

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 8 DECEMBER 2009</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOM - TOWN HALL</b>
CONTACT:	Gemma George <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>30 November 2009</i>

### AGENDA

### PAGE NO

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Development Control and Enforcement Matters**
  - 4.1 **09/00942/FUL - Land South of A47 and East of Great North Road, Wansford, Peterborough** **1 - 10**
  - 4.2 **09/00996/FUL - Compass Sofa, 1 Midgate, Peterborough** **11 - 16**
  - 4.3 **09/01032/FUL - Aldi Foodstore, Flaxland, Bretton, Peterborough** **17 - 22**
  - 4.4 **09/01155/FUL - 157-161 Fletton Avenue, Fletton, Peterborough** **23 - 36**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

**In accordance with standing orders, Members are asked to determine whether agenda item 4.5, which contains exempt information relating to individuals and businesses as defined by paragraphs 1, 2 & 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when it is discussed, or whether the public interest in disclosing the information outweighs the public interest in maintaining the exemption.**

4.5 E1 - Enforcement Action in Northborough Ward

37 - 44

## **MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

Cllr North (Chairman), Cllr Lowndes (Vice Chairman) Cllr C Burton, Cllr Kreling, Cllr Thacker, Cllr Todd, Cllr Winslade, Cllr Ash, Cllr Lane, Cllr Harrington

Subs: Cllr C Day, Cllr Sharp

### **CASE OFFICERS:**

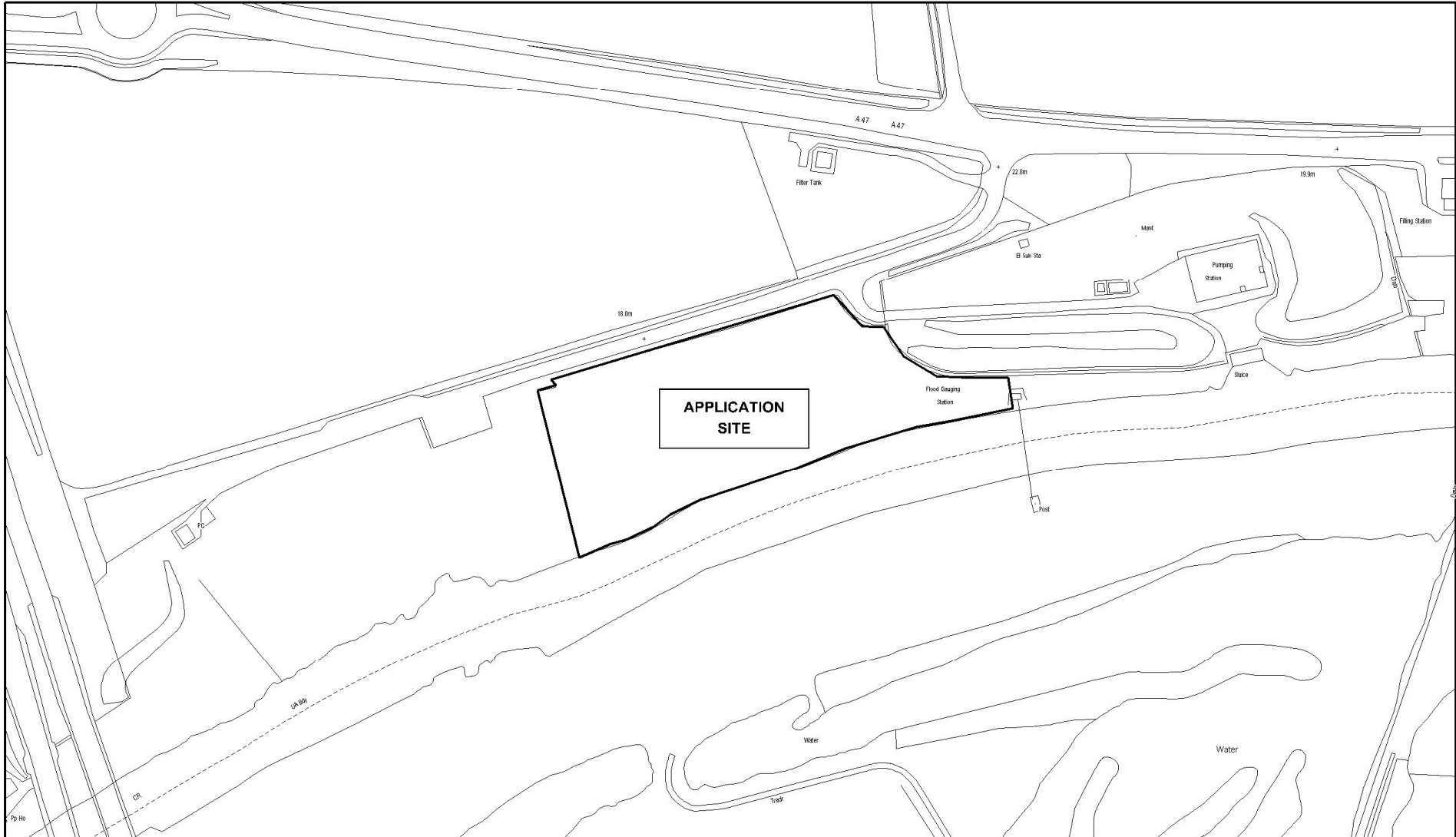
Planning Delivery Team: Nicholas Harding, Theresa Nicholl, Dale Barker, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Emmanuel Allanah

Minerals and Waste: Susan Marsh

Enforcement: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

### **NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



**LOCATION PLAN 09/00942/FUL**

Land South of A47 and East of Great North Road, Wansford, Peterborough

Scale 1:2500 Date 25/11/2009 Name MKB Department Planning Services

PCC GIS



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**09/00942/FUL:** USE OF LAND FOR ONE EXTENDED GYPSY FAMILY CONSISTING OF TWO LIVING CARAVANS AND ONE FAMILY ROOM CARAVAN AND TWO COMMUNAL FACILITIES BLOCKS, REVISED ACCESS, PARKING AND FACILITY BLOCK (PART RETROSPECTIVE) AT LAND SOUTH OF A47 AND EAST OF GREAT NORTH ROAD, WANSFORD

**VALID:** 19 OCTOBER 2009  
**APPLICANT:** MR SAM JEFFORD  
**AGENT:** ARCHITECTURAL AND SURVEYING SERVICES LTD  
**REFERRED BY:** CLLR HOLDICH AND LAMB  
**REASON:** AREA OF BEST LANDSCAPE, POOR LEVELS OF RESIDENTIAL AMENITY FOR RESIDENTS DUE TO SURROUNDING LAND USES, LACK OF NEARBY FACILITIES

**DEPARTURE:** NO

**CASE OFFICER:** AMANDA MCSHERRY  
**TELEPHONE:** 01733 454416  
**E-MAIL:** amanda.mcsherry@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology

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

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

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

LNE5 Area of Best Landscape  
LNE8 The Nene Valley  
LT11 Nene Valley  
LNE9 Development should make adequate provision for landscaping of the site  
U5 Floodland and Washland  
U1 Water supply, sewage disposal and surface water drainage  
U9 Pollution of Watercourses and Groundwater  
CBE2 Other areas of archaeological potential or importance  
T1 New development should provide safe and convenient access to and from the site

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

ODPM Circular 01/06 – Planning for Gypsy and Traveller Caravan sites

ODPM Circular 03/99 – Planning requirement in respect of the use of non mains sewerage incorporating sewerage tanks in new development

Designing Gypsy and Traveller Sites: Good Practice Guide May 2008

East of England Plan (May 2008) (Secretary of State's proposed changes March 2009)

- Policy H3 – Provision for Gypsies and Travellers

Peterborough Core Strategy – Preferred Options May 2008

- Policy CS7 – Gypsies and Travellers

### **3 DESCRIPTION OF PROPOSAL**

The application is split in to two parts:

Area 1: Change of use from agriculture to residential use by one extended Gypsy family comprising of two living caravans, one family room caravan, and two communal facility blocks.

Area 2: A revised access, parking facilities and facilities block are proposed for the adjacent boat moorings development (that has been given planning permission and which has been implemented in part).

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

The site is located within an Area of Best Landscape, in the open countryside as defined by the Local Plan. It is also located within the Nene Valley, and the lower part of the site is an area of floodland/washland. The proposal is located within approximately 700m of Sutton Heath and Bog Site of Special Scientific Interest (SSSI). A SSI is a national designation set up to protect areas that have been identified as having a special nature conservation interest.

