

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 27 OCTOBER 2009
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>19 October 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. Minutes of the Meeting held on 13 October 2009	1 - 4
5. Development Control and Enforcement Matters	
5.1 09/00999/FUL - 37 Glenton Street, Eastgate, Peterborough	5 - 12
5.2 09/01025/FUL - Land off Thorney Road, Eye, Peterborough	13 - 24
5.3 09/01038/FUL - 653 Lincoln Road, Peterborough	25 - 30
6. Planning Appeals Report	31 - 32



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.

MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor North (Chairman), Councillor Todd, Councillor Ash, Councillor C Burton, Councillor Kreling, Councillor Lane, Councillor Thacker, Councillor Winslade and Councillor Lowndes

Subs: Councillor Sharp and Councillor C Day

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 Allannah

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.

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the
Town Hall, Peterborough on 13 October 2009

Members Present:

Chairman - Councillor North

Councillors - C Burton, Kreling, Lowndes, Thacker, Todd, Winslade, Lane, C Day and Sharp

Officers Present:

Nick Harding, Planning Delivery Manager
Susan Marsh, Principal Planning Officer – Minerals and Waste
Carrie Denness, Principal Solicitor
Gemma George, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Ash.

Councillor Sharp attended as a substitute. Councillor C Day also attended as a substitute.

2. Declarations of Interests

Agenda item 4 Councillor Lane declared that he had received numerous correspondences from local objector groups and residents, however this had not prejudiced him to take part in the item.

3. Minutes of the meeting held on 22 September 2009

The minutes of the meeting held on 22 September 2009 were approved as a true and accurate record.

The meeting was adjourned for ten minutes to allow the Committee time to read through all of the additional information that had been provided.

4. Consultation from Adjacent Authority – Landfill Disposal of Low Level Radioactive Waste, East Northants Resource Management Facility, Stamford Road, Kings Cliffe

A planning application had been submitted to Northamptonshire County Council for the disposal of low level radioactive waste in part of the permitted hazardous waste landfill site at the East Northants Resource Management Facility (ENRMF) at Kings Cliffe. Peterborough City Council had been consulted as adjoining authority. This application was to permit the disposal of waste that contained low levels of radiation which typically arose from the decommissioning of nuclear power stations, science and research facilities, hospitals etc.

The wastes involved were mainly comprised of soils and building rubble, but as they contained small amounts of radioactivity they were not permitted to be disposed in the same way as uncontaminated building waste.

The type of waste involved (low level) was classed as having a radio active content not exceeding 4000 bacquerels per gram (Bq/g) of alpha or 12,000 Bq/g of beta or gamma activity. However, the material to be imported would not exceed 200 Bq/g.

The amount of material to be imported would range between 13,200 cubic m and 14,600 cubic m per year up to 2013. 2013 was the date by which the wider facility would be full.

Nationally there was a need for disposal capacity for this sort of waste. The main permitted facility was at Drigg in Cumbria, but even with a recently permitted extension, the capacity of this site was limited and so new sites were being sought throughout the country that could be used for the disposal of low level waste.

The waste that was proposed would be disposed of by landfill and would fall within the lowest 5% of radioactive waste. The waste would be delivered to the site and taken directly to the area where it was to be landfilled. The waste would be kept within the containers that it was delivered to the site in.

The proposals would not increase the extent of the area of land to be landfilled, the volume of landfill (nearly 250,000 tonnes per annum) or the traffic movements associated with it. There would also be no change to the operational life of the site (due to cease in 2013), or to the restoration or aftercare requirements.

Regular monitoring would take place to ensure that management measures in place were fully effective and that the waste presented no danger to site workers, the wider public or to the environment.

Members' attention was drawn to additional information contained within the update report. The Committee was advised that numerous objections had been received highlighting a catalogue of issues surrounding the proposed disposal. These objections had been received from local residents via their Ward Councillor, as well as the Thornhaugh 1 Quarry Liaison Group, the ProForma Group, Duddington Parish Council, Peterborough Friends of the Earth and Wastewatchers who had submitted a document entitled "consultee response to the Environment Agency concerning the request for authorisation by Augean PLC to deposit low level radioactive waste in the Kings Cliffe landfill site".

Members were advised that the 10 parish councils in the East Northamptonshire and Peterborough area were intending to make a composite response to Northamptonshire County Council after a meeting with the operator on 15 October 2009.

Members discussed the report, and issues and observations were highlighted, including:

- The content of the report and the lack of time which had been available for the Committee to properly digest all of the objections and additional information which had been received
- The security situation on the site both before and after the proposed disposal
- The long term environmental effects of the site, what would happen to the site after 2013?
- The effect of landfilling such waste and the effect on the surrounding area
- The exact nature of the waste to be landfilled
- The lack of consultation response from the PCT
- The possibility of disposing of the waste by alternative means
- The reasons for this method of disposal, was it the cheapest?
- The robustness of the containers housing the waste
- The long term effects of potential leakage and contamination of local water courses, these being the River Welland, the River Nene and Rutland Water
- The location of the site, namely that it was on top of a large hill. Was this likely to cause problems going forward?

- The wider impact of the proposal, and concerns that a precedent was be being set for the future
- The proposal was a premature proposal of Government policy as government policy on the disposal of low level waste (LLW) was still in the process of evolving

After brief discussion a motion was put forward and seconded to agree to the objection of the proposal. The motion was carried unanimously.

The Committee was informed that its comments on the proposal would be submitted to Northamptonshire County Council as part of the consultation process.

RESOLVED: (unanimously) to object to the application and to provide Northamptonshire County Council with a response to their consultation request. This response would include the main points highlighted by the Committee during its debate.

Reasons for the decision:

As a neighbouring authority, Peterborough City Council was requested to respond to the consultation request by Northamptonshire County Council. Members considered the proposal unacceptable due to the issues mentioned during debate.

