICK DESIGN SERVICE
 REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES BV
 REASON: PREVIOUSLY CALLED INTO COMMITTEE BY CLLR DALTON AND RESIDENTS.
 DEPARTURE: NO
 CASE OFFICER: MATT THOMSON
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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 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.

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.

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.

CS10 Environmental Capital: All development proposals of one dwelling or more should contribute to the Environment Capital agenda over and above that which would be required by the Building Regulations in force at the time.

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, 2 bed detached dwelling with a dedicated rear amenity space of 55m². The site will be accessed off Woodfield Road and would create dedicated parking spaces for both the existing and proposed dwelling.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is used to form part of the garden of No. 171 Mayors Walk. There is 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.

The area is predominantly residential. To the North is 171 Mayors Walk, to the East is 169 Mayors Walk and to the South is 2 Woodfield Road, all of which are two storey brick buildings. To the East is 1A Woodfield Road, a triple garage with flat above which was granted planning permission in 2006.

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

5 PLANNING HISTORY

11/00477/FUL - Construction of 3 bed detached dwelling (Withdrawn)

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 to 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 – No Objection - Further to receiving 11.1557.02 Rev C Highways raise no objection to the proposal subject to conditions and informatives be attached.

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

Environmental Health – No Objection - Previously Environmental Health (EHOC) requested a condition be attached relating to contaminated land; this shall be attached for the avoidance of doubt.

S106 Officer – A S106 contribution of £4,000 is sought using POIS for this proposed 3 bed dwelling. A 2% Monitoring Fee of £80 also applies.

EXTERNAL

None received.

NEIGHBOURS

Letters of objection were received from 8 addresses (7 in Woodfield Rd and 1 in Mayors Walk) and a petition of objection with 49 signatories has been submitted.

The reasons for objection are;

- Planning Policy Statement 3 (2010) no longer no longer classifies gardens as brownfield land and the proposal fails to comply with this policy;
- Parking and Highway Safety concerns;
- The proposed garden is too small, it will be overshadowed throughout the day and does not follow context of the area;
- Loss of existing amenity space to 171 Mayors Walk;
- Will reduce the living conditions of existing residents, contrary to Policy H16;
- Out of keeping with the established form and character of the area, forming an incongruous feature within the street scene. Proposal utilises a square bay window, whereas dwellings on Woodfield Road have round bay windows;
- The proposal will create a loss of light to No2 Woodfield Road side windows;
- Overlooking and overshadowing to rear garden of 169 Mayors Walk;
- Proposal will prevent 171 Mayors Walk from returning to a 3 bed semi detached dwelling as originally intended;
- Proposal will be used as a House of Multiple Occupation; and
- 1A Woodfield Road should not be considered a precedent.

A Petition with 49 Signatories was submitted to the LPA, raising the following reasons for objection

- Out of keeping with context of the area;
- Not in line with historic building line;
- Overcrowding and overdevelopment;
- Lack of adequate amenity space provided for proposed dwelling and will result in the loss of garden and green space to existing 171 Mayors Walk;
- Parking;
- Reduces outlook to residents at 171 Mayors Walk; and
- Overbearing and loss of light to 169 Mayors Walk.

The scheme has been the subject to an amended plan to change the window design in order to reduce the possibility of overlooking of 169 Mayors Walk. The consultation expired on 28th October 2011.

7 REASONING

a) Introduction

This scheme has been submitted to address previous concerns raised in previous application 11/00477/FUL & 08/00662/FUL.

Application 11/00477/FUL was visited by Committee Members in April 2011, however the scheme was withdrawn prior to formal determination by Planning Committee. The scheme has been reduced in size and scale, omitting the 3rd bedroom and as a result has increased the rear amenity space, which was of Officer concern.

In 2008 an application 08/00662/FUL proposed a two storey building with front and rear pedestrian accesses with dedicated parking situated between the proposal and No.171 Mayors Walk. The 2008 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; and
3. Fails to provide adequate amenity space.