The site is located on a no through road, which also serves an Anglian Water compound, a lorry park, burger van, and a picnic area.

The site slopes steeply down to the river from the road. The bottom half of the site adjacent to the river is grass, with the top part of the site adjacent to the road has been excavated with alterations to the original site levels. The front hedge adjacent to the road has been retained, however all other trees on site have been removed.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
09/00138/FUL	Two static caravans, one mobile caravan parking space, two utility cabins and installation of internal access road with parking bays and gravel track	09.07.2009	Refused
02/00481/WCPP	Application to carry out development without complying with condition 10 of planning permission 00/00949/FUL (renewal of 96/P0868 for change of use from agriculture to boat moorings)-relating to night time occupation	24.05.2002	Approved
00/00949/FUL	Change of use of agricultural to boat moorings - renewal of 96/P0868	29.09.2000	Approved
96/P0868	Change of use from agricultural to boat moorings	11.09.1997	Approved

**INTERNAL**

**Head of Transport and Engineering** – As the proposal is for a new shared access, vehicle to vehicle visibility splays should be provided. Details should be provided for consideration. *[Planning Officer Comment – No objection has been made in respect of the potential of the excavations that have taken place to have destabilised the road adjacent]*

**City Council Ecologist** – Objects to the proposal because of the potential for pollution to the river (including litter and dumping of material), and the potential for any lighting to impact on protected species.

**EXTERNAL**

**Environment Agency** – No objections are raised subject to the imposition of a planning condition and informative in respect of the proposed method of foul water disposal. They comment that as the site lies adjacent to the River Nene and upon geological strata classified by the Environment Agency as a minor aquifer, that it is unlikely that the use of a cesspit would be supported in this location. *[Planning Officer comment: A condition is proposed to require connection to the adoptable foul sewer unless an alternative method of disposal has been approved by the Council]*

**Wansford Parish Council** – This application is confusing and unclear as to exactly what is being applied for and what has already been done on site. The cross sections submitted are not representative of the site. The application contains numerous errors. These include information on the access to the site and tree and hedges. The trees on site have already been removed. There is confusion about the type and size of accommodation proposed and how many people will live on the site. No details are given on the waste storage and collection areas. The development must be connected to the mains foul drainage system. No commercial activities other than the boat moorings should take place on site. Permission should only be granted on a 3 year temporary basis. The application is considered to be invalid and should be rejected. The access road and facilities should not be built until the boat moorings are built. There has been vandalism on the site, including tree stripping, uncontrolled tipping and cutting away of soil close to the road which is a danger and could result in slippage resulting in trucks falling on to the caravans below.

**Sutton Parish Council** – The Parish Council objects strongly on the following grounds. There is a lack of clarity as to exactly what is being applied due to differences between the descriptions in the application form, supporting statement and notification letter. This has raised confusion and suspicions about the amount of development proposed on site and whether in fact a larger development is actually being proposed. This site has not been identified as being suitable for this use through the Local Development Framework Process, and should not be allowed to avoid going through this proper open examination. The proposal is considered to be contrary to policies H27 and CS7 as it would adversely impact on the character of the area. This is because the site lies adjacent to the Nene Way and a long distance footpath. Numerous trees have been removed from the site, therefore the visual impact of the development on the landscape is now much greater. This part of the Nene is important to the provision of water supplies to the surrounding areas, and there is an abstraction point for water pumped from the Nene into Rutland Water Reservoir close to the site. It is considered that the risk of pollution from development in such close proximity to the pumping station is unacceptable. If the Council is minded to approve the proposal it is requested that a condition be applied to prevent the extension of the site for a fixed period.

**NEIGHBOURS**

No representations received

## **COUNCILLORS**

Cllr Holdich and Cllr Lamb object to the proposal on the following grounds:-

1. Residential use should not be considered on this site because it falls within an Area of Best Landscape.
2. Residential use is not appropriate on this site, because the adjacent uses are not compatible with family living.
3. There is a lack of facilities for residents within easy reach of the site e.g. schools and shops
4. There are no plans for waste disposal
5. The environmental plan submitted is unhelpful, because all the mature vegetation has been removed from the site
6. There is no obvious link between the two proposed land uses on the site e.g. is the Gypsy caravan site needed in order to manage the boat moorings facility on site?

If permission is given it should be conditional to the applicant, and for the purposes of running the boat moorings and no other business use on the site. A condition should be imposed to limit the development to the applicant and not for their extended family or other caravan dwellers. There is a need for proper waste disposal. A condition to require the boat moorings to be completed within 12 months should be imposed. There is a need for a strong landscape scheme. There is a need to protect the occupiers of the caravans from the lorry park by a crash barrier and noise panels.

## **7 REASONING**

### **a) Introduction**

This is a revised planning application following the refusal of planning permission 09/00138/FUL (under delegated powers) by Officers in July this year. It was refused on the grounds that the application had failed to meet the requirements of Circular 01/2006 'Planning for Gypsy and Traveller Caravan sites' as it had not demonstrated that the intended occupiers met the definition of Gypsies and Travellers as set out in Government Guidance. It was also refused because a non mains drainage system was proposed, (a cess pit), and the application had failed to demonstrate that this system had only been chosen because there were no alternative systems available, that posed a lower risk of pollution to ground and surface waters, (River Nene) and upon geological strata which is classified as a minor aquifer.

### **b) Principle of development**

Peterborough City Council is committed to fulfilling its obligations under Circular 01/06 to give substantial weight to providing suitable Gypsy and Traveller sites. There is an identified need for 30 residential pitches in Peterborough (by the single issue review of the Regional Spatial Strategy), therefore this proposed pitch would help the Council to address some of this unmet need. Policy H27 of the Local Plan is not a saved policy, therefore the Core Strategy Preferred option policy CS7 and Circular 01/2006 are the most up to date policies and guidance to assess the proposal against. The Council cannot reasonably refuse the application just because the Core Strategy has not yet been finalised. The approval of such a small development could not be said to undermine the emerging strategy.

The application site is located within the countryside i.e. outside of a village envelope. Policy CS7 states that such sites are considered to be acceptable provided the intended occupants meet the definition of Gypsies and Travellers as set out in Government Guidance, and provided criteria a) to e) of the policy are met. The agent has provided satisfactory evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers.

### **c) Landscape Impact**

Criteria (a) of Policy CS7 requires that the site and its proposed use, does not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality.

The site is located within an Area of Best Landscape as defined by the Local Plan. This designation does not impose a blank restriction on development, but requires careful consideration to be given to the impact of any development, as a result of its recognised landscape value. It is also located within the Nene Valley, and the lower part of the site is an area of floodland/washland. The proposal is located within approximately 700m of Sutton Heath and Bog Site of Special Scientific Interest (SSSI).



Natural England has raised no objection to the proposal and considers that it is unlikely to have any significant impact on the SSSI site.

Any development on this site, due to its Nene Valley and Best Landscape designations, would be required to have a sensitive landscape approach. It is extremely disappointing that all the trees on site have been removed from the site contrary to the approved landscaping condition of planning reference 00/00949/FUL.

An appropriate landscaping scheme would therefore be required to be submitted and agreed to provide appropriate tree and landscape planting for the site, particularly to compensate for tree planting that has been lost. This is recommended to be secured by way of planning condition to any given planning permission.

The three proposed caravan units and two facilities blocks at the northern part of the site for use by a single Gypsy family would not in Officers view unacceptably impact on the Nene Valley and Best Landscape designations as the site is well contained from long distance views and the caravans will sit against a backdrop provided by the terraced 'step' that has been created and the hedge row beyond. Landscape planting is recommended to be provided on site to soften the impact of development on the surrounding landscape character.

The caravans and facility blocks are to be positioned on higher land and to the north of the flood zone on site, therefore the proposal is not at an unacceptable risk of flooding.

#### **d) Access to Services**

Criteria (b) of Policy CS7 - requires the site to be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school.

The site is within approximately 280m of the group settlement of Wansford. The nearest primary school available for children living on the site would be in Wittering, similar to children living in Wansford, and there is a school bus available for pupils. Whilst it is acknowledged that there are only a small number of local services and community facilities available in the nearest village of Wansford, the site is within reasonable travelling distance to it, and there is a nearby school available. On this basis it is considered that the proposal does comply with criteria (b) of the policy.

#### **e) Highways**

Criteria (c) of Policy CS7 – requires safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing.

