

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 8 JUNE 2010</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOMS - TOWN HALL</b>
CONTACT:	<b>Gemma George, Senior Governance Officer</b> <b>Telephone: 01733 452268</b> <b>e-mail address: gemma.george@peterborough.gov.uk</b>
<i>Despatch date:</i>	<i>28 May 2010</i>

### AGENDA

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<b>1. Apologies for Absence</b>	
<b>2. Declarations of Interest</b>	
<b>3. Members' Declaration of intention to make representations as Ward Councillor</b>	
<b>4. Minutes of the meeting held on 27 April 2010</b>	<b>1 - 8</b>
<b>5. Development Control and Enforcement Matters</b>	
5.1 <b>10/00501/NTEL - Whittlesey Road, Stanground, Peterborough</b>	<b>9 - 18</b>
5.2 <b>10/00559/NTEL - Highway Verge Land, Corner of Thorpe Road, Netherton, Peterborough</b>	<b>19 - 28</b>
5.3 <b>10/00198/R3FUL - 1 Pudding Bag Lane, Stamford</b>	<b>29 - 38</b>
5.4 <b>10/00047/FUL - 105 Oxney Road, Peterborough</b>	<b>39 - 54</b>
5.5 <b>09/01294/FUL - Peterborough City Lawn Tennis Club, Peterborough</b>	<b>55 - 66</b>



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.

5.6	10/00204/FUL - The Haven, Wothorpe, Stamford	67 - 76
5.7	10/00554/FUL - 78-80 Welland Road, Peterborough	77 - 84
6.	<b>Peterborough Local Development Framework: The Peterborough District Hospital Site Supplementary Planning Document</b>	<b>85 - 96</b>

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

Councillors: North (Chairman), Lowndes (Vice-Chairman), Benton, Hiller, Serluca, Thacker, Todd, Ash, Lane and Harrington

Subs: Councillors: Winslade and Swift

## **CASE OFFICERS:**

Planning and Development 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: Vacant

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 27 April 2010

Members Present:

Chairman - Councillor North

Councillors – Lowndes, Thacker, Todd, Kreling, Winslade, C Day, Ash, Lane and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor C Burton.

Councillor C Day attended as substitute.

2. Declarations of Interests

5.1 Councillor Todd declared that she was the Ward Councillor for the item but she did not have a personal or prejudicial interest.

3. Members' Declaration of intention to make representation as Ward Councillor

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the Meeting held on 23 March 2010

The minutes of the meeting held on 23 March 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

Councillor Benton was in attendance at the meeting and wished to speak against item 5.2. The Committee unanimously agreed to allow Councillor Benton to speak.

5.1 10/00047/FUL – Erection of 4 x one bed flats and 4 x two bed flats in 2 x two storey blocks at land to the rear of 105 Oxney Road, Peterborough

The application site was formerly a part of the rear garden of 105 Oxney Road which was comprised of a chalet style bungalow located close to the front of the property with garden area and a small woodland area to the rear.

The application site had an area of 0.25ha, although 0.08ha comprised the woodland area that was the subject of a tree preservation order. The application site had been overgrown for some years.

Immediately to the west of the proposed siting of the two flat blocks was an area of open space which was predominantly grass with mature trees. Detached dwellings within Lyvelly Gardens and those that fronted towards Oxney Road formed a horseshoe layout around the open space area. A narrow tree belt ran in a north to south alignment alongside the eastern flank boundary of the site with a footpath/cycleway to the east of the tree belt that connected Oxney Road and the dwellings further to the east and north i.e. Parnwell.

Along the frontage of 105 Oxney Road lay a row of leylandii. The driveway serving 105 Oxney Road lay beyond these trees. To the east of the access was the entrance to the aforementioned footpath/cycleway and beyond was an area of landscaping fronting Oxney Road. Approximately 42m to the west of the proposed vehicular access to the site was a signal controlled pedestrian crossing. The junction of Newark Road and Oxney Road lay approximately 25m to the west and to the south east of the access was an entrance to established offices.

The Planning Officer addressed the Committee and stated that a previous similar scheme had been approved on the site, however planning consent had now lapsed and therefore a new planning application had been made. The new application represented an improvement on the previous scheme in a number of ways. These included the design and appearance of the scheme, the relative proportions of the development, in particular the scale of the roof and also some alterations to the window openings on first floor level which reduced the potential of overlooking on the adjacent properties.

Key areas of concern which had been highlighted in the representations received against the application were the visibility splay and the accident record in the local area. The Planning Officer advised Members that the proposed visibility splay complied with the recommendations of the Highways Officers and in terms of the accident record, since 2004 there had been 17 accidents in and around the junction between Newark Road and Oxney Road. Approximately 7 of these accidents could be described as rear end shunts and 5 of the accidents could not be accounted for in terms of Highways safety, for example if a dog ran out into the road. Members' attention was drawn to additional information contained within the update report where a further breakdown of all the accidents which had occurred between April 2004 and September 2008, had been provided.

Members were further advised that comments had been received stating that the flats were out of character for the area and the design was not unlike that which you would see for a row of terraced properties. The proximity of the block to the perimeter of the site would also mean that it would be overbearing to the adjacent residents.

The Planning Officer responded to these concerns and stated that there was adequate separation distance in between the proposal and adjacent properties. There would be some overshadowing but this would not be detrimental to neighbouring properties. Concerns had also been highlighted that the construction phase of the proposal would be detrimental to residential amenity. The aspect could not be taken into account as that specific issue applied to all developments. It had also been stated that the development would be better accessed by the Lively Gardens access. This suggestion could not be taken into consideration as the application had to be considered as it had been submitted.

Councillor Stephen Goldspink, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed development would be too intensive for the site
- The proposed development would be out of character with the surrounding properties

- The vast majority of surrounding properties were houses and semi detached houses, not flats
- There were a number of flats in Peterborough that were currently empty, therefore were more flats required? And there was surely a number of other things that could be done with the site which wouldn't generate large vehicle movement
- The accident record in the area was extremely poor
- It was believed that that consultation exercise undertaken on the previous agreed application had not been adequate as there would have been numerous objections
- There had been a speed survey conducted on Newark Road which showed that 40% of vehicles travelling in both directions were exceeding the 30mph speed limit
- There were numerous HGVs travelling down the road even though there was a lorry ban
- The incremental growth of different developments around the area meant that the number of vehicles generated by these developments were having a substantial impact on local residents
- The risk of causing more accidents in the area should not be taken
- An accident remedial scheme had been agreed with officers in the vicinity of Newark Road junction and Councillor Goldspink was awaiting feedback on this. There would be the possibility of a mini roundabout or a one way system along part of Newark Road. This indicated that officers were worried about the traffic in the area
- There were too many properties generating too many vehicles.
- The views of local residents needed to be taken into account, as Officers did a good job, but not the same as actually being there and witnessing problems first hand

Mr Lyons, an objector and local resident, addressed the Committee on behalf of the local residents of Oxney Road, Lyvelly Gardens and adjoining properties and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Development on the site was welcomed however the proposal was inappropriate due to its size and it would not be in-keeping with the character of the surrounding area
- Two or three quality homes would be better suited to the site and the local residents would be more likely to support this kind of development
- Some elements had not been considered appropriately. There were a number of small children in the area therefore the increase in vehicles would be dangerous to them
- There had been many more collisions than had been reported in the document pack
- Highways safety had not been addressed appropriately, as the information which had been provided was inadequate and out of date
- The policing in area was inadequate. The lorry ban was ignored and so were the speed signs
- There had been numerous accidents right outside Mr Lyons' house none of which would have been reported
- Local residents feared for the lives of their children and other residents
- The area had been subjected to creeping developments. There should be no further high density developments in Oxney Road until the traffic infrastructure was in place to support it
- Local residents had not been consulted on the previous application which had been approved
- The character of area would be harmed due to the bulky mass of the proposal
- The separation of the proposal and adjacent properties was not adequate
- The proposal contravenes T8 of the Local Plan
- Oxney Road was clearly already over capacity
- The proposal contravened DA2 of the Local Plan
- The proposal was out of character for the area as there were other flats in the vicinity

The Highways Officer addressed the Committee and advised Members that it was extremely difficult for Officers to understand the full extent of the problems which occurred down a specific stretch of road if the accidents were not reported. There did appear to be a large discrepancy between the numbers of accidents highlighted on the update sheet compared to the number of accidents stated by the speakers. These accidents were taking place within an existing junction and it had been stated by Councillor Goldspink that there was an accident remedial scheme which had been agreed and was being looked into. Certain criteria and guidelines were followed by the Highways department when an application of this nature was proposed and the access width, visibility splays and pedestrian splays of the proposal all met the criteria set down in the highways standards. As highlighted by the objectors, there may be a cumulative impact on surrounding developments, however each development had to be taken on its own merits and for this development it was deemed acceptable.

After debate, Members stated that they believed the development, particularly in relation to the junction, would increase the potential for more accidents in the vicinity. Although the criteria had been met for the new splays, it did not alter the fact that the development was proposed for a very dangerous section of road. Members questioned whether a more detailed study of the particular section of road could be provided to the Committee before a decision was made to highlight all of the accidents that had taken place?

The Highways Officer addressed this query and stated that he did not believe that any further information provided would highlight accidents different to the ones already discussed. It was also unlikely that the view of the Highways Officer would change with regards to the proposal if new information was provided.

The Planning Officer addressed the Committee and questioned how the provision of further information with regards to other accidents would be helpful to the Committee. Members were also required to be mindful that if the Committee chose to go against the advice of the Highways Officer, they would not have the backing from the Highways Officer in an appeals situation. Safety was an extremely important issue, but an inspector at an appeal would require any information to be backed up by a qualified engineer.

The Legal Officer addressed the Committee and reiterated the point raised by the Planning Officer with regards to refusing against the recommendation of the Highways Officer. Members were advised that the proposal conformed with current policy.

After debate, Members expressed concern at the possible generation of additional traffic in the area and a motion was put forward and seconded to defer the application, subject to the provision of further traffic information with regards to the proposed junction. Up to date accident reports were requested, as the information that had been provided to Committee was up to 2008 only and also further details were requested regarding the effect that the traffic from the new junction would have on the highway network.

Members were advised by the Legal Officer that the motion which had been put forward was only requesting a deferral on issues regarding traffic management and no other aspect of the site, such as design and layout, could be revisited in future when the application was brought back to Committee.

Members requested that the motion which had been put forward be removed from the table. The Legal Officer clarified that the motion could be removed prior to votes being cast.

After further debate surrounding traffic management and the design and layout of the proposal, a motion was put forward and seconded to defer the application on the grounds that further information was required in relation to the traffic management of the new junction onto the highway and the accidents which had occurred since 2008. The proposal also represented overdevelopment and was out of keeping with the character of the area. The motion was carried by 7 votes, with 2 against and 1 not voting.

**RESOLVED:** (7 for, 2 against, 1 not voting) to defer the application:

**Reasons for the decision:**

1. The Committee requested a deferral on the application in order that further information could be provided in relation to traffic management of the new junction onto the highway and so that further information could be provided on the accidents which had occurred since 2008.
2. Members were also concerned that the proposal represented overdevelopment and was out of keeping with the character of the area (contrary to policy DA2). Members asked that the Planning Officer discuss this with the applicant.

5.2 10/00129/FUL – Construction of 4 x 1 bed and 6 x 2 bed flats in 3 storey block at 38 Elm Street, Woodston, Peterborough

It was proposed to construct a single block containing ten flats over three floors. The block, although on the site of 38 Elm Street (now demolished), would face onto and read as part of Silver Street. The block was designed to pick up on some of the features of neighbouring buildings, and followed the existing building line along Silver Street.

The block would have a ground floor elevation incorporating some bay windows, a plain first floor with windows and the second floor would be mostly within the roof space, lit by dormer windows.