Chairman
13.30 – 14.25

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LOCATION PLAN 09/00999/FUL

37 Glenton Street, Eastgate, Peterborough

Scale 1:1250 Date 15/10/2009 Name MKB Department Planning Services

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09/00999/FUL: CONSTRUCTION OF THREE BEDROOM DWELLING AT 37 GLENTON STREET, EASTGATE, PETERBOROUGH
VALID: 1 SEPTEMBER 2009
APPLICANT: MR Z HAMIDI
AGENT: XEVA DESIGN CONCEPTS
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: SIGNIFICANT NEIGHBOUR OBJECTION REGARDING PARKING
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:

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

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)

- H7 Housing Development on unallocated Sites** – within the urban area development on any site not allocated in policy H3 including by infilling, redevelopment and change of use of existing buildings will be permitted where the site is not allocated for any other purpose, within a defined employment area, is or will be integrated with existing or proposed infrastructure to meet residential needs and where development would make efficient use of the site, respect the character of the area, provide good quality living conditions for residents, would not have a detrimental impact on highway safety, unacceptably constrain development of adjoining land or result in the loss of open space of recreational or amenity value.
- H16 Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1 Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

- T10 Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.
- DA1 Townscape and Urban Design** – planning permission will only be granted if the development is compatible with its surroundings in respect to the relationship to nearby buildings, and spaces, its impact to on longer views, creates or reinforces a sense of place, and does not create an adverse visual impact.
- DA2 The effect of development upon on the amenities and character of an area** – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.
- DA6 Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- IMP1 Securing Satisfactory Development** – planning permission will not be granted for any development unless provision is 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:

PPS1 Delivering Sustainable Development
PPS3 Housing

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

Permission is sought for the erection of a detached two-storey, three-bedroom property in a traditional Victorian style on land at No.37 Glenton Street. The proposal will remove a large single storey office unit on the site. It is noted that planning application reference 09/00470/FUL for the erection of a three-bed dwelling was refused for the following reasons:

- R 1 The proposed dwelling by reason of its design and siting, would result in an awkward juxtaposition between the existing row of terraces to the west of the application site and the proposed dwelling which would appear at odds with and incongruent within the streetscene. The proposal is therefore considered out of keeping with the character of the area and contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan (First Replacement).
- R 2 The proposed dwelling by reason of its design, scale and siting fails to provide adequate access to the rear of the property and proposes bin storage to the front. This bin storage would be sited in close proximity to windows to primary habitable rooms of both the proposed dwelling and adjoining property, No.35 Glenton Street and would result in an unacceptable impact on the amenity of occupiers of these properties by virtue of smell. Therefore the proposal is contrary to policies DA2 and DA6 of the Peterborough Local Plan (First Replacement).
- R 3 The proposal has failed to make provision for the additional infrastructure requirements arising from the development, and is therefore contrary to Policy IMP1 of the Peterborough Local Plan (First Replacement).

Following negotiation, the applicant has redesigned the scheme to provide a one metre wide access to the rear garden which separates the proposal from No.35 Glenton Street. The scheme proposes a dwelling house with a footprint of approximately 45sqm. No in-curtilage car parking is proposed.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is formed by a plot of land between Nos.35 and 41 Glenton Street and immediately abuts a row of ten Victorian terraced properties. The site is currently occupied by a large single storey storage/office building which extends the entire width and depth of the plot. The building is predominantly flat roof in design albeit changes to dual pitched at the rear. The plot appears at odds to the surrounding area which is generally residential in nature with a variety of terraced, semi-detached and detached residential properties. Parking is mainly provided on-road.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/00460/FUL	Three-bed dwelling	31.07.2009	REFUSED

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – Whilst the Local Planning Authority objects to the loss of off-road car parking without replacement, a refusal on this basis in this location could not be sustained on appeal.

NEIGHBOURS

- A letter of objection has been received from one local resident in addition to a petition of 56 signatures raising objection to the proposal on the grounds of inadequate parking provision off-road which would lead to congestion on the public highway and potential dangers with regards to inadequate access for emergency vehicles.

7 REASONING

a) Introduction

This application has been submitted following refusal of a previous application (ref. 09/00460/FUL) for the erection of a three-bed dwelling which was refused due to the harmful impact the proposal

would have had on the character and appearance of the area. This application is not materially different to the previous scheme but has attempted to address the issues relating to the previous refusal.

b) Principle of development

The proposal to erect a detached three bedroom dwelling is an example of the re-development of existing 'brownfield' land. The site falls within the Peterborough urban area and is within close proximity to the city centre. The proposal offers good quality living accommodation which meets a range of residential needs.

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

c) Design and impact on the character and appearance of the area

The overall design of the proposed dwelling is respectful and reflective of the character and built form of the terraced properties immediately to the west of the application site. The revised scheme sets the proposal in line with this row of properties follows the established building line and is considered acceptable in this respect. Furthermore, given the character and age of the terraced properties, it is considered appropriate that a new build dwelling be detached from these older dwellings in order to ensure that it does not appear out of keeping and incongruent within the streetscene. The design of the proposal would make a positive contribution to the streetscene and greatly improve the visual amenity of the area as a whole.

d) Impact on residential amenity

It is considered that the proposed dwelling would not significantly harm the amenities of occupiers of surrounding properties. The revision to the scheme to site the dwelling in line with the existing terraced properties will ensure that the built form of this part of Glenton Street is maintained. This positioning will also prevent the significant amount of overshadowing that would have resulted to No.35 Glenton Street had the property been set back by 5 metres to provide off-road car parking. Furthermore, there is a significant level of separation distance between the proposal and No.41 Glenton Street (approximately 8m between elevation walls) which will reduce the overshadowing impact. In addition, the windows of the proposed dwelling have been positioned to ensure that no overlooking will occur.