These are discussed in more detail under Section 7(c) and 7(d), below.

b) Design and Layout

The proposed plot size is 14.9m x 14.2m giving a site area of 211.58m². The proposed dwelling will have a floor area of 9.4m x 5.4m, and will stand at 4.9m to eaves and 7.1m to ridge.

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 gable front bay windows over two stories, 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. Whilst the width and depth of the proposal and plot is different to other plots on Woodfield Road it is considered the scheme does provide sufficient space around the plot and is considered on balance consistent with the overall character and pattern of development of the area. The proposal is considered to address Reason 1 of the 2008 refusal.

Bin Storage

Peterborough City Council currently has 3x waste collection bins and it is anticipated that a 4th 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 and are sited in a position to not detract the appearance of the street scene.

A dedicated bin store has been indicated on the plans to the side of the plot, hidden from the public realm by a close board fence and is therefore acceptable.

Garden Sizes

The refused scheme for flats in 2008 provided only 25sq m of garden space whereas the current scheme provides a rear amenity space of 55m² (35 sq m more than the withdrawn 2011 application) and is considered acceptable for a two bedroom property.

It is considered the reduction in overall floor area of the proposal and resultant increase in rear amenity space has created a sufficient, private and usable rear amenity space appropriate for future occupiers. A condition shall be attached to ensure permitted development restrictions for extensions and outbuilding is attached to ensure the rear amenity space is not reduced. Further, details of the proposed cycle storey shall be requested to be submitted by condition.

By virtue of size, scale, design, layout and appearance the proposal is not considered to detract from the character and appearance of the street scene and provide adequate amenity space for future occupiers. The proposal is in accordance with 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)

c) Impact to neighbouring Amenity

Refusal reason No.2 of the 2008 application considered that having a two storey blank gable 9.5m from principle rear windows to 171 Mayors Walk would detract the amenity of these occupiers. Whilst the current proposal is no further away, its impact has been reduced through the use of a hopped roof design (4.9m to eaves).

Whilst the current scheme is sited in almost exactly the same position as the previous 2008 application, the degree of overshadowing of the rear amenity space of 169 Mayors Walk has been reduced through the use of a revised roof design. It is considered on balance the proposed height and hipped roof design will mitigate this impact and as such is not considered detrimental to neighbour occupiers, and overcomes Reason 2 of the 2008 Refusal.

Amended Plan Drwg 11.1557.01 Rev B has been submitted replacing the rear window serving Bed 2 with a high level window, and illustrates the first floor bathroom windows as to be top opening only and obscurely glazed therefore overcoming any overlooking issues with No. 169 Mayors Walk. A condition shall be attached relating to the obscure glazing levels for the avoidance of doubt.

Objections have been raised with respect to a loss of light to side windows to 2 Woodfield Road; whilst there may be some overshadowing to these windows they do face North. Further, as these are secondary windows any adverse impacts cannot be considered a material consideration.

By virtue of size, scale and appearance the proposed dwelling will not form an overbearing building which will create a demonstrable loss of overlooking, privacy or outlook to neighbour occupiers and is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

d) Highway Safety

Highways have responded with no objections to the proposal. Whilst it is noted in the letters of objection that the street suffers from illegal parking, both on double yellow lines and on the kerb, these are unrelated to the planning application.

The proposal can accommodate appropriate visibility splays and provides sufficient parking to meet adopted policy.

e) 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 £4,000 will be sought and a 2% Monitoring Fee of £80 also applies.

f) 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.

g) Other Issues

Flood Risk – The application site is not shown as being at risk of flooding. The driveway is to be built from permeable materials and the roof water is to be disposed of by way of soakaway. A condition to this effect is proposed.

Levels – Details have been submitted to indicate existing site levels and it is not proposed to raise levels on the site. It is therefore conditioned that the finished floor levels shall be no more than 15cm above existing ground level.

Use as a House of Multiple Occupation (HMO) – If more than 6 person occupy a dwelling then planning permission is required for the HMO. Planning permission is not required for a small scale HMO (3-6 unrelated persons) but the Council can remove this permitted development right if it considers that identifiable harm would arise as a result of the property being occupied on this basis.