The vehicular and personal access would be from Elm Street. This would be functionally the “front” of the building, although the more detailed elevation would be on the Silver Street side, where there would be a row of small private gardens, the same depth as neighbouring front gardens, separating the building from the street. The car parking area would be on Elm Street, and the amenity space directly behind (or in front of) the block.

This area was characterised on the Silver Street side by Victorian terraced housing with a strong, regular 2-storey ridgeline. On Elm Street there was some terraced housing, leading to later semi-detached housing. There were larger houses facing onto London Road to the east of the site.

There was notable on-street congestion, as few of the dwellings on Silver Street had off-street parking, but those immediately adjacent to the application site had access to parking at the ends of their gardens, accessed from Elm Street.

On Elm Street and the adjacent residential streets there was more available off street parking, but not every house was so provided for.

There was also a large tree adjacent to the south east corner of the site, the crown of which overhung the site.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that there was a proposed bin storage area and authority was sought to approve the application subject to the bin store being moved slightly so that the adjacent cycle parking spaces could be accessed correctly. Members were further advised that there were two windows that served a lounge, these windows were to be conditioned with frosted glass and this would protect the privacy of adjoining residents. There were also lower level windows serving a galley style kitchen and a study room. These were also to be frosted glass to protect the privacy of adjoining residents.

Members’ attention was drawn to additional information contained within the update report. There had been a revised plan received on which the main Committee report was based, and

consultation responses had been received in relation to the revised plan from the Police Architectural Liaison Officer and the Head of Transport and Engineering who had recommended a number of additional conditions in relation to the cycle parking, the car parking, the access and visibility splays. A number of additional comments had been received from local residents which highlighted numerous issues including parking, overlooking and the building being out of character.

Councillor Fran Benton, Ward Councillor, addressed the Committee and spoke on behalf of both herself and Councillor Lee and also on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The residents of both Elm Street and Silver Street were opposed to the development
- The parking issues in the vicinity, which was not just an issue on days when there were football matches being played
- There was a consultation exercise underway with local residents in the area with regards to parking and traffic in the area as the issue was such a problem. The possible solutions which had been highlighted were either a one way system or residents parking. If either of these solutions were implemented, this new proposed development would cause numerous issues as the parking spaces proposed were not adequate
- The scheme was ill conceived and was incomprehensive overdevelopment of the area
- Profit appeared to be placed ahead of personal amenity and living conditions
- The previous scheme had been dismissed at appeal for lack of amenity and the poor living conditions of existing and future residents, why was this development any different?
- The streets were already overcrowded, where would a possible 32 other cars park?
- The promise that the refuse would be collected privately would be unworkable by the end of the year. The Household Recycling Act stipulated that recycling must be incorporated into the collections by this time, how would this happen with the current proposal?
- The security gates which had been suggested by the agent would pose a problem. Would the post man, newspaper man and anyone else who needed to deliver to the site all have access to the supposedly secure code? Would this also affect access for the fire and police services?
- The small plot had not been allocated for housing use in the local plan, therefore the application had to satisfy the strict criteria of the efficient usage policy including access and amenity
- Having frosted glass in a lounge was surely not ideal?
- The character and appearance of the development was out of character for the area

Mr Scarpiano, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There were a number of elderly people in Silver Street and un-obscured access was required at all times for ambulances and fire engines
- There used to be one house and ten garages on the site. The garages used to be an asset to the local area
- There would be more cars than parking spaces available as it was very common for a couple to have more than one car. (and there could be children who drive living at home) and visitors
- There had been numerous accidents in the area due to the lack of space available
- There were local residents with garages on Park Road who did not use those garages as they tended to get blocked in
- The proposal was an overdevelopment and was out of character



- The situation with parking in the local area was already causing arguments between local residents

After debate and questions to the Planning Officer regarding the previous application which had been refused at appeal and also issues with regards to the bin store, a motion was put forward and seconded to approve the application. The motion was defeated by 7 votes against and 3 votes for.

After further debate, a new motion was put forward and seconded to refuse the application. The motion was carried by 6 votes, 3 against and 1 not voting.

**RESOLVED:** (6 for, 3 against, 1 not voting) to refuse the application:

**Reasons for the decision:**

The application was refused for the following reasons:

1. The parking provision for the number of dwellings was insufficient. Therefore the proposal was contrary to Policy T1.
2. The proposal was an overdevelopment of the site which would be out of character with the surrounding developments. Therefore the proposal was contrary to Policies DA1 and DA2.
3. The use of obscure glazing would be detrimental to amenity of occupiers.

Councillor Harrington left the meeting.

The meeting was adjourned for five minutes.

6. Pre-Application Advice Service – Revision to Fees

A report was presented to the Committee which provided an overview of the revisions to the pre-application advice fees.

The Planning Committee had previously been consulted on the principle and scale of pre-application charges and a report had been presented to Committee on 14 April 2009. This report set out the background to making such charges. The Local Planning Authority was entitled to charge for the service under Section 93 of the Local Government Act 2003. The Service commenced charging in line with the recommendations set out in this previous report in January 2010.

Since the pre-application scheme had been in operation, it had become apparent that:

- A nominal charge should be made for all small scale pre-application advice including from householders and small businesses; and
- The fees set for changes of use were excessive and exceeded the planning application fee e.g. for telecoms, advert and smaller commercial proposals

The need to introduce a nominal charge in respect of small scale pre-application advice above had arisen from the fact that:

- These applications accounted for a significant proportion of pre-application advice requests and therefore there was the need for some of the costs incurred by the Council to be met by the applicants
- New permitted development rules had been introduced that meant more time had to be spent on handling pre-application enquiries from shops and businesses etc.

- The Planning Service, like many other areas of the Council, was having to make significant financial savings for the 2010/11 financial year and the alternative would be to reduce the scope of the pre-application service

The proposed revised fees were outlined to the Committee and an overview of how the fees had been calculated was given. Members were advised that one of the significant changes was that going forward, where schemes raised issues of the principle of development, a fee free half an hour meeting with an officer to address the “in principle” issue prior to the applicant going through the formal application process, would be provided.

Members were invited to comment on the revised fees and it was noted that the fees had been very well thought out and appeared to be very fair.

**RESOLVED:** that the Committee was consulted on the revisions to the pre-application advice fees before they were formally implemented from 18 May 2010 and that the Committee endorsed the principle of giving up to 30 minutes of free face to face advice in respect of the principle of development proposals.

13.30 – 15.50  
Chairman



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10/00501/NTEL: INSTALLATION OF A 12M HIGH MK3 STREET FURNITURE COLUMN SUPPORTING 3 X VODAFONE ANTENNAS, 3 X O2 ANTENNAS, 3 X EQUIPMENT CABINETS AND ANCILLARY EQUIPMENT AT WHITTLESEY ROAD STANGROUND

VALID: 19 APRIL 2010  
APPLICANT: VODAFONE / O2  
AGENT: MONO CONSULTANTS LTD  
REFERRED BY: CLLR RUSH  
REASON: DETRIMENTAL TO VISUAL AMENITY. PERCEIVED HEALTH CONCERNS. WILL PREVENT USE OF OPEN SPACE.  
DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS  
TELEPHONE: 01733 454412  
E-MAIL: louise.lewis@peterborough.gov.uk

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

The main considerations are:

- The siting and design of the mast

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**

Key policies highlighted below.

- U11 Where planning permission for telecommunications development is required it will be granted where:
- a) it would not unacceptably harm the living conditions of residents or the character and appearance of the surrounding area, particularly in terms of size, design, prominence, or relationship to surrounding buildings, spaces or landscape; or
  - b) any such harm is outweighed by the need for the proposal as part of a telecommunications network; and
  - c) there is no alternative site available that would be satisfactory in technical and operational terms, and where the environmental impact would be less; and
  - d) there is no reasonable possibility of sharing existing telecommunications installations or sites, or of erecting antennae on an existing building or structure, with acceptable environmental impact.

### **Material Planning Considerations**

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

- PPG8 'Telecommunications' gives general advice on dealing with proposals for telecommunications masts.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is to erect a column 12m high, with the antennas cloaked in a shroud towards the top of the column. The lower part of the column is similar to a street light column. There would also be three cabinets placed close to the column, similar in appearance to BT junction boxes.

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

The site is on the south side of Whittlesey Road, near the junction with Coneygree Road. On the south side of the street is an open green area, with a fence between this and an area of highway verge running alongside the footway. There is a row of trees running in line with the fence, and nearby is a bus stop, and street lighting columns.

Across the road are a petrol filling station and a pub serving the local area, which is mainly residential.

### **5 PLANNING HISTORY**

There is no relevant planning history.

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – Having reviewed the submitted plans and information, the Local Highway Authority (LHA) raises objections to the proposed location of the maintenance vehicle parking bay on Coneygree Road as vehicles parked in this location would, together with vehicles queuing at the traffic signal controlled junction of Coneygree Road with Whittlesey Road, completely obstruct Coneygree Road to through traffic. As a result, the LHA could only support this application if the maintenance vehicle parking bay were to be located elsewhere. It is recommended, as discussed, that this bay be located in the spur of Allan Avenue.

#### **EXTERNAL**

There were no external consultees.

#### **NEIGHBOURS**

Letters of objection have been received from eighteen local households raising the following issues:

- The area is a designated children's playing field maintained by the Council
- [The agent] states that the site is away from the outlook of residential properties but it is close to houses in Allan Avenue
- Harmful radiation emitted by these radio stations
- Health hazard from radio frequency fields or electromagnetic fields has not been proved or disproved
- [Many] residents have cancer and [are] worried about the health grounds
- Phone masts in France have been taken down due to concerns about health impact
- Parents and grandparents will not allow their children to play round such a hazardous installation
- Health and safety concerns regarding petrol station – clearly states at petrol station to turn off mobiles – possible source of ignition – is this putting the residents of Stanground at higher risk of blowing up?
- Why has the comment in the Stuart report (which concluded that the erection of masts in residential areas without a planning application was unacceptable) been completely ignored
- Property prices may be affected, people will not want to buy property looking at a phone mast
- It will be the first thing we see when we look out of our front windows
- Application has been "rushed through" prior to the election
- [The agent] did not consult properly with neighbours
- The City Council has not consulted properly

- How can this application be approved when the November 2006 application was refused
- The mast will be an eyesore, people may be tempted to build walls or fences to block out the view
- There is a covenant to prevent building on the grassed area
- Green areas must be kept unspoilt
- Mast would be higher than the trees and lamp posts
- Cabinets may attract graffiti
- Cabinets appear to be higher than the fence
- Whittlesey Road is still very busy, a car accident down this road near the proposed siting is a great possibility
- Why can't it be put in the new development / on bypass / on new warehouse development near Park Farm
- Residents should have more say over where masts go
- No proven need for mast
- No evidence as to whether mast sharing has been considered
- What will happen when mast is no longer needed, residents do not want to be left with a white elephant
- Apparent lack of follow up re alternative sites e.g. Fenman pub
- Obviously Vodafone / O2 have paid the Council, what are the financial arrangements and where will the money be allocated.

A petition of about 340 signatures was received raising the following issues:

- Potential risk to health
- Siting of the mast would be a constant reminder to people of the potential and actual adverse health effects of base station emissions
- Siting of the mast would cause an unacceptable dominating and oppressing intrusion on the normal conduct of our lives and will have a detrimental effect not only on the visual appearance of the area but also on the use of local amenities

## **COUNCILLORS**

**Clr Rush:** [Concerned about the] proximity of nearby houses, open space play area and a petrol station [to the proposed mast]. The mast and accompanying equipment will create an eyesore that will be visible from all sides and will be obtrusive to the eye. The ugly large metal structures will dwarf lampposts and other street furniture and will clash and contribute to the visual deterioration of the area. The perceived health concerns related to masts will stop parents letting their children using the very well used public open space for recreational use. Visual degeneration of the area and perceived issues of health risks connected to phone masts could devalue property within the area.