In addition, it is considered that the proposed dwelling will ensure an adequate level of amenity for any future occupiers with a rear garden of approximately 107sqm. The dwelling provides sufficient outdoor amenity space and the rooms are of an adequate size.

e) Highways implications

The Local Highways Authority has not raised any objection to the proposal despite the lack of off-street car parking. However, one letter of objection from a local resident and a petition have been received with regards to the lack of car parking proposed and the impact this may have on the flow of traffic along Glenton Street. It is considered that whilst off-road car parking is desirable, in this instance it is not considered necessary. The application site is located within walking distance of the City Centre and is located in close proximity to bus stops which serve the Queensgate Bus Station. The location is therefore considered highly sustainable and capable of accommodating no car parking provision. Furthermore, in setting the proposed dwelling back by 5 metres to allow for off-road parking, this would create an unacceptable level of overshadowing to primary habitable rooms of No.35 Glenton Street which would unduly harm the amenity of occupants of the property. Overall, it is considered that the benefits in terms of the enhancement of the character and appearance of the area and the protection of neighbour amenity outweigh the potential parking problem along the public highway.

f) Securing satisfactory development

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

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

8 CONCLUSIONS

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 proposal represents redevelopment of brownfield land within the urban area of Peterborough and would contribute to the provision of a range of housing within the City in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal has been designed to ensure it makes a positive contribution to the character and appearance of the streetscene and will not appear unduly obtrusive or overbearing, in accordance with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal will not have a significant overshadowing or overbearing impact on the amenity of surrounding occupiers, will not result in a loss of privacy to primary habitable rooms due to overlooking and will ensure a good level of amenity for future occupiers in accordance with policies DA2, DA6 and H16 of the Adopted Peterborough Local Plan (First Replacement); and
- Given the sustainable location of the application site, the lack of off-road car parking will not cause undue stress on the public highway, in accordance with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

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 (as amended) for a financial contribution to meet the infrastructure needs of the area, 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 five years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- C2 Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 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), domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C4 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), no windows shall be inserted into any elevation of the dwelling other than those expressly authorised by this permission.**
Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C5 An enclosed space for refuse bins shall be provided to the rear of the dwelling prior to first occupation in accordance with details submitted to and agreed in writing by the Local Planning Authority before development commences.

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C6 Prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority, details of all boundary walls and fences must be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C7 The existing access to Glenton Street shall be permanently closed to vehicular traffic before the dwelling is occupied. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction, or within such other period as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted 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 a contribution towards infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: M Collins, S Goldspink, M Todd

Revision	Drawn Note
Date	
Rev A	CMW Red line extended to include access to western boundary from previously approved estate road

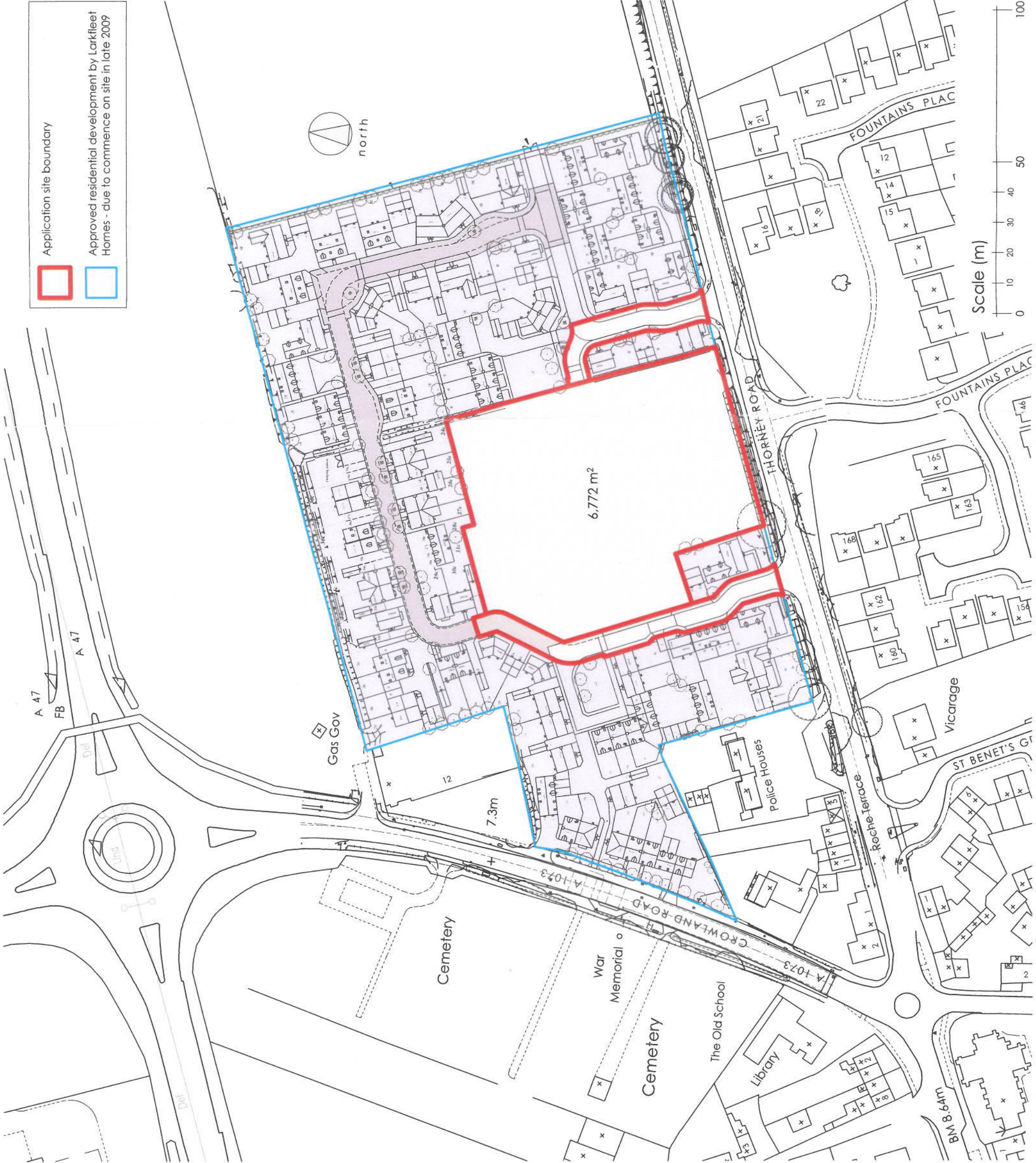
SCANNED



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Client	Axiom Housing Association Limited		
Project Title	Extra & Close Care Accommodation Thorney Road Eye, Peterborough		
Drawing Title	Site Location Plan		
Drawing Status	PLANNING		
Scale at A3	1:1250	Date	02/09/09
Drawn By	CMW	Checked By	MIH
Job No.	L255	Drawing No.	20
Revision	A		
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	Application site boundary
	Approved residential development by Larkfleet Homes - due to commence on site in late 2009