The site is located in close proximity to the A47 and A1, and has a tarmac road with pedestrian footway on one site leading from the site to the A47. The site therefore does have good links to the public highway. There is sufficient space on the site for the parking and turning of vehicles associated with the development. The proposal is therefore in compliance with criteria (c) of the policy.

#### **f) Drainage**

Criteria (d) of Policy CS7 – requires the site to be served, or be capable of being served, by adequate mains water and sewerage connection.

The Environment Agency raises no objection to this application, subject to the imposition of a planning condition in respect of foul drainage. They raised an objection to the previous application on the site and the use of a cess pit non mains drainage system. This was because in accordance with Circular 03/1999 'Planning requirement in respect of the use of non mains sewerage incorporating sewerage tanks in new development' alternative systems that pose a lower risk to pollution of ground and surface waters(River Nene) and upon geological strata, which is classified as a minor aquifer, must firstly be considered. Then, only if sufficient justification can be provided to demonstrate why there were no alternative systems that posed a lower risk to pollution available, would potentially more polluting systems be given consideration. This was not done and so the development was contrary to Policies U9 and U1 of the Local Plan. The applicant now proposes to connect to the mains drainage system or use a digestion plant and this has been conditioned.

#### **g) Impact on surrounding sites**

Criteria (e) of Policy CS7 – the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

It is not considered that the proposed development would adversely impact on the amenities of any occupiers of any nearby sites. The landscape impact of the positioning of three caravans and two utility blocks subject to some landscaping planting is not considered to be unacceptable.

#### **h) Archaeology**

It is highly likely that significant archaeology remains associated with a Roman villa complex extended into this site. The applicant has undertaken significant excavation of the site in association with the boat moorings planning permission, without compliance with the archaeology condition, and so some archaeological features on this part of the site may have been lost. It is now not feasible to undertake a full and appropriate programme of archaeological works at the site. It is however necessary to thoroughly investigate and record the remains that have been exposed at the northern part of the site. An archaeological planning condition would be required to be imposed on any granted planning permission.

#### **i) Relocated car parking, and provision of facilities block for the boat moorings use**

The relocation of the car parking on site for the boat moorings to accommodate the Gypsy caravan site is considered to be visually acceptable. Proposed landscaping planting will help to soften the impact of the hard surfacing proposed. The provision of a facilities block to serve the users of the boat moorings is acceptable and is appropriately sited adjacent to the road and car parking. Details of the external materials to be used should be secured by planning condition.

#### **j) Miscellaneous**

Objectors have raised a number of other points and these are addressed below:

- It is not appropriate to restrict the permission for the residential use as there is no good planning reason for doing so. In the event that the planning conditions are not complied with then depending upon the severity of situation, enforcement action may be taken by the Council.
- There is no evidence to suggest that the excavation works have destabilised the road above and so objection relation to the point has been raised by highway officers.
- Other than the boat mooring development, no commercial development / uses have been applied for or have been allowed for under the proposed planning permission and associated conditions
- With regard to the boat mooring access and car parking, it has been conditioned that its principle use is to serve that development.
- The provision of bin store(s) has been conditioned
- It is not considered necessary to have the cross sections independently verified and the excavation works have been already completed so it is known what the impact of the works has been.
- Whilst there is the risk of pollution, provision has been made for the disposal of foul water by way of a condition. There is nothing to suggest that the proposal will be more prone to litter and / or dumping of material. Whilst it has been reported that there has been some dumping taken place at the entrance to the site by third parties, the situation is likely to be made better once there is a human presence on site.
- A condition to prevent harmful external floodlighting or site lighting, as per the previous boat mooring permission, is recommended.

## **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 the intended occupants meet the definition of Gypsies and Travellers as set out in Government Guidance, and criteria a) to e) of Policy CS7.

Despite the removal of the trees on site, this proposed development, subject to replacement planting, is not considered to unacceptably impact on the surrounding best landscape and Nene Valley area designation in accordance with Policies LNE5, LNE8, LNE9, and LT11. There is no unacceptable access or highway safety issues in accordance with Policy T1 of the Local Plan.

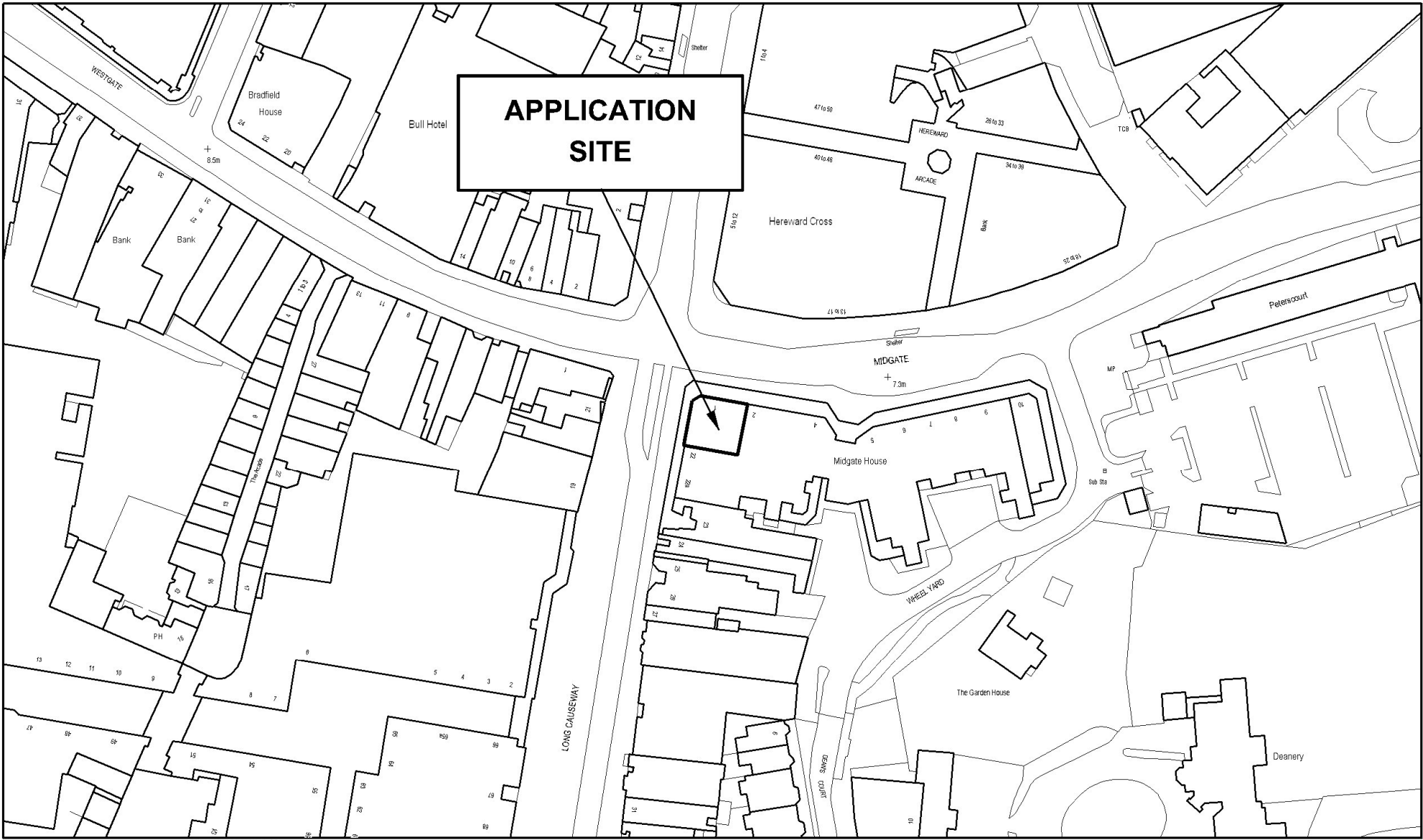
## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Residential use of the site is restricted to Area 1 (drawing OS06 Rev D) only and is limited to the two caravans and one family road caravan which shall be sited as per drawing OS06 Rev D.**  
Reason: In order to protect the landscape amenity of the area and the amenity of residents in accordance with Policies LNE5, LNE8 and U5 of the Peterborough Local Plan (First Replacement).
- C3 No caravan shall be occupied until such time as the details of the facilities buildings have been submitted to and approved by the local planning authority. The said buildings shall be completed as approved prior to any caravan on the site first being occupied.**  
Reason: No such details have been provided and in the interest of the appearance of the development and to comply with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C4 Foul water shall be disposed of by way of a connection to the nearest adoptable foul water sewer unless an alternative means of disposal has been approved in writing by the local planning authority.**  
Reason: To ensure that foul water is appropriately disposed of and therefore that the development does not result in the pollution of Controlled Waters.
- C5 The main access road, parking spaces and facilities block in Area 2 (drawing OS06 Rev D) shall be used primarily to serve the development approved under Planning Application Ref 00/00949/FUL. The access road and parking spaces shall not come into use until the details of the facilities building have been submitted to and approved by the local planning authority and the building has been constructed as approved.**  
Reason: No details of the building submitted. To ensure that that part of the development is used for its intended purpose and to accord with Policies LNE1 and DA2 of the Peterborough Local Plan (First Replacement).
- C6 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. The scheme shall also include where relevant, details of screen walls and fences, surfacing materials and any further changes in ground level. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years of being planted shall be replaced during the next available planting season by the owner to the satisfaction of the Local Planning Authority.**  
Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C7 An enclosed space for refuse bins shall be provided prior to first occupation of the caravans in accordance with details to be agreed with the Local Planning Authority before occupation, and shall thereafter be maintained.**  
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C8 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**  
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).
- C9 If contamination not previously identified, is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the contaminated area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved. The development shall thereafter take place in accordance with the approved details.**  
Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).
- C10 Permitted development rights (under the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (as may be amended) relating to the erection of buildings, enclosures and containers used for storing oil for heating purposes are hereby removed.**  
Reason: In the interest of controlling development in this sensitive landscape area and in the interest of pollution prevention and to accord with Planning Policy Guidance (PPG23 Planning and Pollution Control) and LNE5 Area of Best Landscape of the Peterborough Local Plan (First Replacement).
- C11 There shall be no external site lighting or floodlighting on the site nor river banks without the prior written approval of the Local Planning Authority of the detail and location of such lighting.**  
Reason: To prevent artificial light spreading from the site disturbing wildlife and in the interests of the rural character of the locality, in accordance with Policies LNE5 and LNE19 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Holdich, Lamb