## **7 REASONING**

### **a) Introduction**

This is not a conventional planning application; it is a notification under Part 24 of the Town and Country Planning (General Permitted Development) Order (GPDO). Under this section the proposed mast is classed as Permitted Development. The operator is required to '*apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development*'. The Local Planning Authority (LPA) has 56 days from receipt of the notification in which to advise the applicant whether it wishes to exercise control over the siting or appearance of the mast, and whether the siting and appearance are acceptable or not. If it is concluded that the siting and design are not acceptable then the applicant has to submit a full planning application.

The LPA may only consider issues relating to siting or appearance. When considering these matters the LPA should "take account of the obligations on code system operators to provide a service, and of technical constraints upon network development" (PPG8).

## b) Policy Issues

The controlling policy when deciding an application for planning permission is U11 which sets out four tests for telecommunications applications. Although this is a notification under the GPDO, it is still appropriate to consider the proposal against those headings; namely, harm to the living conditions of residents or the character and appearance of the surrounding area; the need for the proposal as part of a telecommunications network; alternative site availability and the possibility of sharing existing telecommunications installations.

### i) *Harm to Living Conditions*

It is accepted that the monopole would be visible from some of the nearby houses, but it would not block light or cast shadow or otherwise have any material impact on the living conditions of nearby residents. The nearest house is just over 40 metres from the site of the proposed monopole.

### ii) *Need*

The applicant has stated that there is a need for additional coverage in the area. Supporting maps showing coverage levels have been submitted and show that the coverage level for much of the area around the search area is classed as low. The increasing use of mobile phones for services beyond voice communication (mobile internet and so on) is possible due to the "third generation" system. Due to the increased data transfer the location of base stations is more critical than with earlier systems. It is also likely that additional base stations will be necessary in order to provide contiguous service. The range of the signal can be affected by topography, landscaping and intervening buildings, and the capacity of the network can be affected by the number of users. It is considered that the maps showing coverage levels are adequate evidence.

### iii) *Alternative sites*

The applicant has listed some alternative sites that have been considered. The search area includes Whittlesey Road from just east of the Park Farm roundabout to just east of Wright Avenue, Coneygree Road as far up as, and most of Park Farm. It does not include the bypass, the area of the South Stanground urban extension, or any of the open countryside land around the edge of Stanground. There are various reasons given by the applicant to support the proposed location. Masts must be sited, when on Highway land, so as to avoid underground services and existing driveways, and also must not reduce the width of the footway unacceptably. Existing visibility splays should be kept clear. The applicant has submitted the following information regarding alternative sites:

<b>Site Name and address</b>	<b>NGR</b>	<b>Reason for not choosing<sup>1</sup></b>
The Fenman PH, Whittlesey Road, Peterborough, PE2 8RR	NGR 521427, 296191	Despite numerous approaches, no response has been forthcoming from the site owner. We therefore have to assume they are not interested in accommodating Vodafone and O2's proposal.
Horseway Services Station, Whittlesey Road, Peterborough, PE2 8RR.	NGR 521357, 296212	Despite numerous approaches, no response has been forthcoming from the site owner. We therefore have to assume they are not interested in accommodating Vodafone and O2's proposal.
London Tower Crane,	NGR 522359, 296348	This option would provide a more

<sup>1</sup> SP – Site Provider, RD – Redevelopment Not Possible, T – Technical Difficulties, P – Planning, O - Other



Chapelbridge Farm, Whittlesey Road, Peterborough, PE2 8RR.		inferior level of coverage than the preferred option given its siting at the edge of the search area.
Electricity substation, land adj Whittlesey Road, Peterborough, PE2 8TN.	NGR 521275, 296195	An installation at this location would have a greater impact on local amenities than the preferred option.
Gas substation, land adjacent to Whittlesey Road, Peterborough, PE2 8RR.	NGR 522181, 296220	This option is located outside the search area and would not provide the required coverage to the target area
Existing mast Horsey Toll Farm, Peterborough, PE3.	NGR 522177, 296670	This option is located outside the search area and would not provide the required coverage to the target area.

iv) *Sharing*

No information on the possible sharing of masts has been submitted. However this notification is itself for a shared mast, carrying the antennas of two operators. Examination of the Ofcom “Sitefinder” website and the Council’s own records suggests that there are no masts within the search area, so no sharing of an existing mast can take place.

v) *Appearance*

The mast appearance is of a standard 12m monopole. It is similar to the diameter of a street light column for most of its height, but wider at the top, as this is where the antennas are housed. They are set within a shroud so that the upper 4 metres or so has a diameter of about 0.5m. Although usually white or grey, the masts can be produced in other colours to suit the local environment. The applicant is proposing a galvanised (silvery grey) pole in this location, which is considered acceptable as masts are normally seen against the sky and this is a similar colour to other street furniture.

vi) *Siting*

In deciding on this site the applicant has taken account of the Code of Best Practice issued by the Department for Communities and Local Government. This document sets out that when a ground-based mast is required (i.e. it cannot be placed on an existing building or structure) it should be sited to minimise its visual impact. The Guidance suggests that masts could be placed near to similar structures (lamp posts, road signs) or within a group of trees; simple designs should be chosen, and appropriate colouring used.

vii) *Highway issues*

The Local Highway Authority has raised a concern regarding the site shown on the application plan for the parking of maintenance vehicles. The application indicates that maintenance vehicles, in the absence of a dedicated service vehicle bay, would park on Coneygree Road. Parking on this road is uncontrolled, however the concern is that parked maintenance vehicles would block traffic at busy periods. On the basis that maintenance visits will be infrequent (the applicant has advised once or twice a year) and parking is allowed on the road there is no reason to refuse the application.

c) **Neighbour objections**

i) **The area is a designated children’s playing field maintained by the Council**

**No building should take place on the grassed area – there is a covenant**

The application site is highway verge. The open space is to the south of the fence behind the verge. Any covenant, licence agreement or similar is not a matter for the planning system.

**ii) [The agent] states that the site is away from the outlook of residential properties but it is close to houses in Allan Avenue**

**[Allan Avenue] has to remain open plan, the mast would be an eyesore, people may be tempted to build walls or fences to block out the view**

**The mast would be unacceptably dominating, an oppressing intrusion and have a detrimental impact not only on the visual appearance of the area but also on the use of local amenities**

**Green areas must be kept unspoilt**

**Mast would be higher than the trees and lamp posts**

**Mast would dwarf lamp posts and other street furniture**

**Cabinets may attract graffiti**

**Cabinets appear to be higher than the fence**

**Mobile phone operators should site masts sensitively**

The mast would be 12m high, adjacent to a 12m tree and an 8m lighting column. Although it would be visible from nearby houses and vantage points but it is not considered that it would unduly dominate the visual amenity of the area. There is no reason to suppose that the equipment cabinets would attract any more graffiti than other similar installations in the area, or surfaces such as shelters at bus stops. The mast and cabinets would not impact on the use of the green space.

Any planning restrictions on the existing dwellings are not relevant to the consideration of this application.

**iii) Harmful radiation is emitted by these radio stations**

**Health hazard from radio frequency fields or electromagnetic fields has not been proved or disproved**

**Lots of residents have cancer and are worried about the health grounds**

**Phone masts in France have been taken down due to concerns about health impact**

**Parents and grandparents will not allow their children to play round such a hazardous installation**

**Siting of the mast would be a constant reminder to people of the potential and actual adverse health effects of base station emissions**

ICNIRP (International Commission on Non-Ionizing Radiation Protection) is the international body that issues guidelines for exposure limits for this type of radiation, which includes the radiofrequency fields emitted by mobile phones. While PPG8 states that "Health considerations and public concern can in principle be ... considerations in determining applications ...", it is also very clear that the planning system is not the place to consider the alleged health impacts of mobile phone masts. If a proposed mast meets the ICNIRP guidelines it should not be necessary for the Council to consider the health aspects further. The applicant has submitted a statement confirming that their equipment would be in accordance with the guidelines and therefore it is not considered that the application could be resisted on this basis.

**iv) Health and safety concerns regarding petrol station – clearly states at petrol station to turn off mobiles – possible source of ignition – is this putting the residents of Stanground at higher risk of blowing up?**

This is a matter for the Health and Safety Executive, not the planning system.

**v) Why has the comment in the Stuart (sic) report (which concluded that the erection of masts in residential areas without a planning application was unacceptable) been completely ignored**

This is not a matter on which the Planning Authority can comment. The Stewart report was carried out in 2000 and is referenced in Planning Policy Guidance Note 8. Some recommendations of the report were carried forward, others were not. Any further changes to the law in this regard are a matter for Government.

**vi) Property prices may be affected people will not want to buy property looking at a phone mast**

This is not a material planning consideration.

**vii) Application has been "rushed through" prior to the election**

The LPA has no control over when applications are submitted. It must deal with them in accordance with published policy and timescales, notwithstanding any local 'circumstances'. Of the local Ward Councillors, only Cllr Rush was up for re-election.

**viii) [The agent] did not consult properly with neighbours**

The Council has no control over this.

**ix) City Council has not consulted properly**

The Council has carried out a wider consultation than the law requires. The law requires that a planning application is advertised in either of the following ways:

- display of a site notice in at least one place on or near the land to which the application relates;
- service of notice on any adjoining residential or business premises

As well as a site notice, neighbour notification letters were sent out to 25 neighbours, none of whom directly adjoins the site.

**x) How can this application be approved when the November 2006 application was refused**

This comment refers to an application for a 12.5 metre mast at the entrance to Havelock Farm, near the Park Farm Roundabout. That application was refused on the grounds of siting and design. The plans for that application show that the surrounding tree and street furniture were significantly lower than the proposed mast. The application was also refused on the grounds that insufficient justification had been provided. It is considered that the circumstances around that proposal were materially different and every application must be decided on its own merits.

**xi) Whittlesey Road is still very busy, a car accident down this road near the proposed siting is a great possibility**

The Local Highway Authority has raised no concerns in this regard.

**xii) Why can't it be put in the new development / on bypass / on new warehouse development near Park Farm**

**We should have more say over where they go we would not want one in the middle of Cathedral Square and we do not want one here.**

The suggested sites are outside the search area.

The Local Planning Authority has the power to refuse the siting and appearance of the mast but this must be done responsibly, taking into account the need for a consistent mobile phone service, and the relevant legislation and guidance.

**xiii) No proven need for mast**

**No evidence as to whether mast sharing has been considered**

**What will happen when mast is no longer needed, residents do not want to be left with a white elephant**

The applicant has stated that there is a need, and has submitted maps showing the various levels of coverage in the Stanground area. Much of Stanground is shown as having poor coverage.

This application is for a shared mast.

Under the requirements of the Permitted Development Order, equipment must be removed once it is no longer required for telecommunications purposes.

**xiv) Apparent lack of follow up re alternative sites e.g. Fenman pub**

The applicant states that they have contacted the land owner of the Fenman pub, and the petrol filling station, on numerous occasions. Land owners are under no obligation to accommodate a mast.

**xv) Obviously Vodafone / O2 have paid the Council, what are the financial arrangements and where will the money be allocated.**

The arrangements between the land owner and the applicant are not a planning matter.

Telecommunications operators are classed as "statutory undertakers" and have a right to place equipment on Highway land.