8 CONCLUSIONS

- The design of the proposal is considered to represent the spirit, character and appearance of the street scene and would not adversely affect the visual amenity of the area;
- Subject to receiving amended plans the proposal has been designed to mitigate the impact on No.171 and No. 169 Mayors Walk and would not result a loss of light, privacy, outlook or amenity to neighbour occupiers;
- The proposal provides sufficient dedicated rear amenity space for a 2 bed dwelling; and
- Subject to amended plans the proposal provides sufficient off street parking spaces and would not create a Highway safety hazard.

9 RECOMMENDATION

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

By virtue of size, scale, design and layout the proposal is not considered to detract from the character or appearance of the street scene, nor is it considered to create an overbearing form of development that would detract neighbouring amenity by way of loss of light, outlook or privacy. Further, the proposal can accommodate sufficient private amenity space for a 2 bedroom dwelling and satisfactory off street parking. The proposal is considered to be in accordance with to Policies 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).

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- C 2 No development shall take place until samples of materials, including roof and wall materials, details of the type, design and external finish of all windows, external doors, boundary treatments, rainwater goods, soil vent pipes, means of ventilating the roof space and any services which may be visible on external elevations have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), planning permission will be required for extensions, outbuildings, openings and dormer windows, porches, chimneys, flues or soil and vent pipes, fences and gates.**

Reason: In order to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C 4 The vehicular access to Woodfield Road hereby approved shall be un gated.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C 5 The dwellings shall not be occupied until the areas shown on plan 11.1557.02 Rev C for the parking and turning of vehicles have been drained and hard-surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T10 of the Adopted Peterborough Local Plan (First Replacement).

- C 6 The development shall be constructed so that it achieves a Target Emission Ratio of at least 10% better than building regulations at the time of building regulation approval being sought.**

Reason: To be in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011).

- C 7 In the event that unsuspected areas of contaminated land/materials are discovered during the implementation of the development, work in the identified areas shall cease and the Local Planning Authority informed in order that an assessment can be made of the remedial measures that would be required to either control, remove or negate the potential for harm from the contaminants that may be present. Development shall thereafter only proceed once a scheme for the control or monitoring of such contaminants has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of public safety and to accord with PPS23.

- C 8 **Prior to commencement of development full plans of the proposed cycle store, including details of floor plans and elevations (Scale 1:50 or 1:100) shall be submitted to and approved by the Local Planning Authority. Thereafter the details shall be implemented in accordance with the approved details.**

Reason: In the interests of visual amenity of the area and to ensure satisfactory bike storage on site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and T9 of the Peterborough Local Plan (First Replacement) (2005).

- C 9 **The finished floor level shall be no more than 0.15m above existing ground level.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011)

- C 10 **Notwithstanding approved plan 11.1557.01 Rev B hereby approved the *bathroom windows in the first floor of the rear (East) elevation of the dwelling hereby approved shall be glazed with obscure glass (of not less than level 3 obscurity), shall be top opening only and shall be retained in perpetuity.***

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011)

- C 11 **Surface Water shall be shall be dealt with by way of a soakaway unless a percolation test demonstrates this method would not be suitable. In which case an alternative drainage scheme shall be submitted to and approved by the Local Planning Authority prior to development commencing.**

Reason: To prevent flooding and to accord with PPS25 (2010).

- C12 **Prior to occupation of development hereby permitted the vehicle to pedestrian visibility splays show on plan No 11.1557.02 Rev C of the following dimensions 2m x 2m on both side of the parking spaces shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the highway boundary**

Reason: In the interests of Highway Safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T8 of the Peterborough Local Plan (First Replacement) (2005).

- C13 **The proposed shared parking area for the existing and proposed dwellings shall remain free from obstruction in between the parking spaces.**

Reason: To ensure the dwellings have sufficient off street parking spaces and to be in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011)

Copies to Councillors S Dalton, N Arculus, M Dalton

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