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09/01025/FUL: CONSTRUCTION OF 52 UNIT EXTRA CARE FACILITY AND 12 CLOSE CARE BUNGALOWS PLUS ASSOCIATED PARKING AND LANDSCAPING AT LAND OFF, THORNEY ROAD, EYE

VALID: 8 SEPTEMBER 2009

APPLICANT: AXIOM HOUSING ASSOCIATION

AGENT: LARKFLEET HOMES

REFERRED BY: COUNCILLOR SANDERS

REASON: NOT IN KEEPING WITH THE SURROUNDING AREA AND POSSIBLE CONGESTION IN RELATION TO TRAFFIC MANAGEMENT

DEPARTURE: NO

CASE OFFICER: EMMANUEL ALLANAH

TELEPHONE: 01733 454413

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Appearance of the development in the street scene
- The traffic impact of the development
- Impact on reptiles within the site

The Head of Planning Services recommends he be given authority to APPROVE planning permission subject to signing of a Section 106 Agreement to secure contribution toward the provision of bereavement services and waste management.

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

The Peterborough Local Plan (First Replacement)

H16- Residential Design and Amenity

H21- Affordable Housing

H23- Lifetime Homes and Wheelchair housing

T1- The Transport Implications of New Development

T3-Accessibility

T5-Accessibility to Development – Cyclists

T8-Connection to the existing highway network

T10-Car parking provision

LT1- Open space in new residential development

LT2- Off-site contributions towards the provision for open space for new residential development

DA1- Townscape and Urban Design

DA2- The effect of development on the amenities and character of an area

CBE2- Other areas of archaeological potential or importance

LNE9- Landscaping implications of development proposals

LNE10-Detailed elements of Landscaping schemes

LNE12- Hedgerows

IMP1- Securing satisfactory development

3 DESCRIPTION OF PROPOSAL

This application seeks planning permission for the construction of a total of 64 extra care and close care units for the elderly / infirm. The proposal consists of the following:

- 52 socially rented extra care units with communal gardens
- 6 shared ownership affordable close care bungalows
- 6 market sale close care bungalows

The 52 extra care units are located in a large block situated on the front part of the site, facing Thorney Road and opposite Fountains Place and is mostly 3 storey in height with the 'end wings' on either side of the building being 2 storey. This gives the effect of the building rising from a height that is actually lower than the two storey dwellings that have been granted planning permission either side of this proposed development, to 3 storey.

Access to the proposed development is via the two accesses that already have the benefit of planning permission.

21 car parking spaces (of which 3 are of disabled standard) are proposed to serve the 52 extra care units and 5 of the proposed bungalows. The remaining 7 bungalows are served by 14 parking spaces.

Axiom Housing Association wish to highlight that:

"Peterborough City, along with all of the East of England, has an increasingly ageing population. There is a severe shortage of suitable accommodation for the vulnerable elderly population. The City`s housing strategy has set the target of providing 400 units of extra care housing to meet the City`s needs by 2011. The proposed will make a major contribution these needs meeting that need.

In order to provide high quality, affordable extra care homes, housing associations, such as Axiom are required to bid for government capital grants to contribute towards the development costs of the scheme. This is a competitive process and many other providers are looking to do the same across the East of England and compete for increasingly scarce government resources. Axiom has been successful in securing over £3 million of government grant towards this scheme. The investment from Axiom will bring the total investment to over £9.5 million.

All of this investment and the homes and support services for vulnerable older people, is dependent upon planning permission being granted and work being undertaken to achieve completion by March 2011.

This is a key strategic project for Peterborough secured in competition from other authorities across the East of England. It is reasonable to state that this level of grant funding is very unlikely to become available in the foreseeable future and the rejection of this scheme will mean not only the loss of vitally needed homes for local older people, but also secure long term employment for local people".

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is part of a wider vacant development site that in total has planning permission for 112 family dwellings. The site is generally flat with a short sharp rise from the main body of the site to the Thorney Road (a height change of c1.3m). The southern boundary of the site is made up of hedges and a large tree (protected by a Tree Preservation Order). A hedge makes up the boundary to the east with there being no boundary demarcation to either the west or north of the application site.

The nature of the surrounding development is mostly 2 and 2.5 storey residential development. The nature of the building materials are as follows: red and buff brickwork on the modern residential

development to the south, local stone at the newly built Parsonage and a mix of brick and stone along the High Street.

5 PLANNING HISTORY

06/00045/FUL – Approval for residential development
06/00455/FUL – Approval for residential development
05/00008/FUL – Approval for residential development

The above permissions grant planning permission for 112 units.

The proposal would have the result of reducing the number of units from 112 to 84.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Transport & Engineering

No objection as the proposal generates no more traffic than the approved housing scheme. Requests standard highway conditions be applied. See recommendation.

Strategic Housing

The provision of extra care housing is a strategic priority for both Peterborough City Council and NHS Peterborough and the 64 dwellings proposed by this scheme would play an important part in meeting the target of providing 400 units of extra care housing by 2011. This was corroborated by letters of support from Peterborough City Council's Housing Strategy Team, Supporting People and Primary Care Trust at the stage of submission of a funding bid for this scheme to the HCA.

Bereavement Services

Requests that a Section 106 contribution for Bereavement Services be secured.

City Services – Cleansing

Requests that a Section 106 contribution for Waste Management Services be secured.

Planning Delivery - Ecologist

Requests that a satisfactory reptile (common lizard) survey and mitigation proposal be submitted prior to the issue of the grant of planning permission.

Note for Committee:- The applicant at the time of writing is undertaking this work and a verbal update will be given at the meeting. It should be noted however, that the presence or otherwise of reptiles was not a matter that was apparent in the (extant) planning permissions issued in respect of the residential development that has approved on this application site and on the land to either side. In effect, these approved development could go ahead with no regard (in planning terms) to the presence of the reptiles.