## **8** CONCLUSIONS

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:

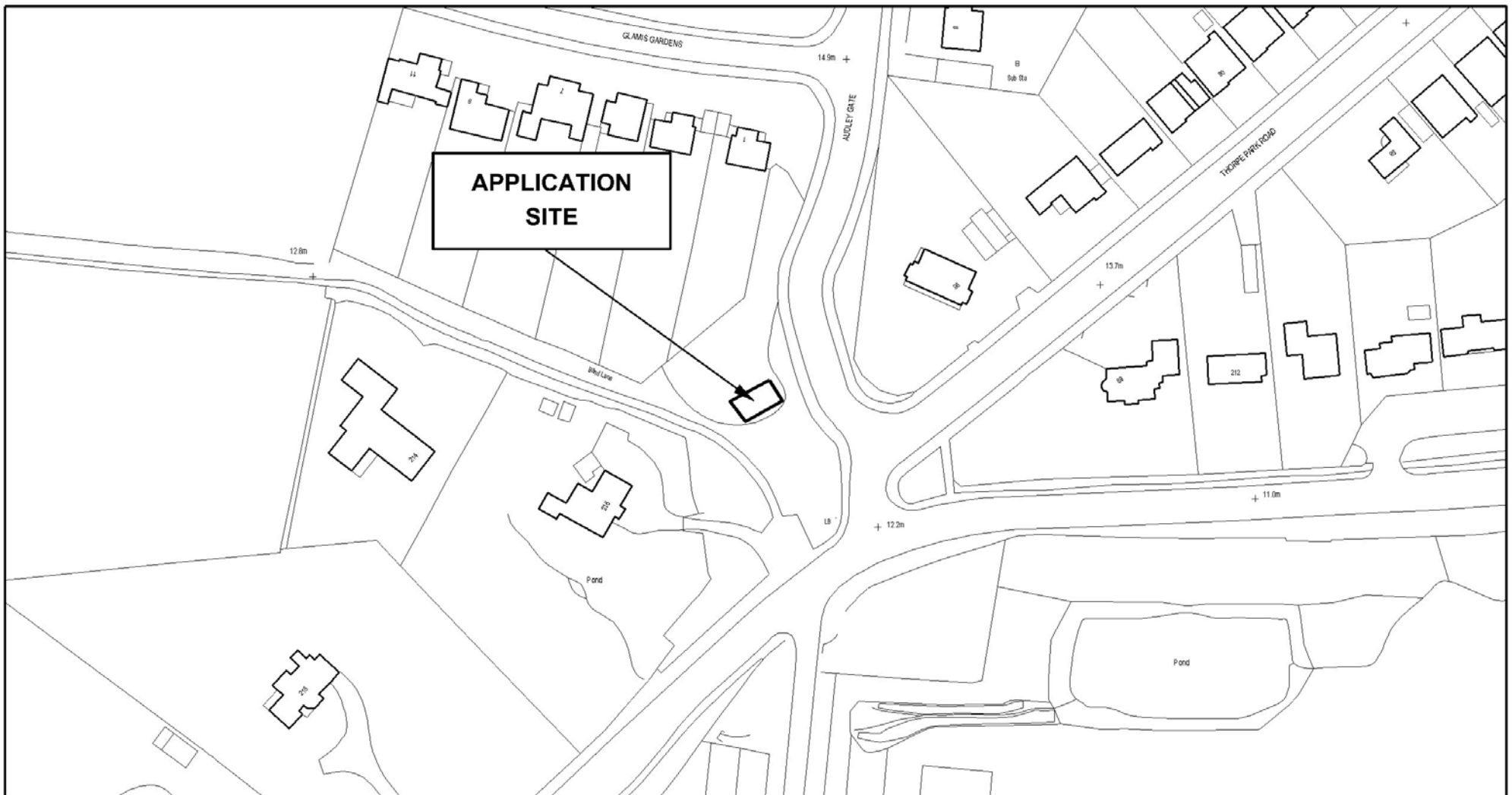
The applicant has shown that there is a need for the proposed telecommunications antennas. The mast has been sited taking into account the Guidance issued by the Department for Communities and Local Government. Impact on residential and local amenity would be within the acceptable limits.

Members should note that there is no requirement to issue the application with a reason for approval, a reason is only required for refusal. The Local Planning Authority has only to issue the applicant with a confirmation that it does not wish to exercise any control over siting and design.

## **9** RECOMMENDATION

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

Copy to Councillors Cereste, Rush and Walsh



**LOCATION PLAN 10/00559/NTEL**

Land Corner of Thorpe Road, Junction with Audley Gate, Netherton, Peterborough

Scale 1:1250 Date 27/5/2010 Name MKB Department Planning Services

PCC GIS



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10/00559/NTEL: PROPOSED SITING OF 12M HIGH LAMP POST STYLE MAST WITH ASSOCIATED EQUIPMENT CABINET CAM7165 AT HIGHWAY VERGE LAND CORNER OF THORPE ROAD JUNCTION WITH AUDLEY GATE, NETHERTON, PETERBOROUGH

APPLICANT: ORANGE PCS LIMITED  
AGENT: GODFREY-PAYTON CHARTERED SURVEYORS  
REFERRED BY: HEAD OF SERVICE  
REASON: SIGNIFICANT NEIGHBOUR OBJECTION  
DEPARTURE: NO

CASE OFFICER: LOUISE LOVEGROVE  
TELEPHONE: 01733 454439  
E-MAIL: louise.lovegrove@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The siting and design of the mast.

The Head of Planning Services recommends that the application is **REFUSED**.

## 2 PLANNING POLICY

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

### Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

#### **Peterborough Local Plan 2005**

- U11 Where planning permission for telecommunications development is required it will be granted where:
- a) it would not unacceptably harm the living conditions of residents or the character and appearance of the surrounding area, particularly in terms of size, design, prominence, or relationship to surrounding buildings, spaces or landscape; or
  - b) any such harm is outweighed by the need for the proposal as part of a telecommunications network; and
  - c) there is no alternative site available that would be satisfactory in technical and operational terms, and where the environmental impact would be less; and
  - d) there is no reasonable possibility of sharing existing telecommunications installations or sites, or of erecting antennae on an existing building or structure, with acceptable environmental impact.

### Material Planning Considerations

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

- PPG8 'Telecommunications' gives general advice on dealing with proposals for telecommunications masts.

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## 3 DESCRIPTION OF PROPOSAL

Installation of a 12 metre high monopole to be painted 'dove grey' with a shrouded three-sectored antenna. The proposal will have no dishes and takes the shape and form of lighting a street light. The proposal also includes the installation of one no. equipment cabinet located adjacent to the monopole and one no. electricity pillar, both to be painted 'midnight green'.

The proposal is needed because the existing mast on the roof of Peterborough District Hospital will soon no longer be available due to the redevelopment of the site. The existing mast covers a large single cell but this has to be split into 3 smaller cells. The proposal is to serve one of these smaller cells.

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

The site is part of the highway verge adjacent to the junction of Thorpe Road, Thorpe Park Road and Audley Gate. It is approximately 31 metres wide at its narrowest point, comprising a grass verge with four no. trees varying from 9 metres to 12 metres in height. To the rear of the verge Blind Lane connects Thorpe Road to Bradwell Road. There are a number of existing sluice valves adjacent to the footpath along Thorpe Park Road albeit these are not affected by the proposal. Residential properties surround the site to the north east and west with the nearest residential property (No. 216 Thorpe Road) situated approximately 63 metres away. The access road to Thorpe Hall is situated to the south on the opposite side of Thorpe Road.

#### **5 PLANNING HISTORY**

There is no relevant planning history.

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Head of Transport and Engineering** – No highway objections. Request condition relating to details of access and parking for maintenance vehicles.

**Conservation Officer** – Column needs to be judged in relation to style and appearance of lamp columns it is seeking to replicate. The overall height may be greater than a standard lamp but it is considered that visual impact will be limited. Development is not considered to harm the character and appearance of Longthorpe Conservation Area of the setting and character of Thorpe Hall.

##### **EXTERNAL**

**Peterborough Civic Society** - If mast is essential should be located behind a stand of trees to prevent harm to setting of Thorpe Hall

**Netherton Residents Association** – Confusion regarding the consultation period. Residents are concerned regarding the health implications of the proposal and the environmental impact which could be avoided.

##### **NEIGHBOURS**

Thirteen surrounding properties were notified of the application, a site notice erected and the application was published in the Evening Telegraph.

Letters of objection have been received from 10 local residents raising the following issues:

- Inadequate publicity / consultation with local residents / correct procedure has not been followed
- Inappropriate site given ample agricultural land and other open space to south of Thorpe Road
- Difficulty for grass cutters as structure will interrupt mowers
- Location isolated from street lighting and be regarded as a joke locally
- Control and electricity control cabinets appear isolated and out of context with grassed area



- Other suitable locations/should be located in a lower density area away from residential homes and public footpaths
- Not in accordance with Policy U11 of the Adopted Peterborough Local Plan (First Replacement)
- Considerable detrimental impact on landscaping of area
- Covenant may prevent development
- Exposure of schoolchildren/local residents to radiation
- Mast will dominate the surrounding trees/houses/streetscene
- No evidence that guidelines have been followed regarding siting
- Underground services are not correctly shown
- Trees do not adequately screen the mast
- Mast will harm the enjoyment of walkers, cyclists, residents and school children who use Blind Lane
- Supporting documentation exaggerated the ‘usefulness’ of siting a mast in this location
- Site has limited potential for mast sharing
- The cabinets would be prone to vandalism
- Would distract drivers and cause a danger to highway safety

Several telephone calls have also been received and it is anticipated that more formal objections to the proposal will be received. Details of additional responses will be provided in the update report to Members.

## **COUNCILLORS**

Councillor Cereste – Contacted Officers by telephone to seek potential repositioning of the monopole to address concerns raised by local residents. This request had been put to the applicant and a response is awaited (to be provided in the update report to Members).

Councillors Matthew Dalton / Samantha Dalton / Nick Arculus – Raised objection to the siting of the mast due to adverse impact on character and appearance of area.

## **7 REASONING**

### **a) Introduction**

This is not a conventional planning application; it is a notification under Part 24 of the Town and Country Planning (General Permitted Development) Order (GPDO). Under this section the proposed mast is classed as Permitted Development. The operator is required to ‘*apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development*’. The Local Planning Authority (LPA) has 56 days from receipt of the notification in which to advise the applicant whether it wishes to exercise control over the siting or appearance of the mast, and whether the siting and appearance are acceptable or not.

### **b) Policy issues**

The controlling policy when deciding an application for planning permission is U11 which sets out four tests for telecommunications applications. Although this is a notification under the GPDO, it is still appropriate to consider the proposal against those headings; namely, harm to the living conditions of residents or the character and appearance of the surrounding area; the need for the proposal as part of a telecommunications network; alternative site availability and the possibility of sharing existing telecommunications installations.

#### **Harm to living conditions**

It is accepted that the monopole would be visible from some nearby residential properties and the public realm along Thorpe Road, Thorpe Park Road and Audley Gate. The nearest residential property is approximately 70 metres from the proposed siting. The proposal would not block light, cast shadows or otherwise have any material impact upon the living conditions of nearby residents.

#### **Need**

At present, the operator has a large Macrocell site comprising of antenna and dishes on the roof of Peterborough District Hospital. Due to the future redevelopment of this site, an alternative location needs to be found. In order to maintain coverage, and due to the lengthily time period for full operation of these sites, this alternative site needs to be established. Fig.1 in the *Access, Design and Supporting Statement* which accompanies the application sets out the current coverage area of the existing Macrocell. The drawing shows only predicted coverage as each cell has a limited capacity and over time as it nears this capacity, the coverage area diminishes. The figure shows the maximum coverage of the cell. The applicant wishes to not only replace the current coverage but also extend enhanced data coverage and provide sufficient capacity to accommodate anticipated growth over the next 10 years. Having undertaken a detailed search of the area, the applicant cannot replace the single Macrocell at the hospital site with another single large installation and therefore three separate smaller cells have been proposed. These cells, of which the application scheme is one, maintain the level of coverage (as shown in Fig.2). It is considered that the maps showing coverage levels are adequate evidence.