**LOCATION PLAN 09/00996/FUL**

Compass Sofa, 1 Midgate, Peterborough

Scale 1:1250 Date 25/11/2009 Name MKB Department Planning Services

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09/00996/FUL: CHANGE OF USE FROM A1 TO A3 AND A5 (RESTAURANT AND TAKE AWAY) AT 1 MIDGATE, PETERBOROUGH  
 VALID: 15 OCTOBER 2009  
 APPLICANT: PELICAN PARTNERS  
 AGENT: DAVID SHAW  
 REFERRED BY: CLLR SEATON  
 REASON: TO FULLY ASSESS THE IMPACT UPON THE VITALITY AND VIABILITY OF THE CENTRAL RETAIL AREA  
 DEPARTURE: NO  
 CASE OFFICER: MISS L C LOVEGROVE  
 TELEPHONE: 01733 454439  
 E-MAIL: louise.lovegrove@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact on the retail offer of the Central Retail Area
- The impact on neighbouring properties
- The impact on the City Centre Conservation Area

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

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

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

**CC2 Non-Retail Uses in Primary Retail Frontages of the Central Retail Area** – Seeks approval for non A1 uses in primary retail frontages within the Central Retail Area, provided it does not reduce or further reduce the proportion of frontage in Class A1 to below 75%, result in three non-retail uses adjacent to one another, would not have an adverse impact on the amenities of occupiers of nearby properties and is of an appearance appropriate to the location within a retail centre.

**CBE3 Development affecting Conservation Areas** – Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.

## 3 DESCRIPTION OF PROPOSAL

The building is currently in use as a retail unit, within use class A1 (shops). Planning permission is sought for change of use to A3 (restaurant) with an element of A5 (hot food take-away).

## 4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located within Midgate House on the junction of Midgate and Long Causeway within the City Centre.

The Long Causeway frontage forms part of the Primary Retail Frontage for the Central Retail Area. The application property is of 1980s design and is situated on a prominent corner plot. There are a variety of retail and non-retail units in the surrounding area.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
97/01278/ADV	Illuminated fascia and projecting sign	02.01.1998	PER
04/01485/FUL	Extension of shop fronts to pillars and change of use from A1 to A2 on unit 22	08.09.2004	WDN

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Conservation Officer** – No objection to the proposal.

**Head of Transport and Engineering** – No Highways objection.

**Community Protection Officer** – No comments received at present.

### **NEIGHBOURS**

No representations have been received.

### **COUNCILLORS**

Councillor Seaton referred the item to committee as he is concerned about the proliferation of take-a-ways in the area and would like the committee to look at it in this light.

## **7 REASONING**

### **a) Introduction**

Within the City Centre and particularly the Central Retail Area, there are a variety of retail and non-retail uses with several restaurants, cafes and drinking establishments. At present, there are a high proportion of units lying vacant within the surrounding locality.

### **b) The impact on the retail offer of the Central Retail Area**

The site occupies a prominent corner plot within the Central Retail Area and is currently operating as a retail unit. The present use of the site offers a low end retail offer and much of the frontage along Midgate is poorly utilised and inactive. However, the shop entrance and main frontage to the unit is located on Long Causeway which forms part of the Primary Retail Frontage. As such, Policy CC2 is of particular relevance. The policy clearly indicates that applications for non-retail uses will not be granted if it would reduce or further reduce the proportion of Class A1 use to below 75%, or result in more than three non-retail uses adjacent to one another. It is acknowledged that the proposal will fail part of this policy requirement by further reducing the level of retail provision within the Primary Frontage. However, the Policy also makes provision with regards to A3 uses (restaurants) which permits development if they would contribute to the quality of the City Centre and improve the overall offer.

There are existing non-retail uses within the City Centre and particularly restaurants, cafes and drinking establishments which already positively contribute towards the overall offer of the City Centre and increase the activity of the retail frontages. The proposal will introduce an active frontage to the area and will significantly improve the quality of this prominent unit.

In addition, there is wide concern throughout the City area in relation to the impact of take away units and their detrimental impact upon the vitality and viability of retail frontages. In this instance, the predominant use of the unit will be as a restaurant offering an ancillary take away service. As



such, it is not considered that the proposal will harm the vitality or offer of the City Centre. Therefore, the proposal is in accordance with Policy CC22 of the Peterborough Local Plan (First Replacement).

c) **The impact on neighbouring properties**

Due to the nature of the proposed use, there will be a requirement for sufficient extraction of cooking fumes from the site. The applicant has not provided any detailed specification with regards to the proposal however it has been indicated that extraction will take place above first floor level to the rear of the site.

Officers consider that there is unlikely to be any detrimental impact as a result of such extraction. Comments are awaited from the City Council's Community Protection Team regarding this and these will be provided to Members in the Update Report.

With regards to the hours of operation of the site, no details have been provided by the applicant in relation to this. Given that the application site falls within the City Centre and that there are no residential units in the immediately surrounding area, it is considered that the appropriate opening hours for the restaurant/take away will be sufficiently dealt with by the City Council's Licensing department.

d) **The impact on the City Centre Conservation Area**

The application scheme does not propose any external alterations to the unit and the retail frontage will be retained. As such, the Council's Conservation Officer has not raised any objections. The proposed use is unlikely to cause any harm to the character or appearance of the City Centre Conservation Area.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The use as a restaurant with ancillary take away will not harm the retail offer of the Central Retail Area.
- There will be no detrimental impact on the amenities of neighbouring residential or retail properties.
- There will be no unacceptable impact on the character or appearance of the City Centre Conservation Area.