Building Control – Access Officer

No objection

Tree Officer

No objection subject to application of standard condition regarding tree protection measures for the tree protected by a tree preservation order.

Environmental Health

No comments received.

Archaeology

No comments received.

Senior Engineer Drainage

No comments received, though the proposal does not impact on any City Council drainage infrastructure.

Travel Choice

No comments received.

Adult Social Care

No comments received.

EXTERNAL

Eye Parish Council

Object as the main block is 3 storey and close to the road side and thus would not be in keeping with Eye

North Level IDB

No objection. Requests condition requiring the submission and approval of a surface water scheme. See recommendation.

Cambs Fire & Rescue Service

No objection. Requests condition requiring the provision of fire hydrants.

Police Architectural Liaison Officer

No comments received.

NEIGHBOURS

Two objections have been received and these raise the following points:

- The proposal for 3 storey development is too high, is out of keeping with the area and may be the start of a development trend in the village
- A 3 storey hotel was recently refused planning permission locally due to its height
- Orientation of the building is detrimental to the occupants of the complex, the occupants of the proposed dwellings to the east and the residents of Fountains Place.
- With rooms facing the main road (and some surrounded by a 'T' junction) they will be subject to much noise nuisance from all kinds of passing traffic (including busses stopping at the bus stop with engines running) particularly during the early morning
- If the development is to go ahead, the speed limit should be reduced to 30mph.
- The appearance of the 3 storey building will be overbearing to the Fountains Place residents.
- A higher than normal number of Service vehicles, staff vehicles, emergency vehicles and visitor vehicles, going too from the development, will run through a residential area.
- City Council is using Eye as a dumping ground for an excessive amount of development and is doing so to the detriment of the amenity and appearance of the area.

The following changes have been suggested by one objector:

1. Rotate the building 90 degrees and provide the development with a bespoke access
2. Put in a mini-roundabout at the junction (formed as a result of doing 1 above). with Thorney Road
3. Add more landscaping
4. Add signage so people can find the facility

COUNCILLORS

Cllr Sanders has expressed the view that the proposed 3 storey building is not in keeping with the surrounding area and that it may cause congestion in relation to traffic management.

7 REASONING

Appearance of the development in the street scene

Whilst the main block of the development is 3 storey, the visual impact of this has been mitigated by the following:

- The site sits lower than the properties opposite it along Thorney Road.
- The design of the development has been deliberately arrived at to give it as lower roof line as possible and because of this the maximum height of the building is not significantly taller than the dwellings that have been granted planning permission to either side or on the opposite side of the road.
- The building has deliberately incorporated a number of design features to reduce the visual impact of the building e.g. the stepping of the building from two storey at either end to three storey in the middle, a variation in the 'building line' along the Thorney Road frontage, variation in the roof line.

It should be noted that residential properties along the High Street also comprise of both two and two and half storey residential buildings with different patterns of ridge heights.

Having taken into account the existing level of the application site and the different patterns of ridge heights and different townscape characters within the immediate built environment, on balance the proposed 3 storey scheme will not adversely spoil the visual street scene along this part of Thorney Road.

Traffic impact

The proposed access to this scheme is from Thorney Road via two accesses that already have the benefit of planning permission. The proposal will result in a lower number of housing units on the site compared to the previously approved development and that any increase of traffic movements generated by staff and service vehicles would be offset by the low level of traffic movements generated by the occupants of the development compared to the previously approved residential development. Highway Officers have deliberately visited a similar development elsewhere in Peterborough in order to assess this application prior to making comments and it has been concluded that the proposal would not result in a level of traffic movements and demand for car parking that could not be accommodated by the proposed access, the junction with Thorney Road or by the car parking being provided. Adequate cycle parking is to be provided and it is noted that Thorney Road is on a local bus route.

Impact on the likelihood of discovering reptiles within the site

There is a waterlogged pit nearby and there is the possibility that reptiles may have migrated onto the application site. A survey to look for the presence of reptiles (and if found a scheme of mitigation) is awaited and a verbal update will be given at the meeting. If reptiles are found a condition requiring the implementation of a mitigation scheme needs to be applied (see recommendation).

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 proposed development is considered acceptable because the proposed three storey building will not adversely spoil the character and visual amenities of the appearance of the area and will not lead to unsatisfactory living condition of existing or developments granted planning permission by virtue of overlooking, overshadowing, loss of privacy or by being overbearing. This is in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement). The proposal will improve extra care homes facilities and the provision of affordable housing within this part of Peterborough. It will assist to achieve the Strategic Housing priority of the provision of care homes housing strategy for Peterborough City Council and National Health Service. This is therefore in accordance with policies H20 and H23 of the Peterborough Local Plan (First Replacement).

Access to/ from the site is safe and adequate provision has been made for the turning and parking of vehicles. Cycle parking is to be provided and the proposal is located on a bus route. The proposal therefore is unlikely to generate adverse traffic to the area; therefore in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

The mitigation measures to safeguard any existing reptiles within any part of the application site will assist to safeguard life of any reptiles that are likely to be found through the confirmatory survey. Such mitigation measures will be secured through the recommended planning condition. This is in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

The proposal will impact on the future provision of bereavement services and waste management and a contribution toward mitigating the impact is proposed and this is in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

That the Head of Planning Services be authorised to APPROVE the application (with the conditions set out below) subject to:

- a) the entering into of a legal agreement in respect of a contribution toward Bereavement Services and Waste Management
- b) a satisfactory reptile and mitigation proposal being submitted:

1. 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).

Prior to the commencement of the development visibility splays of 4.5m x 120m visibility splays (measured along the centre line of the proposed access roads from their junction with the channel line of Thorney Road and measured along the channel line of the public highway from the centre line of the proposed access road respectively) shall be provided and thereafter maintained free of any obstruction over a height of 600mm .

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

2. Prior to the commencement of the development full details of a footway/drainage scheme along Thorney Road from and along the frontage of the site to tie-in to the existing footway to the west shall be submitted to and approved by the local planning authority. The footway/drainage scheme shall be implemented in accordance with the approved details prior to occupation of any of the dwellings.