#### Alternative sites

The applicant has listed alternative sites that have been considered in determining the most appropriate location for the monopole. The search area extends to the area shaded as red in Fig.1 of the supporting document however the application site relates only to the west of this area. There are various reasons given in the '*Supporting Statement*' which accompanies the submission discounting alternative sites and providing support to the proposed location. Masts must be sited when on Highways land, so as to avoid underground services and must not reduce the width of the footway unacceptably.

Requests have been made from local residents to consider alternative locations further to the west along Thorpe Road. These have been put to the applicant and verbal response has indicated that such positioning was discounted due to existing underground services however a formal response is anticipated. This will be provided in the update report to Members. The table below sets out those alternative sites which have already been considered unsuitable by the applicant.

<b>Site</b>	<b>Site name and address</b>	<b>Reason for not choosing</b>
	<i>Sufficient information to identify site</i>	<i>SP – Site Provider RD – Redevelopment not possible T – Technical difficulties P – Planning O – Other</i>
<b>Existing Telecoms site Greenfield</b>	Orange site CAM177 Saville Road, Peterborough 15m Mini-macrocell on adopted Highways E517663 N299948	T – Existing Orange site
<b>Existing Telecoms site</b>	O2 site 11673 Peterborough District Hospital, Thorpe Road, Peterborough	RD – At Peterborough District Council Hospital which is being redeveloped
<b>Existing Telecoms site Rooftop</b>	H3G site PE0021 Peterborough District Hospital, Thorpe Road, Peterborough	RD – At Peterborough District Council Hospital which is being redeveloped
<b>Existing Telecoms site</b>	O2 site 4489 Microcell Station Road, Peterborough E5178726 N298836	T – 7m high Non-sharable structure designed to provide coverage to the station/railway line
<b>Greenfield</b>	Proposed mast at the Junction of Longthorpe Parkway (A1179), junction with Thorpe Meadows, Peterborough E517494 N298578	T – Underground services and access difficulties
<b>Greenfield</b>	Proposed mast at Longthorpe Parkway (A1179), Peterborough E517461 N298651	T – Access difficulties due to sloping grass verge. Also no natural screening
<b>Greenfield</b>	Proposed Revised location closer to Blind Lane, Off Audley Road, Peterborough	O – Having undertaken ground radar scans of the highways verge it was clear that there are numerous services in the verge closer to Blind Lane. Blind Lane is

		not adopted highway so access would be more problematic.
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### Sharing

Examination of the Ofcom “Sitefinder” website and the LPA’s own records suggests that there are no masts within the search area which could accommodate the additional cells.

### Appearance

The proposed mast is similar in appearance to a street light and is of a standard 12 metre high monopole. Although appearance is always a subjective matter, the mast will appear at odds with and incongruous within the streetscene because it is in such a location where a lamp-post would not normally be located. The mast is proposed to be sited in a location which does not follow the line of existing street lighting and as such, the design is inappropriate within its context. Furthermore, the monopole is of a height far greater than the surrounding street furniture and as such, its design does not allow assimilation into the streetscene.

### Siting

The proposed mast is sited out of a line of street lights and will appear incongruous and out of place. The additional height will make it more noticeable than the street lights and its siting is prominent and damaging to the character and appearance of the surrounding area. It is acknowledged that the proposed cabinets will be hidden within the tree line and are of a size and design of cabinets that are found in many urban or sub-urban streets. As such these are familiar items that will not appear out of place.

There has been strong opposition to the proposal in terms of the detrimental impact that the monopole would have upon the character and appearance of the area. It is considered that the proposal has not been designed following the guidance set out in the document ‘Code of Best Practice on Mobile Phone Network Development (CLG, 2002)’. This document sets out advice which should be followed in erecting new ground based masts. The proposal has been designed so as to reflect the appearance of form of surrounding lighting columns however it does not follow the established line of these along the public highway. The mast is proposed to be sited within the line of three established and mature trees on the site which will shield its appearance only in part and the monopole will still appear visually prominent within its setting.

Consultation has been undertaken with the City Council’s Conservation Officer who raised no objections to the proposal. Whilst the monopole is in close proximity to the boundary of the Longthorpe Conservation Area and Thorpe Hall (a Grade I Listed Building) it is not considered that it will cause harm to the character, appearance or setting of these designations. However on balance, it is considered that the proposal fails to meet the requirements of Policy U11 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

#### c) **Highway implications**

The Local Highway Authority has not raised any objection to the proposal as the verge is of sufficient size to enable a service vehicle to park clear of the public highway during periods of maintenance. The applicant requires access to the mast with a cherry picker (or van with a basket) to maintain the antenna. Space has been shown on the accompanying plans for this albeit the LHA have requested a drawing requiring details of this space.

#### d) **Other matters**

##### Inadequate publicity/consultation with local residents

This is not a material consideration in the determination of prior approval with regards to the siting and design of the proposal. However, the Local Planning Authority has undertaken publication of the application beyond the Council’s normal practice and the legal requirements set out in the Town and Country (General Permitted Development) Order 2001 by consulting immediately adjoining residents, erecting a site notice and publishing the application in a local newspaper.

Inappropriate site given ample agricultural land and other open space to south of Thorpe Road / should be sited behind a stand of trees / mast will look odd set so far back from other street lights

Details of alternative sites considered and discounted by the applicant are discussed in the preceding section. The applicant states in the accompanying documents that trees can significantly reduce the capacity and operational effectiveness of coverage and therefore such a location would be inappropriate. It is also considered that the proposal has been set back from the line of existing services in order to avoid crossing with the existing telecoms services.

#### Health implications

ICNIRP (International Commission on Non-Ionizing Radiation Protection) is the international body that issues guidelines for exposure limits for this type of radiation, which includes the radiofrequency fields emitted by mobile phones. While PPG8 states that "Health considerations and public concern can in principle be ... considerations in determining applications ...", it is also very clear that the planning system is not the place to consider the alleged health impacts of mobile phone masts. If a proposed mast meets the ICNIRP guidelines it should not be necessary for the Council to consider the health aspects further. The applicant has submitted a statement confirming that their equipment would be in accordance with the guidelines and therefore it is not considered that the application could be resisted on this basis.

The applicant has provided theoretical power levels expressed in terms of ICNIRP general guidelines. In respect of the proposal, the applicant must adhere to 9 W/sqm for GSM and 10 W/sqm for UMTS. Based on a theoretical model for a 10 metre high monopole, the maximum level of radiation (within 50 metres of the monopole) would reach only 0.086% of the ICNIRP maximum requirements for non-ionising radiation.

#### Difficulty for grass cutters as structure will interrupt mowers

There are existing trees and a lamp post situated on the grass verge which must be negotiated by grass cutters currently. It is unlikely that the proposed monopole and cabinets will significantly alter this. This is not a material planning consideration.

#### Location isolated from street lighting and be regarded as a joke locally

It is considered that the monopole will appear incongruous and out of place within the streetscene for this reason. The mast has been designed to reflect the form of existing street lights but has been sited behind the line of existing columns. This will appear out of place and detract from the character and appearance of the area.

#### Control and electricity control cabinets appear isolated and out of context with grassed area

The size, design and colour of the associated cabinets are similar to those found in many urban and sub-urban areas and as such, will not appear out of keeping with the character of the area.

#### Covenant may prevent development / proposed on Highways land

Any covenant, licence agreement or similar is not a matter for the planning system. The arrangements between the land owner and the applicant are not a planning matter. Telecommunications operators are classed as "statutory undertakers" and have a right to place equipment on Highway land.

#### Highway danger

The Local Highway Authority has raised no concerns in this regard.

#### Cabinets will be subject to vandalism and graffiti

There is no reason to suppose that the equipment cabinets would attract any more graffiti than other similar installations in the area, or surfaces such as shelters at bus stops.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

The proposal is unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The design of the proposed monopole reflects the appearance of existing street lighting within the surrounding area but has been sited in such a location where lighting columns would not normally be located and is taller. As such the mast will appear incongruous within the street scene.

The proposal is therefore contrary to Policy U11 of the adopted Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that the proposal is REFUSED.

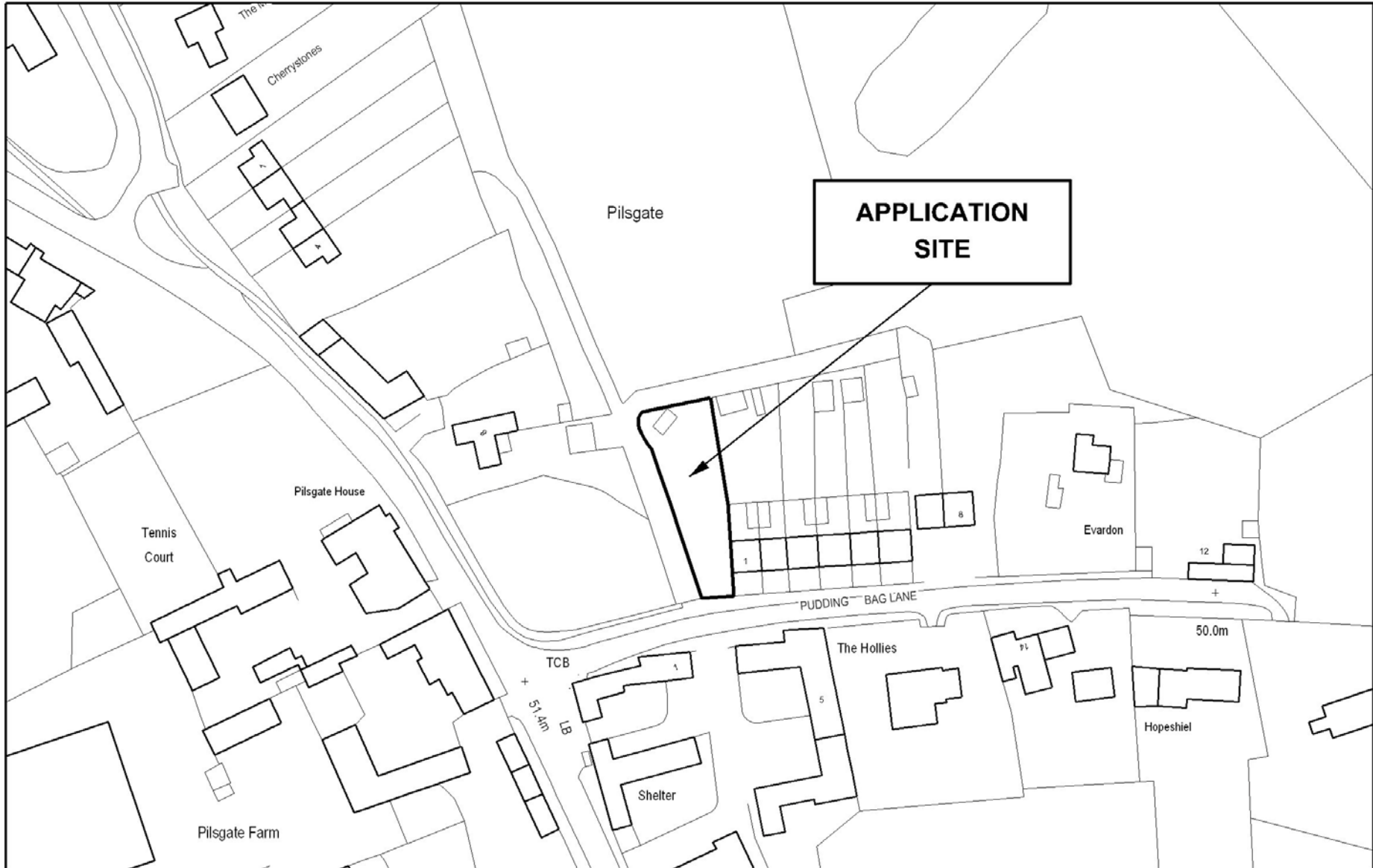
The proposal is unacceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The design of the proposed monopole reflects the appearance of existing street lighting within the surrounding area but has been sited in such a location where lighting columns would not normally be located and is taller. As such the mast will appear incongruous within the street scene.