The proposed development is therefore in keeping with Policies CC2 and CBE3 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

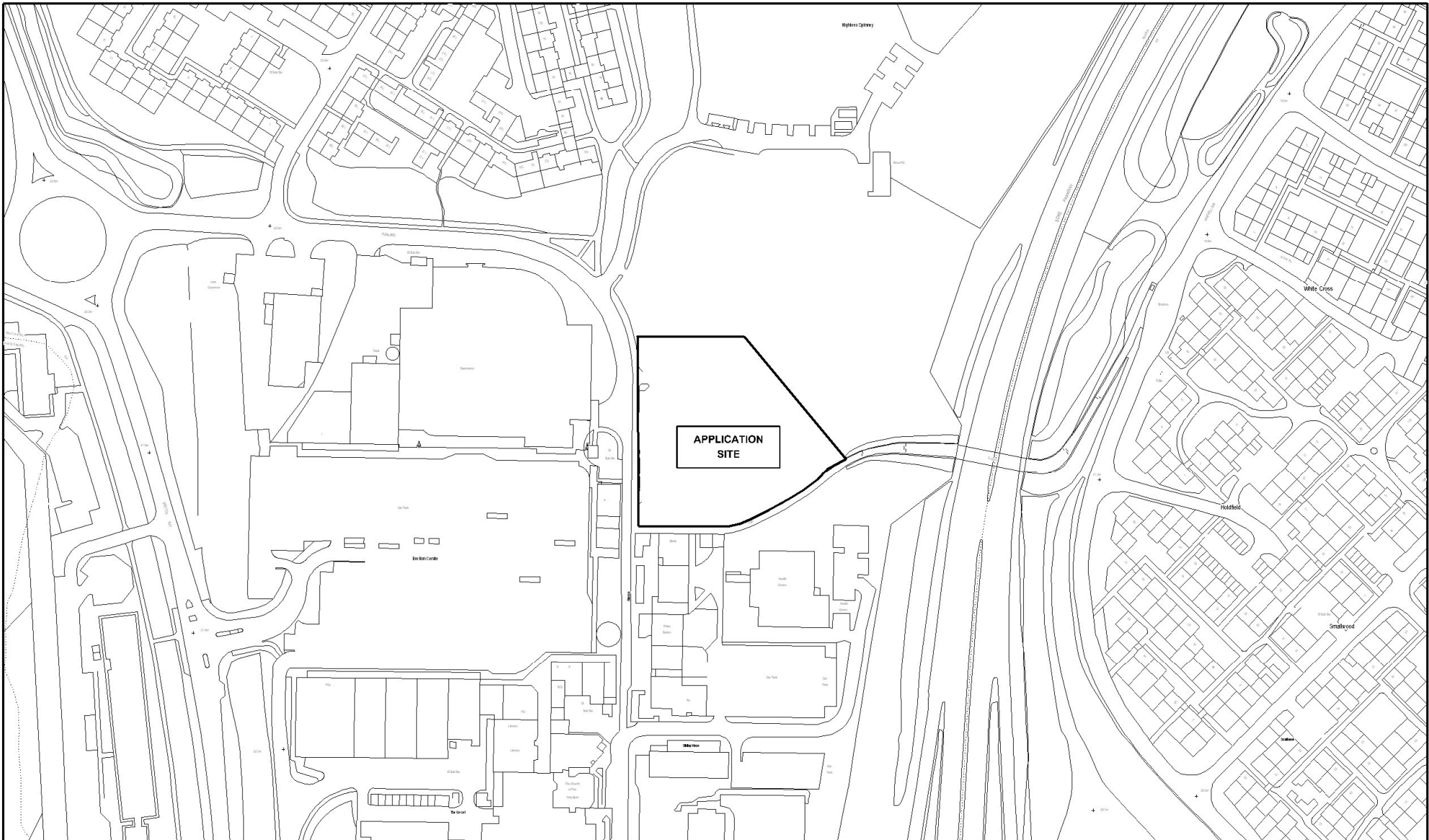
**C2 Prior to the uses hereby approved commencing, details showing the positioning of the area to be used as A5 (take away) shall be submitted to and approved in writing by the Local Planning Authority. The A5 use shall thereafter be restricted to that area only.**

Reason: In order to protect and safeguard the vitality and viability of the Central Retail Area in accordance with policy CC2 of the Peterborough Local Plan (First Replacement).

**C3 Prior to the uses hereby approved commencing, details of any filtration and/or extraction equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control), Planning Policy Guidance (PPG24 Planning and Noise), and Policy DA2 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Hussain, Khan, Fazal



**LOCATION PLAN 09/01032/FUL**

Aldi Foodstore, Flaxland, Bretton

PCC GIS



Scale 1:2500 Date 25/11/2009 Name MKB Department Planning Services

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09/01032/FUL: PROPOSED ADDITIONAL 21 CAR PARKING SPACES AT ALDI FOODSTORE, AT BRETTON WOODS SCHOOL SITE, FLAXLAND, PETERBOROUGH.

VALID: 29 SEPTEMBER 2009

APPLICANT: ALDI STORES LIMITED

AGENT: THE HARRIS PARTNERSHIP

REFERRED BY: COUNCILLOR NICK SANDFORD AND BRETTON PARISH COUNCIL

REASON: INCREASE IN CAR PARKING MAY BREACH THE CAR PARKING STANDARD IN THE PETERBOROUGH LOCAL PLAN AND IT WOULD GENERATE ADVERSE TRAFFIC TO THE AREA

DEPARTURE: NO

CASE OFFICER: EMMANUEL ALLANAH

TELEPHONE: 01733 454413

E-MAIL: emmanuel.allanah@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations is:

- Whether the proposed additional 21 car parking spaces is contrary to the Local Plan.
- Whether it will generate adverse traffic to the area.

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

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

T1- The Transport Implications of New Development

T9- Cycle Parking Requirement

T10- Car and Motorcycle Parking Requirements

Planning Policy Guidance (PPG13)

### Material Planning Considerations

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

## 3 DESCRIPTION OF PROPOSAL

The application relates to the proposed additional 21 car parking spaces within the approved Aldi Foodstore.

## 4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is the former Bretton Woods School at Flaxland, Bretton.

Planning permission (07/01697/FUL) was granted for the construction of an Aldi foodstore with 76 car parking spaces and landscaping scheme. The site main entrance is from Flaxland. The boundary treatment comprises of partly lined trees and soft landscaping. The front facing Flaxland boundary treatment comprises of 1.2m high hooped metal railing and the rest of the boundary treatment comprises of 2.5m high close board fence. The area is characterised by mixed use comprising of offices, retail outlets and residential buildings.

## **5 PLANNING HISTORY**

The relevant planning history includes the following:

- 07/01697/FUL- Planning permission for the construction of an Aldi foodstore with 76 car parking spaces, associated access road and landscaping. This has now been implemented.

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – No objection.

**Travel Plan Officer:** This application is within the current guidelines for maximum standards (and retrospective) I do not see we can object to this application.

The cycle stands installed are too close to the wall to be of convenient use (as reported from a local resident and demonstrated from the photo submitted) According to the Peterborough Cycle Design guidelines, 600mm minimum should be allowed between a wall and a stand perpendicular to the wall. Aldi foodstore ie, the applicant, should re-install these to be of use to customers arriving by bike.

**Landscape Officer:** No objection on landscaping scheme.

**Wildlife Officer:** No objection because proposal will not affect any wildlife species.

### **EXTERNAL**

**Bretton Parish Council** objects to this proposal on the following grounds and urge the application to be determined by planning committee or full council:

- Food retail units the maximum parking standards is 1 space per 14 sq. m. For a 1,683 sq. m unit this would be a maximum of 117 spaces but there is already considerable parking nearby associated with the centre and hence a provision of 73 spaces is appropriate. This includes 4 spaces for disabled access.

**Architectural Liaison Officer:** No objection.

### **NEIGHBOURS**

Any letters of objection or comments received will be included in the committee update report.

### **COUNCILLORS**

Cllr Nick Sandford is concerned that the increase in car parking may breach the car parking standards in the Peterborough Local Plan and result in an over provision of car parking in the area. This location is very well served by public transport and there are good cycle routes leading to it, which should reduce the need for large amounts of car parking. There is also a big car park owned by Sainsburys just opposite the site and other car parks within walking distance. In the update report Cllr Nick Sandford has withdrawn his objection.

**a) Introduction**

The approved and implemented Aldi foodstore includes 76 car parking spaces and cycle stands. During the construction stages of the approved application registered under (07/01697/FUL), the applicant decided to include an additional unauthorised 21 car parking spaces bringing the total of car parking spaces within the site to 97 rather than 76. The store opened to the public in October 2009. The current application relates to the proposed additional 21 car parking spaces is therefore considered as a retrospective planning application registered as (09/01032/FUL).

The original size of the first application site registered as 07/01697/FUL which was approved by planning committee in 2008 is shown in blue line in the site plan. The retrospective planning application for the additional 21 car parking spaces is now shown in redlines within the site plan. This extension of land is part of the land sold to the applicant, although did not form part of the planning application that was considered in 2008.

The applicant's justification for the additional 21 car parking spaces has been evaluated in accordance with National policy (Planning Policy Guidance – PPG13 Transport) and the Peterborough Local Plan (First Replacement).