Reason: In the interests of Highway Safety and to provide for the efficient drainage of the public highway, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement)

3. Development shall not commence before vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. (see informative 1) All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway.

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

4. Adequate 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 clearance, remediation and construction. These facilities shall be in accordance with

details which have previously been approved in writing by the Local Planning Authority and shall be retained for the duration of works on site.

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

- 5. Notwithstanding the submitted plans prior to commencement of the development details showing a turning area for refuse vehicle on the western access road must be submitted to and approved by the Local Planning Authority. This turning area shall be provided before the use of the western accesses and thereafter be maintained solely for the turning of refuse vehicles.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement) 2005.

- 6. Pedestrian Visibility splays shall be provided on either side of the junction of the accesses from parking areas with the proposed main access roads. The minimum dimensions to provide the required splay lines shall be 2.0m x 2.0m measured from and along the channel line of the public highway on each side of the access. The splays shall be thereafter maintained clear of any obstruction over a height of 600mm above the footway/carriageway level.**

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement) 2005.

- 7. Prior to the commencement of the development, a Travel Statement (TS) shall be submitted to and approved by the Local Planning Authority. The TS shall contain measures to promote the use of non-car modes to access the site and also contain details of the location and design of cycle parking in accordance with Peterborough City Council Guidance.**

Reason: In the interest of sustainable travel and to accord with Policy T1 of the Peterborough Local Plan (First Replacement) 2005.

- 8. Prior to the occupation of the dwellings hereby approved alternative bird nesting sites and bat roosting sites within the development shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the survival and protection of the birdlife within the site and the general locality in accordance with Policies LNE17 and LNE19 of the Peterborough Local Plan (First Replacement) 2005.

- 9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layout; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures.**

Reason: In order to improve the visual amenity of the areas; in accordance with Policies DA1, DA2, LNE9, and LNE10 of the Peterborough Local Plan (First Replacement).

- 10. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass established); schedules of plans, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.**

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- 11. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- 12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before occupation of each completed dwelling or in accordance with a timetable agreed in writing with 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 Policy DA2 of the Peterborough Local Plan (First Replacement).

- 13. No development shall take place within the application 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 Policies CBE1 and BCE2 of the Peterborough Local Plan (First Replacement).

- 14. No development shall take place until details of all materials to be used in the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- 15. Prior to the occupation of the approved development a scheme for the provision fire hydrants shall be implemented in accordance with details to be submitted to and approved in writing with the Local Planning Authority.**

Reason: In the interests of residential amenity and safety in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

- 16. No development, including site clearance works, shall commence in the area identified as area 1 in the ecological scoping accompanying the application until a reptile survey has been carried out and a survey report submitted to and agreed in writing with the Local Planning Authority. Area 1 shall be taken to include the boundary hedgerow between areas 1 and 2. Should the survey identify the presence of reptiles, then no development shall commence until a mitigation strategy has also been agreed in writing with the Local Planning Authority and implemented in accordance with the agreed detail.**

Reason: In order to safeguard and protect the life of the reptiles in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- 17. No development shall take place until a scheme for the protection of the TPO tree on the site has been submitted to and approved by the local planning authority. The development shall be implemented in accordance with the approved scheme.**

Reason: To safeguard the tree and to accord with policy LNE11 of the Peterborough Local Plan (First Replacement).

- 18. No development shall take place until a scheme for the disposal of surface water has been submitted to and approved by the local planning authority (your notice is drawn to the attached advice from the Internal Drainage Board). The development shall be implemented in accordance with the approved scheme.**

Reason: In the interest of flood prevention and to accord with PPS 25 and policies U1 and U2 of the Peterborough Local Plan (First Replacement).

- 19. With the exception of the formation of the access to Thorney Road, no raising of land levels is authorised by this planning permission and the finished floor levels of all the properties hereby approved shall be no more than 15cm above existing ground level.**

Reason: In the interest of the appearance of the development and in the interest of flood prevention and to accord with PPS 25 and policies U1, U2, DA1 and DA2 of the Peterborough Local Plan (First Replacement).

Informatives

Numbering and Naming

Public Health Act 1925 S17-18

The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Technical Support Team Manager - Highway Infrastructure Group on (01733) 453461 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings.

Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.

Vehicular Crossings S184 Access Works

Highways Act 1980 - Section 184, Sub-Sections (3)(4)(9)

This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works **MUST** be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Contact is to be made with the Transport & Engineering - Development Team on 01733 453421 who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

INF15 NR&SWA 1991

The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering – Street Works Co-Ordinator on 01733 453467.