The proposal is therefore contrary to Policy U11 of the adopted Peterborough Local Plan (First Replacement).

Copies to Councillors Cereste, Arculus, M & S Dalton,

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**LOCATION PLAN 10/00198/R3FUL**

Land Adjacent to 1 Pudding Bag Lane, Pilsgate, Stamford

Scale 1:1250 Date 26/5/2010 Name MKB Department Planning Services

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APPLICATION: CONSTRUCTION OF FOUR-BED DWELLING AND DETACHED GARAGE ON LAND ADJACENT TO 1 PUDDING BAG LANE PILSGATE STAMFORD  
 NUMBER: 10/00198/R3FUL  
 APPLICANT: PETERBOROUGH CITY COUNCIL  
 AGENT: STATE OF DESIGN LTD  
 REFERRED BY: BARNACK PARISH COUNCIL  
 REASON: DESIGN, AMENITY, ACCESS  
 DEPARTURE: NO

CASE OFFICER: DALE BARKER  
 TELEPHONE: 01733 454411  
 E-MAIL: dale.barker@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

### Brief Outline of Development

Construction of a 4 bedroom house on vacant land at Pudding Bag Lane Pilsgate.

### Main Issues.

- Amenity/overlooking
- Overshadowing
- Character of area
- Design/scale
- Loss of trees

### Recommendation.

The Head of Planning Services recommends that the application is Approved subject to conditions and prior completion of a Section 106 obligation relating to a financial contribution to comply with POIS.

## 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

#### Peterborough Local Plan (First replacement)

Relevant policies are listed below. The most relevant policies are highlighted in bold for easy reference.

- |      |  |
|------|--|
| DA1  | Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.  |
| DA2  | Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.   |
| H15  | Development to be carried out at highest net residential density   |
| H16  | Residential density  |
| LT20 | Car Parking Standards  |
| CBE3 | <b>The City Council will require all proposals for development which would affect a conservation area (whether the site of the development is inside or outside the boundary) to preserve or enhance the character or appearance of that area.</b> |

- T1** New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
- T9** Cycle parking requirements.
- T8** Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10** Car parking provision to be in accordance with maximum car parking standard
- IMP1** Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development

**Planning Policy Statement 3 – Housing.** This requires Local Planning Authorities to make best use of land for new residential development and that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

**Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development** seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

**Planning Policy Statement 5 – Planning for the Historic Environment** seeks to protect historic areas.

#### **Material Planning Considerations**

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

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.

**Village Design Statement Implications:** The Barnack and Pilsgate VDS makes the following relevant comments:

- careful attention should be paid to the layout of new developments to reflect the character of the villages;
- new buildings and extensions should be traditional in form and appropriate in size and proportion to the available space;
- it is important that spacing and density of any new property is such that it does not appear out of place in relation to existing development nearby;
- new properties should not overlook or dominate existing dwellings thus infringing their private amenity;
- new houses should not abut on to older properties, thus diminishing the visual aspect of the line of ancient properties;
- attention should be given to roof slopes, gable ends and house frontages, so that they match or blend with surrounding properties;
- Care should be taken to ensure that original buildings and building features are integrated into new homes and should not be destroyed, so that the character of these rural villages remains.
- building materials should blend with surrounding properties.

- roof lights should not be installed on the street or road side of properties and if they are being considered attention must be paid to the size, shape and design to give minimum visual impact.
- old or modern replacement Collyweston slates, blue Welsh slates or pantiles should be used to match the existing or surrounding roof styles; chimneys should be retained and repaired in their original form when alterations take place in preference to being shortened or removed;
- Chimneys should be included in the design of new houses to match those already in existence in nearby properties;
- old stone walls should be preserved and repaired with natural stone and should not be demolished;
- modern style panel or close boarded wooden fencing is not appropriate on road frontages;

It should be noted that the VDS no longer forms part of the Development Plan for the area so only very limited weight can be given to it in deciding this application.

### **3 DESCRIPTION OF PROPOSAL**

Construction of a four bedroom house with three bedrooms on the first floor and one bedroom in the attic, and a tandem double garage at the bottom of the garden. The house is a skewed L shape, with frontages to both Pudding Bag Lane and the access track that serves a number of nearby houses.

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

The application site is an irregular shaped parcel of land at the end of a terraced row of simple and unremarkable houses. To the side and rear is an access to fields and other houses, which also provides access to the garage. At the front of the site is a walnut tree. There is a stone front boundary wall which links the site with the adjacent housing.

The site adjoins the Conservation area and forms one side of an informal 'square' that comprises the centre of the hamlet of Pilsgate. The 'square' surrounds a walled/fenced field, with boundary treatments approx 1.5m high. The eastern side of this square is currently open, being constrained only by the gable of 1 Pudding Bag Lane and the walnut tree on the application site.

### **5 PLANNING HISTORY**

None relevant

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Archaeology** - Suitable archaeological mitigation should be attained through the application of a standard PPS5 condition.

**Head of Transport and Engineering** – The tandem garage is too short to accommodate 2 cars [a revised plan is awaited].

**Private Sector Housing** – Has no objection subject to comments on the layout.

**Principal Built Environment Officer** – Supports the application.

**Tree / Landscape Officer** – No objection to the loss of the Walnut Tree. Recommends condition to provide a replacement.

## **EXTERNAL**

**Barnack Parish Council** - Objects for the following reasons:

- a) The design of the new house should be influenced by the adjacent ex-council houses and should be a smaller three bedroomed cottage style design.
- b) The proposed house is too large and will completely overwhelm the existing row of houses next to it. It is also too large a house for the width of this plot. The huge end gable will dominate the entrance to Puddingbag Lane on entry from the B1443
- c) The front gable and roof height of the front elevation are too high and should be lowered to be the same height as the roof of the adjacent houses. The front gable should not protrude in front of the building line of the adjacent houses. The front of the house should be on the same building line to match the houses alongside.
- d) The stone wall and wooden fence along the track are totally alien to the environment and are too high to match the stone wall of Chapel Orchard field on the opposite side of the track. If a wall or fence is required it should be no higher than the field wall, the other garden fences of the adjacent houses and the wall running along Puddingbag Lane in the front of the row of houses next to it. A high fence will cut this property off and it will appear as a suburban dwelling rather than a village house. No new boundary wall or fence should be higher than 1 meter within the conservation area.
- e) The windows facing on to Chapel Field are too large for a village environment and are totally alien to the other houses in Puddingbag Lane. They will also overlook the garden of Chapel Orchard thus destroying its privacy.
- f) The size of the chimneys are too large and will dominate the entrance from the B1443. One chimney pot on each chimney at each end of the property would be acceptable but not more, thus the chimney construction could be smaller matching those of the row of adjacent houses.
- g) Pilsgate House on which this house has been modelled is the 'manor house' of the hamlet and is therefore the biggest house in the whole community. It should not be used as a model. The original cottages should have been used as a model which would be suitable to the width of this plot and would fit into the environment more comfortably. This proposed house will stand out and will not match the surrounding house or fit into its environment in any way.
- h) The entrance to the garages is over a private field track. More vehicles using this track will cause disrepair thus inconveniencing the present users especially in the winter when the track gets very muddy. Barnack Parish Council would object strongly to this track having a tarred road surface.
- i) A tandem garage suggests parking for three vehicles, which would prejudice the access of Chapel Orchard garage. A house of the proposed size with four bedrooms would generate at least four cars. There are insufficient parking spaces alongside the front of the house to accommodate vehicles without blocking access to The Old Stackyard and without blocking Puddingbag Lane or using the parking outside other houses. This is a further reason as to why a four bedroom house in this position would be totally unsuitable.
- j) The conclusion states that a family would benefit greatly from the Primary School, but it is not guaranteed that the school would be used as there are several private/direct grant schools available in the area. The family living in this house would be more likely to use the village school if it were a smaller design with a maximum of three bedrooms
- k) The property would not be comparable in size, scale and materials or proportion of those alongside it on Pudding Bag Lane.

- l) Barnack Parish Council request that a share of the 106 payment for this house be used for the benefit of the village, as a contribution towards the pre school replacement building and traffic calming for the B1443 running through Pilsgate.

## **NEIGHBOURS**

Letters of objection have been received from 6 local residents raising the following issues:

- a) The proposed four-bed dwelling house is totally inappropriate for this small and odd shaped plot of land which is adjacent to the conservation area of the village.
- b) Loss of garden to No 1 Pudding Bag Lane – the site has been used as garden for many years.
- c) Loss of light and view to No 1 Pudding Bag Lane
- d) Architecture should reflect the adjacent houses.
- e) Overlooking/loss of privacy – failure to comply with policy H16.
- f) The proposal is not of the high quality previously expected in the village.
- g) Detriment to amenity as a result of electricity pole being moved.
- h) Ownership boundary concerns.
- i) Light pollution.
- j) Overdevelopment of the site.
- k) Need to provide access for agricultural equipment.
- l) Loss of amenity during building works.

## **7 REASONING**

### **a) Introduction**

This application seeks to use an area of land that was not sold as garden when 1 Pudding Bag Lane was sold off and has remained in Council ownership.

### **b) Policy issues**

The site is within the Village Envelope for Pilsgate where the principle of residential use is acceptable and adjoins the Conservation Area. The controlling policies are DA1, DA2 and T1.

### **c) Design/Scale**

The Design and Access statement demonstrates that this design has emerged from a design process that began with the constraints of the site, including the walnut tree, the character of the area. The applicant consulted with planning officers and the Parish Council before reaching the final design and compromises were made as a part of this process.

The loss of the Walnut tree is regrettable as it provides a foil to the gable end of the terrace and is clearly visible as one enters Pudding Bag Lane. However, the retention of the tree cannot be justified due to its condition and therefore it could be removed by the applicant at any time, although a replacement is proposed.

The proposed house is certainly much higher in status than the adjoining (20<sup>th</sup> Century) terraced houses. In most planned settlements, the end property is of higher status and in most villages focal points have higher status properties. In this case, the site is at the entrance to Pudding Bag Lane and is at a focal point; the entrance to Pudding Bag Lane is currently very low key with the existing terrace and converted farm buildings dominating views. This proposal could have continued the style and character of the terrace causing no real harm to the setting or the Conservation Area. However, the applicant's contextual analysis has identified that the dominant character of this area is stone buildings and Collyweston slate roofs. The terraced housing to the east of the application site is the exception and in view of its relationship with the square does not form a significant part of its character. The applicant has derived this design from the nearby 'Pilsgate House' which is a very high status building with rich detailing and which forms a part of the west side of the square. It would be inappropriate to create a competing building and thus the proposed dwelling is both smaller, less richly detailed and clearly a modern design. However, by using the characteristics and proportions of Pilsgate House, the proposed building has a sense of place and belonging that the existing terrace lacks and provides both an

interesting focal point in place of the existing gable and tree and a balance to Pilsgate House at the opposite corner of the Square. It is therefore considered that the design of this proposed house will positively contribute to the character of this part of Pilsgate and to the Conservation Area.

Although the Parish Council has concerns about the height of the property, the eaves and ridge are identical where they adjoin the terrace, rising by approximately 650mm towards the corner, where the additional height will give the building authority, presence and room in the attic for an additional bedroom. The transition from low to high is managed by the projecting gable which has no precedent within the existing terrace, but is typical of this type of dwelling and causes no harm either to the rhythm of the street or to the amenity of the area. Overall, the scale of the dwelling is slightly greater than existing properties, but it is articulated to prevent it becoming overpowering. The scale is emphasised by the large and unbalanced chimneys on the elevation facing the square. This slightly unsettling feature, together with different eaves levels at front and rear makes the building more appropriate in this village setting where regular and symmetrical architecture is a modern characteristic.