**b) Policy issues**

The applicant's justification for the proposed additional 21 car parking spaces was derived from the findings of the survey that was carried out as soon as the Aldi foodstore was opened to the public in October 2009, even before it reaches its maturity. Based on a gross floor space of 1,618 sq.m, the provision of 97 car parking spaces equates to 1 spaces per 16.7 sq.m of gross floor area (1618/97 spaces = 1 space per 16.7 sq.m of gross floor area)

Planning Policy Guidance (PPG13-Transport) provides maximum car parking standards at national level. For example, foodstore developments exceeding 1000 sq.m of gross floor area, the maximum standards is 1 space per 14 sq.m of gross floor area (GFA). Peterborough City Council has adopted the PPG13 parking standards as their local standards. Hence, the proposed 97 car parking spaces complies with PPG13 and Peterborough City Council's local parking policy being equivalent to 84% of the maximum standards.

The applicant carried out a car park survey at the site on Friday 23 and Saturday 24 October 2009. The Friday survey was undertaken between 08:00-20:00 hours while the Saturday survey was undertaken between 08:00-19:00 hours. The store is open 09:00-20:00 on a Friday and 08:30-19:00 on Saturday and the survey therefore included the entire store opening hours. The evidence from survey revealed that the maximum car parking accumulation was 61 vehicles at 12:00 on Saturday 24 October 2009.

The survey also recorded pedestrian movements into and out of the site between 11:00-13:00 hours on each day. The survey recorded all pedestrians' movements separately identifying pedestrians linking with the Bretton Centre. The survey indicates that on Friday 23 October, there were 32 pedestrians' trips to the store between 11:00-13:00 hours along with 216 pedestrian trips to the Bretton Centre (figures based on store arrivals). The corresponding Saturday figures were 28 and 254. Thus, there is a very high level of trip linkages between the Aldi foodstore and the Bretton Centre which is beneficial in terms of sustainability.

**Other material consideration**

The above survey has been carried out in October 2009 before Aldi reaches its trading peak in 3 to 5 years after opening. The empirical evidence from the survey that has been carried out demonstrated that trade is likely to increase substantially between now and when the store reaches maturity. This will be partly driven by existing customers purchasing more products and partly through the expansion of the customer base. It is therefore envisage that the likely realistic estimate of the increase in car park usage is 40% and the existing peak accumulation of 61 vehicles is indicative of a peak car park accumulation of 85 vehicles at maturity.

For example, the applicant argued that for a car park to operate efficiently, a surplus of 10% of spaces is required and thus 94 spaces would be required to meet operational requirements. Hence, the Aldi future requirement is for at least 94 car parking spaces. In order to make the existing cycle stand more customer friendly as advised by the Travel Plan Officer, the applicant confirmed on 24 November 2009, that their contractor has been instructed to undertake these works which will be completed in the next few weeks. There is no reason why their survey or the figures presented should be disputed.

## **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:

In policy terms the proposed additional 21 car parking spaces are in compliance with both National policy and development plan policy contained in the Peterborough Local Plan (First Replacement) 2005. The empirical evidence from the survey that was carried out linking the number of pedestrians and vehicles visiting the Aldi suggested that this proposal is sustainable.

The number of pedestrians shopping at Aldi during the initial opening days demonstrated that the location of the store and its users are considered sustainable and the additional 21 car parking spaces will not adversely affect traffic in the area. The proposal is therefore in accordance with policies T1, T9 and T10 of the Peterborough Local Plan, Agreed Travel Plan and PPG13.

## **9**      **RECOMMENDATION**

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

Copy to Councillors Fitzgerald, Morley, Nash





**LOCATION PLAN 09/0155/FUL**

157 - 161 Fletton Avenue, Fletton, Peterborough

Scale 1:1250 Date 25/11/2009 Name MKB Department Planning Services

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09/01155/FUL: CONSTRUCTION OF 10 TWO-BED AND 4 ONE-BED APARTMENTS IN THREE BLOCKS (PART RETROSPECTIVE) AT 157 - 161 FLETTON AVENUE, FLETTON, PETERBOROUGH.

VALID: 15 OCTOBER 2009

APPLICANT: HERITAGE HOMES

AGENT: H A ARCHITECTURAL

REFERRED BY: CLLR RUSH

REASON: OUT OF CHARACTER WITH THE AREA, VISUAL IMPACT, REDUCED PRIVACY AND LIGHT LEVELS FOR NEIGHBOURS.

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

E-MAIL: amanda.mcsherry@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the development on the street scene
- The impact of the proposal upon the residential amenities of adjoining occupiers
- Outline planning permission was granted under 05/0149/OUT for 14 flats with siting and access approved. The remaining reserved matters were approved in 2009 under 08/01504/REM but a legal challenge was made on the basis that the siting of the blocks in the reserved matters submission was different to that approved under the outline planning permission.

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

## 2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

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

- DA1** Development should be compatible with its surroundings, with no adverse visual impact.
- DA2** Development should have no adverse impact on the amenities of occupiers of nearby properties.
- H7** Residential development on sites not allocated for housing should make efficient use of the site in terms of density and layout and respect the character and layout of the surrounding area
- H15** New residential development should be undertaken at the highest net density that is compatible with the surrounding area
- H16** Residential development should provide satisfactory levels of amenity for future residents
- T1** New development should provide safe and convenient access to and from the site
- T9** High quality off-street cycle parking should be provided
- T10** Maximum car parking standards
- LNE9** Development should make adequate provision for landscaping of the site
- LT1** Open space should be provided for new residential development either on site or by way of off-site contribution to existing open space in the locality.

- LT2** Planning obligations should be sought to secure financial contributions for off site open space to meet the needs of the development.
- IMP1** Provision should be secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence 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:

1. PPS 3 Housing- Advises that good design is fundamental to the development of high quality new housing. (Reiterates advice also set out in PPS 1)
2. PPS 13 - Transport
3. 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.

4. Peterborough Residential Design Guide March 2002
5. Planning history – see below

### **3 DESCRIPTION OF PROPOSAL**

The proposal is for the provision of 14 apartments. 10 to be provided in the two blocks of two and a half storey high buildings positioned at the frontage of the site facing on to Fletton Avenue. 4 to be provided in a two storey high block positioned to the rear of these. Access to the site would be via a central access point from Fletton Avenue to a central courtyard containing 14 car parking spaces, bin storage areas and small areas of grass landscaping. Ten of the apartments would have two bedrooms, and four one bedroom.

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

Building works have commenced on site, but have now stopped in view of the legal challenge to the approval of reserved matters issued under 08/01504/REM. The site was previously vacant and before that used as a second hand car sales garage with parking. The area surrounding the site is predominately two storey residential housing.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/01504/REM	Construction of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	19.06.2009	Permitted
08/00892/REM	Erection of 4 one-bed and 10 two-bed apartments in two blocks (amended elevations rec'd 8/9/2008)	02.10.2008	Refused
08/00070/REM	Erection of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	27.05.2008	Withdrawn
05/01449/OUT	Residential development revised scheme comprising of 14 flats in 3 blocks with associated parking, communal open space including access and sitting	21.02.2006	Permitted

## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Head of Transport and Engineering** – No objections subject to the imposition of conditions and informatives.

**Historic Environment Manager** – Comments awaited.

**Head of Environmental Health Services** – Comments awaited.

### EXTERNAL

**Senior Architectural Liaison Officer** – Comments awaited

### NEIGHBOURS

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

- The development is out of character with the area
- No site appraisal has been submitted as set out in the Peterborough Residential Design Guide (the RDG)
- The bay windows project forward of the building line and are too close to the pavement and may cause a hazard
- Trees would have to be removed to accommodate Block A
- The proposal should be looked at the by the Fire and emergency services
- There will be an increase in crime and disorder with so many units for rent
- Poor outlook for ground floor occupants of Block C – one metre to the boundary
- Overdevelopment of the site – too dense when compared to existing development
- Unacceptable visual impact
- Buildings too high, overbearing impact
- Plans show no fire escapes or heating ducts
- There should be a communal TV/satellite system
- Too close to existing properties
- Loss of privacy and light to the adjoining neighbours
- Would create extra parking and traffic problems in the immediate area
- Refuse collection areas not practical as they could block parking spaces and vice versa and could result in problems of smell and vermin
- Drainage – soakaways are ineffective and neighbouring properties may get flooded
- Planning history of refused and quashed planning permissions so this should not be allowed
- Noise pollution
- Building works have already commenced on site, the buildings should be demolished
- Buildings are forward of the established building line and adjacent properties
- Loss of property values

- Houses would be more appropriate than flats
- Damage has already been caused by construction works
- Insufficient on site amenity space proposed and there should be clothes drying areas
- Flats are not appropriate in this area of medium and small semi detached houses
- Impact on neighbouring trees
- Contrary to planning policies and guidance
- Agent did not carried out pre-application consultation with community
- There will be reduced visibility for vehicles entering Fletton Avenue from Manor Drive
- The development would result in on street parking causing more congestion and road safety issues
- No landscaping is proposed
- No lighting details are submitted
- No hard landscaping details are submitted
- Internal layouts differ between plans and may not comply with building regulations
- Door steps prevent disabled ground floor access
- Flues appear sited on or close to boundaries or may interfere with access
- Parked vehicles could prevent ground floor windows being opened

## **COUNCILLORS**

Cllr Rush objects on the grounds that the proposal would result in reduced privacy and light levels for neighbouring sites, be visually intrusive and out of character with the surrounding houses and street scene, be positioned 1.5m forward of the established building line, be higher than neighbouring properties and have 14 car parking spaces served off a central courtyard rather the recommended 10 quoted in the guidance.