INF17 New Adoptable Highways S38 road adoption agreements

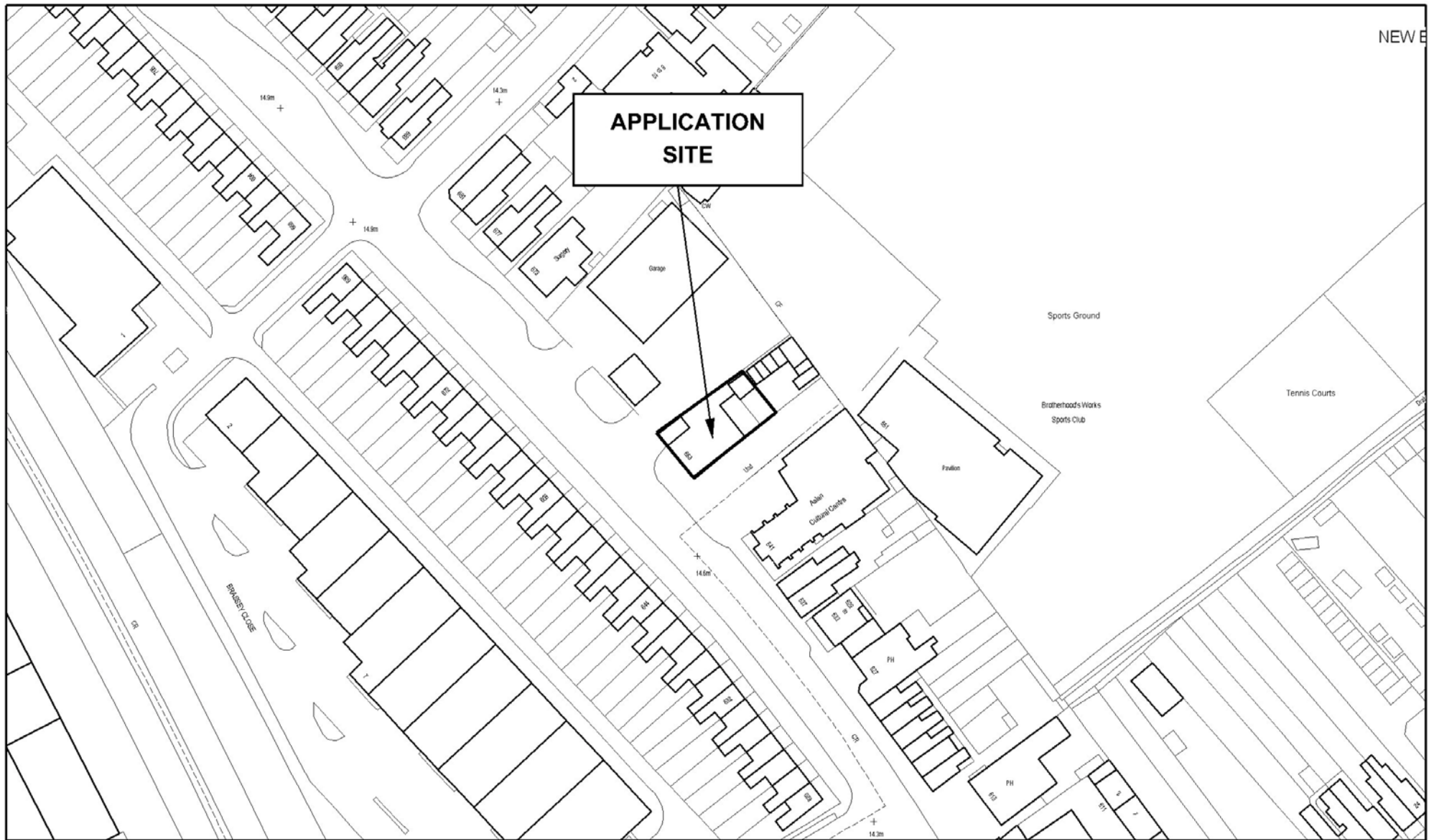
The attention of the applicant is drawn to the need to make a formal application to the council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 agreement. Application forms for Section 38 agreements are available from Transport & Engineering - Development Team on 01733 453421.

INF18 Wheel Cleansing

Informative associated with condition HW24

The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.

Copy to Councillors: Sanders, Dobbs



LOCATION PLAN 09/01038/FUL

653 Lincoln Road, Peterborough

Scale 1:1250 Date 15/10/2009 Name MKB Department Planning Services

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PCC GIS



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09/01038/FUL: CONVERSION OF EXISTING HMO TO THREE SEPARATE FLATS (1 X 1 BEDROOM AND 2 X 2 BEDROOM) – REVISED APPLICATION AT 653 LINCOLN ROAD, PETERBOROUGH

VALID: 12 SEPTEMBER 2009

APPLICANT: MR TARIQ MAHMOOD

AGENT: MR N P BRANSTON

REFERRED BY: CLLR SWIFT

REASON: INADEQUATE CAR PARKING, LACK OF PRIVATE AMENITY SPACE AND LACK OF LOADING/UNLOADING AREA FOR EXISTING RETAIL UNITS

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 neighbouring properties
- The amenity of future occupiers of the proposed units
- The impact on the highway network and car parking

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)

- H7 Housing Development on unallocated Sites** – within the urban area development on any site not allocated in policy H3 including by infilling, redevelopment and change of use of existing buildings will be permitted where the site is not allocated for any other purpose, within a defined employment area, is or will be integrated with existing or proposed infrastructure to meet residential needs and where development would make efficient use of the site, respect the character of the area, provide good quality living conditions for residents, would not have a detrimental impact on highway safety, unacceptably constrain development of adjoining land or result in the loss of open space of recreational or amenity value.
- H16 Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1 Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

T10 Car and Motorcycle Parking Requirements – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.

DA2 The effect of development upon on the amenities and character of an area – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for the conversion of an existing Housing in Multiple Occupation (HMO) to three separate flats (1 x 1 bedroom and 2 x 2 bedroom). The application scheme also proposes cycle storage, bin storage and private amenity area. The application is part-retrospective, and has been amended from a previously refused scheme under application reference 09/00777/FUL. It is noted that planning application reference 09/00777/FUL was refused for the following reason:

R 1 The proposed flats will provide a poor level of amenity for residents as a result of the substandard provision of private amenity space within the site. In addition, occupants of the proposed ground floor flat will suffer from noise and disturbance as a result of the close proximity of the bin store to the habitable rooms of the flats. This is contrary to policies H7 and H16 of the Peterborough Local Plan (First Replacement).

Following negotiation, the applicant has amended the scheme to provide private rear amenity space for each separate flat and has relocated the bin store for the existing retail units to prevent noise disturbance to occupants of the ground floor unit.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located within the Urban Area boundary of Peterborough along Lincoln Road, one of the primary routes running north-south from the City Centre. The application property is currently in part an existing HMO above and to the rear of two retail units comprising an off-license and hairdressing salon. There is no existing on-site car parking, however there is a small gated rear service yard serving the shops. Parking is provided along Lincoln Road and is subject to management by a resident permit holder system. An existing sports field and doctor's surgery is located to the rear of the site and access is provided adjacent to the application site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
00/01546/FUL	Rear extension and external staircase	29.01.2001	PER
09/00777/FUL	Change of use from mixed development comprising shops and HMO to mixed use development comprising shops and three self contained flats – part retrospective	09.09.2009	REF

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The three parking bays shown on the submitted plans are not evident when visiting the site and the access road adjacent upon which these spaces are proposed was shown on application 04/01272/FUL to be in the ownership of PCC. Therefore, the parking area is not within the applicant's ownership and the bays should be removed from the proposals.