The size of the house is considerable and at the very limit of the capacity of the site. The applicant has agreed to make several reductions to the size of the rear wing and it is now considered to be the maximum acceptable size for the plot. The roof accommodation is lit by roof lights on the northern face, which will not be generally visible and allows the building to maintain the illusion of two storey accommodation.

Areas in which the design is less successful are the two ground floor windows immediately adjacent to the shared vehicular access, given the volume of traffic which uses this access the level of amenity for occupants will be reduced, but the loss of the windows would harm the balance of the building and the level of amenity will nevertheless be acceptable.

The house is set slightly forward of the adjoining terrace, but not in front of the porches, a total distance of approximately 500mm. This slight set forward will have no significant impact on the street scene.

The stone front boundary wall is identified as a protected frontage in the local plan and will be retained as part of this scheme. Officers consider that a stone wall similar in design and construction to the wall surrounding the adjacent paddock should be continued along the southern boundary as suggested by the Parish Council. It could be augmented with trellis or hedge planting to achieve a 1.8 m screen if necessary. This can be controlled by condition.

**d) Amenity/Overlooking/Overshadowing**

The end terrace house has 2 windows directly overlooking the application site. The proposed house will be built approximately 1.4m from these windows. Inevitably this will result in significant loss of light. However, the windows affected are small, serving the stairs, and will result in very little loss of amenity for the occupant.

At the rear of 1 Pudding Bag Lane, there is a small yard measuring approximately 8m x 5m (40 sq m) which links to the rear access by a triangular parcel of land 23m long and 5m (max) wide (57 sq m); the area of garden therefore meets the normal minimum garden size, but it is to the north of the house and is not convenient. This application does not propose to reduce the area of garden to 1 Pudding Bag Lane, but due to the relationship with the property, it will inevitably feel somewhat overshadowed, although the actual loss of sunlight will be negligible. The rear windows of the house could result in some overlooking, but as they serve only a hall and landing they can all be obscure glazed. Although several neighbours are concerned about overlooking, their concerns seem to relate to overlooking from front windows across the square at distances of approximately 40m, which is twice the normal minimum distance and is therefore acceptable.

The concerns regarding the electricity pole are not matters to concern this decision. There is no proposal to move the pole and in the event that it needs to be moved an application under different legislation will be required, when any impact on amenity can be considered. It would be normal practice to remove overhead line clutter, so it is likely that any such application would improve the appearance of the Conservation Area.

e) **Access**

The access drive at the side of the proposed dwelling serves about 15 houses and is access to fields for agricultural machinery. The addition of traffic for this dwelling will not result in any significant increase in wear and tear. The drive is in the ownership of the Council. Amended plans are awaited showing the garage lengthened to accommodate 2 cars, at which time the parking will precisely match the Council's standards.

f) **S106**

The applicant has offered a Unilateral Undertaking to make a contribution under POIS to the value of £8,000 (plus monitoring fee) in line with Council Policy.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

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

The proposed house will complement the character and design of the buildings surrounding the core of the Conservation Area in this hamlet without causing any material loss of amenity, will provide acceptable access and parking and a contribution under the Council's POIS in accordance with policies DA1, DA2, CBE3, T1 and IMP1 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 and the prior completion of a Unilateral Undertaking for a financial contribution to comply with POIS:

- 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 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
Reason: In the interests of visual amenity. This accords with Policies DA1 and DA3 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), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**  
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Highway conditions to follow
- C5 Tree planting to follow
- C6 Wall retention and height of new wall to follow

Copies to Councillor Over

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**LOCATION PLAN 10/00047/FUL**

105 Oxney Road, Peterborough

PCC GIS



Scale 1:1250 Date 1/4/2010 Name MKB Department Planning Services

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10/00047/FUL ERECTION OF 4 X ONE BED FLATS AND 4 X TWO BED FLATS IN 2 X TWO STOREY BLOCKS AT LAND TO THE REAR OF 105 OXNEY ROAD, PETERBOROUGH

VALID: 08.01.2010

APPLICANT: MR AND MRS SMITH

AGENT: ACCENT AND WILKINSON

REFERRED BY: CLLR STEPHEN GOLDSPINK

REASON: THE USE OF THE VEHICULAR ACCESS ONTO OXNEY ROAD WOULD BE DETRIMENTAL TO HIGHWAY SAFETY

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

TELEPHONE: 01733-454410

E-MAIL: mike.roberts@peterborough.gov.uk

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

The main considerations are:

- Planning history
- The impact of the development upon the character and appearance of the immediate area
- The impact of the occupation of the development upon the amenities of the occupiers of the close by residential properties
- Highway safety implications
- The impact the development upon the health of adjacent tree

This application was deferred at the 4 April Planning Committee meeting to enable additional information to be provided regards the following:-

The records of the accidents that occurred within Oxney Road, particularly at its junctions with Newark Road and Meadenvale, dating from 2009 to present.	Please see Appendix 1
Details of the traffic management proposals at the junction of Newark Road and Oxney Road	No scheme has yet been prepared but the idea is to reduce speeds on the Oxney Road / Newark Road junction
Details showing a reduction in the number of proposed flats	Applicant does not wish to revise the scheme

The Head of Planning Services recommends that the application is APPROVED subject to the satisfactory completion of a planning obligation in accordance with the Council approved Planning Obligation Implementation Strategy (POIS).

Since the last Committee meeting the applicant has submitted an appeal to the Planning Inspectorate on the grounds that the application has not been determined within the statutory 8 week period. Therefore the Committee cannot formally determine this application but its decision, if one of refusal, will be used as a basis for responding to the appeal. The recommendation is that the application should be 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)**

- H15 Residential Density** – Residential density shall be at the highest net density that is compatible with the character and appearance of the site and surrounding area, is compatible with the living conditions of the local residents, to include privacy, light, aspect, noise avoidance, will achieve a good standard of design and layout with adequate open space. The net densities should be within the range of 30-50 dwellings per hectare.
- H16 Residential Design and Amenity** - Amenities for the occupiers of all new dwellings should provide a satisfactory standard of daylight/sunlight, privacy in habitable room, noise attenuation and a convenient area of private garden or outdoor amenity space with reasonable privacy.
- H20 Range of Accommodation to Meet Housing Needs** – To ensure the provision of a suitable proportion of residential accommodation to meet the needs of single person households, young people, homeless households, people with learning or physical disabilities older people as well as large family groups.
- T1 The Transport Implications of New Development** – Appropriate provision is to be made for safe and convenient access to, from and within the site for all user groups and the development would not result in an unacceptable impact upon any element of the transportation network.
- T3 Accessibility to Development** – Pedestrians and those with Mobility Difficulties – Development is to be safely and easily accessible by pedestrians and those with mobility difficulties. Provisions should be made for new connections and improvements to pedestrian routes where they are directly related to the proposed development.
- T8 Connections to the Existing Highway Network** – Development is only to be granted if the vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10 Car and Motorcycle Parking Requirements** – Parking requirements for both cars and motorcycles shall accord to the defined Local Plan standards outside of the City Centre.
- LT1 Open Space in New Residential Development** – Planning permission will not be granted for residential development of 9 or more dwellings unless open space is provided within the site to the Local Plan minimum standards. However, if there are particular deficiencies in open space in the surrounding area variations in the component parts of the required provision may be sought.
- DA1 Townscape and Urban Design** – Development will be permitted if it is compatible with, or improves its surroundings in respect to nearby buildings, spaces and longer views, creates or reinforces a sense of place and does not create an adverse visual impact
- DA2 The effect of Development on the Amenities and Character of an Area** – Development is only to be permitted if by virtue of its density, layout, massing and height it can be satisfactorily accommodated within the site, would not have an adverse impact upon the character of the area and would not have no adverse impact on the amenities of occupiers or nearby residents.

- DA11 Design for Security** – Vulnerability of a development to crime shall be addressed in development proposals.
- LNE9 Landscape Implications of Development Proposals** – Planning permission is only to be granted for development provided that, as far as possible, natural features on the site that make a positive contribution to the local environment are retained and that the development makes adequate provision for landscaping the site as an integral part of the development.
- LNE10 Detailed Elements of Landscaping Schemes** – Conditions will be imposed requiring the provision of a detailed landscaping scheme suitable for the site, the type of development proposed and the location.
- 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 and fairly and reasonably related to the proposal in scale and kind. Such requirements shall be secured through the development proposals, though the imposition of conditions or sought through planning obligations. Where provision on an application site is not appropriate or feasible provision will be sought elsewhere or a contribution towards this provision will be sought where necessary

### **Material Planning Considerations**

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

From 6 April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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**

The proposal is for 4 x 1 bed flats and 4 x 2 bed flats. The flats are to be in two blocks of 4 units each, both being 2 storey's high with the ground floors providing the 1 bed units and the first floors the 2 bed units. The blocks are to be identical in terms of their footprints having an average depth of 7.5m and length of 23m. The elevational details are also near identical for both blocks, the only differences being within the first floor rear fenestration. The design of the flats incorporates four 2 storey gable elements to the front and rear elevations. These are to have pitched roofs. The main roof form of the flats is to comprise a pitched roof with dark grey Calderdale slates and contrasting red ridge and hip tiles.

Within the flat blocks at either end is to be a single garage to serve the parking for the occupiers of the ground floor flats. Four parking spaces, 2 in a gap between the two flat blocks and 2 single spaces at either end of the flat blocks are to serve the occupiers of the first floor flats. Each flat is to have space set

aside for the storage of 2 wheelie bins to the rear of the buildings with space to be provided at the entrance to the site for the occupiers of the flats to place the bins on the days that they are to be emptied. Parking provision for 5 cycles is to be provided in a central location between the flat blocks. The vehicular and pedestrian access to the flats is to be directly off Oxney Road, being located immediately adjacent to the eastern boundary. The first 10m of the access is to have a width of 5m with the remainder of the access to the flats to have a width of 4.5m. The required vehicle to vehicle visibility splays to the east and west of the new access onto Oxney Road has been shown which will involve the removal of a row of leylandii along the frontage of no.105 Oxney Road. Due to the presence of a tree belt alongside the eastern boundary of the site the driveway is to be of a no dig construction. A turning head is to be provided to the north of the northern most flat block.

Amenity areas, approximately 4.2m by 9.5m to the rear of the flats are to provide garden areas for the occupiers of the ground floor flats. Within the tree area to the north of the flats provision is to be made for a sitting out area and a more formal setting. The boundaries to the flats are to be fenced.

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

The application site was formerly a part of the rear garden of no.105 Oxney Road which comprises a chalet style bungalow located close to the front of the property with garden area and a small woodland area to the rear.

The application site has an area of 0.25ha although 0.08ha comprises the woodland area that is the subject of a tree preservation order. The application site has been overgrown for some years. Immediately to the west of the proposed siting of the two flat blocks is an area of open space which is predominantly grass with mature trees. Detached dwellings within Lyvelly Gardens and those that front towards Oxney Road form a horseshoe layout around the open space area. A narrow tree belt runs in a north – south alignment alongside the eastern flank boundary of the site with a footpath/cycleway to the east of the tree belt that connects Oxney Road and the dwellings further to the east and north i.e. Parnwell.

Along the frontage of no.105 Oxney Road lies a row of leylandii. The driveway serving no.105 lies beyond these trees. To the east of the access is the entrance to the aforementioned footpath/cycleway and beyond is an area of landscaping fronting Oxney Road. Approximately 42m to the west of the proposed vehicular access to the site is a signal controlled pedestrian crossing. The junction of Newark Road and Oxney Road lies approximately 25m to the west and to the south east of the access is an entrance to established offices.