## **7 REASONING**

### **a) Introduction**

The key issues with regard to this proposal are the planning history of the site, the proposed design and appearance, and its impact upon the residential amenities of the surrounding residents.

### **b) Planning History**

Outline planning permission was granted in 2006 for 14 flats. The siting of the flats and access also formed part of that approval. Following the withdrawal and refusal of subsequent reserved matters applications in 2008, a third application for the reserved matters, planning reference 08/01504/REM, was approved by Planning Committee earlier this year. This decision was challenged by way of an application for leave to have the decision judicially reviewed and this leave was granted. The Council has accepted the grounds for legal challenge put forward and the outcome of this has had the effect of quashing this planning permission.

Therefore this current full planning application has been submitted, which is very similar in nature to the previous reserved matters application reference 08/01504/REM, and based upon similar footprints to those approved at the outline application.

This application therefore “stands alone” and the Local Planning Authority are entitled to consider matters afresh. This being said, the granting of the outline planning permission in February 2006 with siting and access being approved is a material consideration to the determination of this application and the LPA should consider what material differences may have occurred with regard to the proposal, planning policy and the physical site and surroundings since that time.

### **c) Design and layout**

Three blocks of accommodation are proposed on site to provide the 14 apartments.

#### **Design**

There are two blocks of accommodation proposed on the site frontage facing Fletton Avenue (Blocks A and B). Both of these are to be two and a half storey blocks, with velux style roof lights to provide light to the accommodation within the roof space.

The design and visual appearance of these two blocks in the street scene would be similar to a pair of semi-detached properties rather than flat blocks, which is characteristic of the surrounding area. These blocks are positioned further forward of the adjacent properties building line, however this is not considered to result in an adverse visual impact on the street scene.

Bay window detailing has been introduced, which is also similar to some surrounding properties. The heights of these frontage Blocks would be around 1m higher than the adjacent two storey residential properties. The design and appearance of these two blocks of accommodation was improved during the three previous reserved matters applications, to make them more in keeping with the character of the surrounding area. The additional height of these new buildings and the proposed velux windows are not characteristic of the surrounding area. However, on balance, these differences are not in this instance considered to be sufficiently harmful to justify refusal of the proposal.

Block C to the rear of the site which backs onto Garrick Walk, would be a two storey high block and contain 4, 2 bedroomed apartments. A gabled appearance is proposed, similar in appearance to the adjacent properties. The scale and appearance of this block is considered to be acceptable and not out of keeping with surrounding development.

On balance, the visual appearance of the development is considered to be acceptable and not out of character with the surrounding area in accordance with Policies DA1 and DA2 of the Local Plan.

#### Car and cycle Parking

The car parking is to be located within a private central courtyard area on the site. It will be screened from the street scene by the front two blocks of accommodation and so will not be unacceptably visually dominant in the street scene. Whilst smaller car parking courts are generally recommended, the car parking proposed in this instance would have a high degree of natural surveillance from the surrounding apartments and there are no highway safety concerns in respect of this level of traffic using the access. On this basis, the proposed car parking courtyard serving 14 cars is considered to be acceptable in this instance. The level of car parking proposed 14 spaces is acceptable and in line with the maximum standards in the Peterborough Local Plan and Policy T10. The provision of any additional car parking on site would be contrary to this planning policy. The Residential Design Guide (RDG) recommends that courtyard parking be limited to no more than 10 spaces, however, taking account that the Council has previously granted an outline planning permission for 14 flats, there is no other practicable way of delivering the parking and it is not desirable to have less than 14 spaces (one per flat), the proposal is considered acceptable.

Cycle stand provision will be required and this will be covered by the imposition of a condition.

#### Open Space

Small areas of grass are to be provided on site for the use of residents. These areas could be used by residents to sit outside in summer or to hang their washing outside. As only one and two bedroom apartments are proposed on site, the lack of on site amenity space is not considered to be unacceptable, as it is unlikely to be required to serve the needs of families. The RDG advises that 25 metres per flat should be provided if communal garden areas are proposed. In this instance the total area of the small open space areas within the site are 179 square metres, approximately half the area recommended in the RDG. It is recognised that the areas of open space are not sufficient in themselves to meet the open space needs generated by this development. Additionally, some of this space will be taken by the provision of cycle stands. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision in order to meet the needs of future residents.

#### **d) Residential Amenity**

This application proposes the same number of residential units, contained within the same general configuration of three blocks of accommodation on site, as the previously approved outline and reserved matter applications.

#### Impact on light levels

Blocks A and B are positioned between the two storey properties of No.163 and No.155 Fletton Avenue.

Both of these neighbouring properties have window/door openings on their side elevation facing the sides of blocks A and B. Whilst there will be a reduction in light reaching these side windows and doors from the proposed development, the impact is not considered to be so harmful as to warrant refusal of the proposal, particularly as the windows affected do not appear to serve any main habitable rooms. The positioning and heights of Blocks A and B on the site frontage and their relationship with the adjacent properties would not significantly reduce the light levels previously enjoyed by these properties.

Block C is to be two storey in height, similar to the properties on Garrick Walk. This block would be positioned to the north of the properties on Garrick Walk, therefore there would be no harmful overshadowing impact or unacceptable impact on their sunlight levels. There will be some limited shadowing to the bottom of neighbouring gardens of 155 and 163 Fletton Avenue for a short period after sunrise and before sunset. This is not significant enough to warrant refusal of the application.

The RDG sets out prescriptive guidance (at Chapter 4) with regard to sunlight and daylight levels and recommends that applicable calculations be applied according to orientation of buildings for the “worst” time of year for sunlight i.e. winter equinox. Whilst the proposed blocks do not adversely affect sunlight and daylight levels to existing neighbouring property, the distance between the opposing blocks is less than the optimum recommended to achieve solar gain. The distance between the blocks is approximately 16 metres. In order to achieve the desired solar gain to block C in the winter, the distance between the blocks should be approximately 21 metres. However, it must be reiterated that the RDG is guidance only and not development plan policy. Additionally, Section 4.10 states that whilst housing layouts should be designed to maximise daylight and sunlight levels, this should not be at the exclusion of other considerations. In this instance, it is considered that the separation distance between the proposed blocks is acceptable.

Similarly, the guidance recommends that living room windows face south or near to south. The living room windows in the proposed blocks face north. However, this helps to preserve privacy to neighbouring properties as living room windows facing south would result in potentially greater overlooking to neighbouring gardens.

#### Privacy

None of the three blocks of accommodation have any side windows facing directly into neighbouring sites, therefore there will be no direct overlooking from side windows into any neighbouring sites. Blocks A and B on the site frontage have the living room windows positioned facing on to the road frontage with bedrooms and bathroom windows on the rear elevation. There will be oblique overlooking from these rear upper floor bedroom windows into the neighbouring gardens. However this is considered no more intrusive than the existing situation where neighbouring two storey semi-detached properties already have upper floor windows that overlook into each other’s garden space.

Block C would be positioned at right angles to the properties on Garrick Walk and Manor Avenue and the windows on the rear elevation are to be bedroom, bathroom and kitchen windows with the main habitable rooms on the front facing the internal courtyard. There would be very oblique overlooking from upper windows into the front and rear garden spaces of neighbouring sites, however again this is not considered to be any more harmful than this existing oblique overlooking of neighbouring sites that already exists.