NEIGHBOURS

- One letter of neighbour objection has been received from the Parkway Sports and Social Club which is located to the rear of the application site. The objection relates to the density of

development, lack of private open space and car parking on the access road adjacent to the site.

7 REASONING

a) Introduction

The property has been in use as an HMO for a number of years and it therefore appears to have been some time since the first floor accommodation was last used as a single residential unit. Therefore, the principle of a multiple occupancy residential use for the property has been established. This is a revised planning application, following the refusal of planning application 09/00777FUL. The scheme is not materially different albeit it has attempted to address the previous reasons for refusal by providing private rear amenity space for the units and separate bin and cycle storage.

b) The principle of development

The site falls within the urban area of Peterborough and within close proximity to the city centre. The use as flats would contribute towards providing living accommodation to meet a range of needs. The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement).

c) The impact on neighbouring properties

The proposed development is all contained within the existing building, and does not involve any extensions to the property. The proposal provides a one two bedroom flat at ground floor level with the other one two bedroom and one, one bedroom flats at first floor level above the existing shop units. The internal layout has been arranged to minimise where possible the noise and disturbance to any adjoining property. There are no proposed alterations to the window openings and access to the first floor flats will be gained from the existing external staircase to the rear. The Planning Officer is content that there will not be any unacceptable changes to the existing neighbouring amenity.

Party wall acoustic testing will be considered through the Building Regulations process.

d) The impact on the amenity of future occupiers

It is considered that the proposed units will provide an acceptable level of residential amenity for future occupiers. The internal layout of the units, particularly at first floor level will ensure that there is minimal noise and disturbance by virtue of ensuring that primary habitable rooms are not located adjacent to one another, in addition there are corridors separating the two flats. With regards to the ground floor unit, the revised scheme has sought to separate the bedroom accommodation from the service yard serving the retail units to ensure that no noise disturbance occurs during delivery times and refuse collections.

In addition, the revised scheme provides for an adequate level of private amenity space. Whilst the amenity area proposed is not as large as would generally be required for a residential unit, given the location of the application site is in close proximity to local parks it is considered acceptable.

e) The impact on the highway network and car parking

The Local Highway Authority has raised an objection to the proposal on the basis that there is inadequate car parking provision. Drawing 29.022/2A clearly shows three car parking spaces proposed adjacent to the application building; these spaces would be situated on a private access road which serves the recreation ground and doctor's surgery and is in the ownership of the City Council. It is considered that such parking would be to the detriment of highway safety by virtue of vehicular and pedestrian conflict from cars manoeuvring to and from the proposed spaces.

Following negotiation with the applicant, these spaces have been deleted and a revised drawing submitted to the Local Planning Authority (LPA). The LPA are currently consulting on the revised drawing with Highway Officers and their comments will be provided as an update at the Committee meeting.

Whilst the loss of car parking is not ideal, it is considered that the application site is located in a highly sustainable area that can accommodate residential accommodation without the provision of car parking. Lincoln Road benefits from significant on-road car parking controlled by resident permit restrictions. Furthermore, public transport access is adequate enough to afford residents suitable access to services and facilities within the wider area. It is not considered that the proposed use of the property for three flats will place a greater burden on the highway network or residents parking bays, than the use of the property as a house in multiple occupation.

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 principle multiple occupancy of this former residential dwelling has already been established.
- There will be no detrimental impact on the amenities of neighbouring residential or retail properties.
- There will be no unacceptable impact on the highway network or car parking.

The proposed development is therefore in keeping with Policies H7, H16, T1 and DA2 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 An enclosed space for refuse bins for the flats hereby approved and existing retail units shall be provided within three months of the date of this permission, in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C2 Within three months of the date of this permission, details of all boundary walls/fences must be submitted to and approved in writing by the Local Planning Authority and the fencing/walls erected in accordance with the details so approved. Thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 Within three months of the date of this permission, three cycle stands shall be provided within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. The three cycle stands shall thereafter be retained, and the area upon which they are sited shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies T7 and T9 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: K Sharp, C Swift OBE

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
27 OCTOBER 2009	PUBLIC REPORT

Cabinet Member(s) Responsible:	Councillor Peter Hiller - Cabinet Member for Neighbourhoods, Housing and Community Development Councillor Piers Croft - Cabinet Member for Strategic Planning, Growth and Human Resources
Contact Officer(s):	David Loveday Tel. 453570

PLANNING APPEALS REPORT

R E C O M M E N D A T I O N S	
FROM: Head of Planning Services	Deadline date: N/A
The Committee are asked to note the following report.	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee for information, to keep members up to date with current performance and quality control in respect of appeals and decisions.

2. PURPOSE AND REASON FOR REPORT

- 2.1 Appeals performance is a measure of quality of decision.
- 2.2 The more appeals that are allowed by the Planning Inspectorate, the more one is led to a conclusion that we are refusing permission too readily. The more appeals that are dismissed, the more one could draw the conclusion that we are not as rigorous as we might be.

In the past, successive governments have provided a target of 75% for 'dismissals'. That target has been scrapped. Now, as a general rule, where one is looking to encourage development, towards 80% is a figure that would reflect both a positive approach to development and at the same time secure development that is of quality.

From the next meeting, members will be appraised of appeal performance on a regular basis, with, where appropriate, a short explanation of determining issues.

As background however, it is felt appropriate to set out below the current 'performance' from January 1st 2009 to September 30th 2009.

Appeals Determined	38
Appeals Allowed	8
Appeals Dismissed or withdrawn	30
Appeals Dismissed or withdrawn as a percentage of total	79%

2.3 For information only, but part of the monitoring process.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO
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4. CONSULTATION

4.1 Consultation is unnecessary with this report.

5. ANTICIPATED OUTCOMES

5.1 Regular updates on appeals performance, with analysis of decision where appropriate.

6. FINANCIAL IMPLICATIONS

6.1 None at present.

7. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

7.1 The report has been prepared using information from the UNIFORM database. (UNIFORM is the computer programme used within Planning Delivery to manage building control, planning and enforcement cases)