The window to window distances between the front and rear blocks on site, at 16 metres are less than the recommended 21 metres. However, this relates to the more usual relationship of the rear garden to housing backing into the rear garden of other housing i.e. a back to back relationship. Whilst this proposal involves habitable windows facing each other, there is no issue of overlooking into private garden as the internal facing windows overlook the parking and communal areas. It is accepted that flatted development usually cannot provide the same levels of privacy where internal relationship is concerned as can “traditional” housing development. Increasing the window to window distances would result in the loss of the proposed front garden areas and the moving the two front blocks closer to the road. This would not be desirable and would have a negative visual impact on the street scene. In view of this, and as previously accepted by the previous permissions, the sub-standard window to window distances between the blocks of accommodation on site would on balance be considered to be acceptable and would be a matter for future occupiers to consider whether they were willing to accept.



The existing rear boundary wall to Garrick Walk is proposed to be retained and repaired where necessary, with 1.8m close boarded fencing proposed to the side boundaries. These boundary treatments are considered to be acceptable to protect the privacy and amenity of adjacent sites. It is not proposed to take any form of access to the site from Garrick Walk.

#### Noise disturbance

In respect of possible noise disturbance to surrounding neighbours. The proposal is for a residential use in a residential area, therefore they are considered to be compatible land uses. Whilst the density of development and hence the number of people living on this site would be greater than on neighbouring sites, this in itself would not generate unacceptable noise levels for neighbouring residents. The car parking proposed on site is considered to be acceptable and of no more of a disturbance than the previous car sales garage use. Therefore it is not considered any noise disturbance for neighbouring properties generated as a result of this proposed development would be of a level that would be unacceptable in planning terms or contrary to Policy DA2 of the Local Plan.

#### Bin storage

Two bin storage areas are proposed on site to accommodate the needs of the development. A private refuse collection company would collect the refuse from within the site to overcome the need to provide a bin collection point on the site frontage, this would be required if Peterborough City Council were to collect the site's waste. I understand this has been done to address residents' previous concerns about unsightly bins being placed on the site frontage on collection days, and the potential problems with residents not returning them to the rear storage area after collection. The siting and design of the bin stores on site are considered to be acceptable in planning terms. It is not considered that their location would result in unacceptable disturbance or harm to the amenity of neighbouring sites, or that they would be more subject to odour and/or vermin problems compared to any other arrangement. The bin storage areas proposed are therefore considered to be in accordance with the requirements of Policy DA2 of the Local Plan.

#### e) **S106**

It is recognised that the areas of open space proposed on site are not sufficient to meet the open space needs generated by this development. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision to meet the needs of future residents. This is in accordance with Policies LT1 and LT2 of the Local Plan.

This requirement accords with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

#### f) **Miscellaneous**

Many of the points raised by objectors are covered in the report above. The following are comments on those points raised which may not be covered above:

- The requirement for site appraisals has been overtaken by the submission of Design and Access Statements. The Local Planning Authority (LPA) considers there is sufficient information in this regard to determine the application.
- The bay windows are located sufficiently set back from the public highway so as not to cause any hazard. The Local Highway Authority (LHA) has not raised objections in this regard.
- The LPA cannot discriminate between tenures and it cannot be assumed that there will be more crime associated with rented property.
- Matters such as central heating ducts would be considered under building regulations and are not normally an issue for consideration under a planning application. The applicant is not proposing external fire escapes. Any future requirement for this would necessitate submission of a separate planning application.
- The drainage of the site will need to be approved under the building regulations.
- The history of the site has been taken account of when considering the application.

- The LPA is aware that works have taken place on site. The determination of the application must be made with regard to the submitted details. If works are retrospective this is not a material planning consideration. It is not prudent for the LPA to take any action (whatever that might be) until this planning application is determined.
- Loss of property values is expressly not a material planning consideration.
- If any damage has occurred due to works that have taken place, this is a private matter between the parties concerned and not a planning issue.
- Carrying out public consultation on a scheme of this size prior to submission of an application is desirable but not mandatory.
- Soft and hard landscaping (surfacing) and lighting are matters which are proposed to be covered by imposition of conditions.
- Compliance of internal layouts with building regulations is not a planning matter.
- Provision of steps to flats will need to comply with building regulations.
- It is not considered that flues will interfere with access to the site
- The ground floor windows to the rear of blocks A and B are one metre above ground level. There is also a little flexibility with regard to parking as the spaces are 5 metres in length. It is not considered that the opening of windows will be an issue.

## **8 CONCLUSIONS**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The 14 apartments are considered to be compatible with their surroundings with no significant adverse impact on the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policies DA1, DA2, LNE9, T1, T9, T10 and LNE9 of the Peterborough Local Plan 2005 (First Replacement). There is some conflict with policies H7, H15 and H16 in that the density of the development is higher than the immediate surrounding residential densities. However, this is considered acceptable because the application provides for a front elevation design to Fletton Avenue that is in keeping with the character of nearby properties and the density of the development does not significantly adversely affect neighbouring residents with regard to loss of sunlight, daylight and privacy. Additionally, the Local Planning Authority has taken into account the fact that outline planning permission was granted for 14 flats in 2006. There is some conflict with policy H16 in that the amount of private amenity space is substandard but this is being off set by provision of a contribution via a Section 106 agreement towards off site provision.

With regard to the Peterborough Residential Design Guide, this does not form part of the Development Plan but is a material consideration. The proposal does not comply with all aspects of the guidance, in particular distances between opposing windows and amenity space provision on site. The Local Planning Authority considers that taking all material considerations into account and by the imposition of conditions where necessary, the proposal as a whole is acceptable. The weight given to the layout/space standards set out in the Design Guide is taken against the fact that this document was adopted as planning guidance by PCC in 2002, ahead of the publication of PPS 1 (January 2005) and PPS 3 (November 2006) which place greater emphasis on achieving higher density levels especially in urban locations.

## **9 RECOMMENDATION**

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the open space needs of the development, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- C2 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for a scheme of remediation measures. This scheme of remediation must detail how this unsuspected contamination shall be dealt with.**

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).

- C3 No apartment shall be occupied until full details of all proposed tree and shrub planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C4 Prior to the occupation of the first apartment, or within other such period as may be agreed in writing with the Local Planning Authority, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These lights shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.**

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

- C5 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C6 The apartments shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

- C7 The vehicular access hereby approved shall be un gated.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

- C8 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

- C9** **Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.**  
Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C10** **Notwithstanding the details shown on the approved plans, prior to the commencement of construction of the car parking areas, detail of the proposed parking arrangements (including the spaces for the 6 'blue badge' bays) shall be submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the parking and turning areas have been drained and surfaced or other steps as may be specified in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the apartments. The blue badge bays shall be allocated to the accessible dwellings and shall be marked out as blue badge bays by the management company as they become required.**  
Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).
- C11** **The access road/driveway shall be of a minimum width of 5m for a distance of 10m from the edge of the existing carriageway.**  
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C12** **The height of any front boundary enclosure shall not exceed 600mm above existing footway level.**  
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C13** **Prior to the access being brought into use, the visibility splays of the following dimensions 2.4m x 90m shall be provided at the junction of the access road with the public highway in accordance with the approved plans.**  
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C14** **Before the new access is brought into use, visibility splays shall be provided on both sides of the access in accordance with approved plan (439:4D) 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 footway.**  
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C15** **No apartment shall be occupied until space has been laid out within the site for a minimum of 14 bicycle to be parked, and that area shall not thereafter be used for any purpose other than the parking of cycles.**  
Reason: In order to protect and safeguard the amenity of local residents or occupiers in accordance with Policy T9 of the Peterborough Local Plan (First Replacement).
- C16** **Prior to the occupation of any of the flats a scheme to provide communal access for each flat to satellite and/or television reception will be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in full and retained as such thereafter.**  
Reason: In order to prevent a proliferation of such equipment to the detriment of the visual appearance of the development, in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure the open space contributions to meet the needs of the development, however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

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**E1 - Enforcement Action in Northborough Ward**

**REFERRED:** HEAD OF PLANNING SERVICES  
**CONTACT OFFICER:** JULIE ROBshaw  
**TELEPHONE:** 01733 453579  
**E-MAIL:** [julie.robshaw@peterborough.gov.uk](mailto:julie.robshaw@peterborough.gov.uk)

**1 SUMMARY**

The committee is asked to consider appropriate enforcement action in relation to an unauthorised development in accordance with section 2.6.1.3 of the City Council constitution.

**2 NATURE OF EXEMPT INFORMATION**

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

ITEM NO.	APPLICATION REF.	REASON
E1	Withheld	Disclosing the information is likely to identify an individual or company where prosecution is being considered.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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