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
00/00542/OUT	Residential development comprising 3 dwellings including construction of access	15.5.2000	APPROVED
02/00505/REM	Erection of 3 dwellings and access	31.05.2002	WITHDRAWN
02/01066/REM	Erection of 3 dwellings and access - revised	23.09.2002	PERMITTED
03/00991/OUT	Erection of 9 flats and 8 town houses and construction of access	6.7.2004	WITHDRAWN
05/00063/FUL	Erection of 2 x two storey blocks of flats (4 x one bed flats and 4 x two bed flats)	6.4.2006	PERMITTED
08/00794/FUL	Erection of 3 detached dwellings, garages and access	12.8.2008	WITHDRAWN
09/00751/FUL	Erection of 2 x two storey blocks of flats (4 x one bed flats and 4 x two bed flats)	26.10.2009	WITHDRAWN

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Head of Transport and Engineering** – The junction requirements, particularly the required vehicle to vehicle visibility splays to Oxney Road are not to be based on the Government guidance document Manual for Streets as Oxney Road does not satisfy the criteria which would make this guidance applicable. New junctions to streets that have a significant heavy goods vehicle usage or that have a regular bus frequency (both of which Oxney Road does have) should ensure that vehicle to vehicle visibility splays satisfy the standard stopping distances of such vehicles. The standards contained within Design Manual for Roads and Bridges and the Design Bulletin 32 should apply rather than the recommendations contained in Manual For Streets to allow HGV's and buses to slow and stop safely and to be aware in advance of vehicles exiting the new access. The visibility splay to the east of the new access should be 73.5m and to the west 80m. A plan has been received to show that these visibility splay lines are acceptable.

Between 2004 to March 2010 there were a total of 11 reported injury collisions at the Oxney Road/Newark Road junction and at the controlled pedestrian crossing (note:- the list in Appendix 1 covers of accidents that occurred at other locations in the vicinity of the access to the application site) of these 8 were considered to be slight with one serious. However, despite this accident record with the appropriate visibility splays in place, as can be provided to either side of the new access, the safety and free flow of traffic along the immediate stretch of Oxney Road should not be prejudiced by the introduction of a further access to serve a small residential development. Only accidents that have resulted in personal injury are reported. However, efforts are still being made to obtain the details of the non-injury accidents that have occurred in the vicinity of the Oxney Road and Newark Road junction. If these can be obtained from the Cambridgeshire Constabulary they will be reported in the Committee Update report. Thereafter the Highways officers, also taking into account the accident data that was reported to the 4 April Committee meeting, will assess whether the proposed vehicular access would be likely to have any detrimental impact upon the free flow of traffic within the adjoining highways. Such comments will be contained in the Update report.

A vehicle speed check has been undertaken in Newark Road, just to the west of the application site and it revealed that many motorists were exceeding the speed limit. As a result of this traffic calming measures within Newark Road on the approach to its junction with Oxney Road are planned to be introduced. The Head of Planning Services has been advised that whilst there is no scheme scheduled or draft designs drawn up for such traffic calming works a budget assigned for its delivery during the current financial year i.e. before the end of March 2011. The scheme will be expected to reduce the speeds of vehicles approaching the junction of Newark Road and Oxney Road to improve safety at the junction.

The Traffic Control Manager has advised that the highways records for the area show that the guard rails at the pedestrian crossing have been repaired a total of 8 times from 2000 - 2010

**Drainage Team** – The use of soakaways for the surface water drainage of the site should have Building Regulation approval prior to their installation.

**Housing Team** – Various comments on the internal flat arrangements/layout

**Architectural Liaison Officer** – Lack of any on site parking provision for visitors. The proposed built element of the development is appropriate and should not adversely affect existing crime levels in the locality.

There should be no encouragement offered to site seating facilities away from the flats within the tree area to the north of them as these would be used miscreant and anti-social behaviour would be highly likely. There is much evidence that the tree area has been used over a long period of time by miscreants as empty alcoholic drinks cans and bottles have been found in the vicinity and there is concern that it could be used for other activities such as drug taking and general anti-social behaviour in an area that would not be afforded surveillance. The Police are currently advising the local authority and residents, in relation to problems of drinkers and drug users, who have "hi-jacked" seating, at a similar small residential park in Peterborough, which also has limited natural surveillance.

**Building Control** – The erection of the flats will require building regulation approval. The internal layout of the flats are considered to be acceptable such that necessary provisions for a safe means of escape

from the flats in the event of a fire could be provided to comply with the Building Regulation requirements.

## **EXTERNAL**

### **NEIGHBOURS**

Letters of objection have been received from 3 local residents raising the following issues:

- The proposed flats would be out of character with the established style and general pattern of residential development in the immediate locality to the detriment of the character and appearance of the area.
- The flats would provide for a dominant adverse overbearing relationship to the rear of the existing close by dwellings due to their size and massing and close proximity to those dwellings.
- The first floor rear facing windows would permit overlooking into the rear gardens of close by existing dwellings.
- The site is located close to a stretch of Oxney Road that has an accident record and the creation of another vehicular access close to a junction and signal controlled crossing would be likely to increase the potential for more accidents to occur in the immediate vicinity of Oxney Road. The accident record is of significance that a remedial scheme is being considered.
- Loss of sunlight and daylight entering gardens
- The construction of the dwellings would be detrimental to the amenities of the occupiers of the close by residential properties by way of noise, dust, smells, fumes, vibration and grit
- The proposal represents an overdevelopment of the site
- The proposed flats would be afforded a poor level of natural daylight as a result of the presence of close by trees.
- Vehicular access to the development should be off Lyvelly Gardens and not Oxney Road.

### **COUNCILLORS**

Cllr Stephen Goldspink objects to the application for the following reasons –

- the development is too intensive for the site
- the development would be out of character with the street
- the access would be close to a junction with an accident record - the Council is contemplating a remedial scheme to improve the safety of the junction
- the flats would overlook and block light from adjoining properties
- the change in character of the site from the existing would be unacceptable.

## **7 REASONING**

### **Planning History**

The site has had 2 approvals of planning permission for the residential development of the site within the past 8 years with the most recent being in 2006. The current proposal is for the same number, type, footprint and location of, the flats approved in the 2006 permission. The only changes in the current proposal are essentially cosmetic to the design and appearance of the flat units. This permission expired in 2009. The applicant did seek to implement the 2006 permission but could not do so due to several of the 'prior to commencement' planning conditions of the planning permission not having been discharged within the 3 year life of the permission. Hence, the submission of the current application. Given the similarities of the original and current proposal it can therefore be considered that a precedent has been set as to the acceptability of the current proposal and that the original permission is a material consideration in the determination of the current application.

### **The impact of the development upon the character and appearance of the immediate area**

It was considered that such a development, the 2006 planning permission refers, would be an acceptable and appropriate addition in terms of its relationship to the character and appearance of the



immediate area. However, the current proposal has enabled improvements to be made to the design and general appearance of the development compared to that of the original permission for the development.

Changes have been made to the two principle elevations of the flat blocks by way of the introduction of two storey gable features and by raising the roof height of the flats to provide for more balanced and proportioned elevations that show a better respect to the immediate detached residential properties.

Objections have been received on the grounds that the change in the character of the site i.e. to physical development, would not be as visually pleasing as the current state of the site. However, in this regard the site is currently overgrown and has been for several years and is generally in an untidy state. Given that the area is predominantly residential in character the residential development of the site would be wholly in keeping with the character of the area and would improve the sites appearance. As a result it is considered that overall the development would not harm the character and appearance of the locality.

The requests of the Committee of the applicant to consider a reduction in the number of the proposed flat units on the site, that would reduce the density of the development, was not acceptable to the applicant and the 8 flat units remains. Further, in this regard, the applicant has submitted an appeal to the Planning Inspectorate to determine the proposal entirely based on the submitted details.

### **The impact of the occupation of the development upon the amenities of the occupiers of the close by residential properties**

The two storey nature of the proposed development would be entirely in keeping with the heights of the dwellings immediately to the west of the site i.e. within Oxney Road and Lyvelly Gardens, which comprise solely detached two storey dwellings. However, the proposed flats will afford a slightly greater bulk and mass than the existing dwellings due to their width but due to their location and general separation from the existing dwellings they would not provide for any adverse overbearing presence.

A greater attention to the positioning of the windows in the first floor rear elevations of the flats has been given in order to minimise the potential for the occupiers of the flats to view into the rear gardens of the existing dwellings. In particular the originally proposed southern most first floor rear facing window of the southern flat block and the proposed northern most first floor rear facing window of the northern flat block have been deleted and replaced with roof lights in the former and a relocated window to the north elevation of the latter.

The separation distances of the flats to the rear gardens of the existing dwellings are considered sufficient such that the outlook from the rear first floor windows of the flats would not give rise to significant levels of overlooking into the existing properties, particularly given the removal of the aforementioned first floor rear windows. Such separation distances between the flats and the existing dwellings would not lead to the blocking to the rears of the existing dwellings.

### **Highway safety implications**

The new access to serve the residential development will have the necessary vehicle to vehicle visibility splays both to the east and west directions along Oxney Road that will permit the drivers of vehicles exiting the site to have clear views in either direction of on coming vehicles and similarly for those vehicles approaching the access, specifically HGV's and buses that have longer stopping distances than cars. Further by securing these splays the existing dwelling at 105 Oxney Road would also have visibility improvements for vehicles exiting that property.

The fact that there have been a number of accidents in recent years close to the junction of Oxney Road and Newark Road has to be taken into consideration. The accident record database shows that many of the accidents have not been associated with cars manoeuvring at this junction and include incidents where for example a vehicle has had to swerve to avoid an animal crossing the road, a pedestrian crossing the road without care causing a vehicle collision and an accident resulting from a cycle pulling out of the junction without care.

However, a vehicle has for example, been reported to have collided head on with another vehicle, another vehicle hit into a vehicle waiting to turning right into Newark Road off Oxney Road and have collided as a result of skidding on a late on a wet road. Consideration also has to be given to vehicle activity at the junction of Oxney Road and Newark Road which is high at peak times as Oxney Road serves as a distributor of traffic both into and out of the city and also access to a large Supermarket. Newark Road serves the traffic accessing to and from the northern area of the Eastern Industry area. There is also the presence of the traffic controlled junction to the west of the proposed access.

Notwithstanding these factors the new access will comply with the requisite vehicle to vehicle visibility standards and this will provide clear views of oncoming traffic.

As there have been no details drawn up as yet of the likely traffic management/calming measures to be undertaken within Newark Road, close to its junction with Oxney Road, the impact these measures may have upon the safety of traffic cannot be readily assessed. However, by the very nature of such measures to control speeds it is expected that any traffic calming in the vicinity of the junction would significantly improve the safe use of the junction.

### **The impact of the development upon the health of adjacent trees**

The northern most part of the two flat blocks and the vehicle turning head are to be located a sufficient distance away from the group of trees within the northern area of the site, which are the subject of a tree preservation order, such that there would be no detriment to their health and general appearance either as a result of the necessary construction works or upon the future growth of the trees.

The overall condition of this tree area is to be improved which will include various shrub clearance works and the provision of a small seated area close to the flats for the benefit of the occupiers of the properties. This will be secured by a landscaping condition.

The no-dig construction of the vehicular access into the site would ensure that the health and future growth potential of the trees within the tree belt that flanks immediately onto the eastern boundary of the site would not be compromised.

### **Planning Obligation Requirements**

In accordance with the requirements of Policy IMP1 of the Peterborough Local Plan (First Replacement) there will be a requirement for infrastructure contributions from the development. These are to be secured in keeping with the guidance in the Council approved Planning Obligations Implementation Strategy. The applicant has confirmed that such contributions will be adhered to if planning permission is granted. The scale of the contribution is £28,000

This/these requirements accord 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.

## **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 design of the flats is compatible with the general appearance of the existing residential development near to the site in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely impact upon the amenities of the nearby residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely affect the health of the trees to be retained within the site and those alongside the eastern boundary of the site in accordance with policy LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

- The required vehicle to vehicle visibility splays from the junction of the access to the site and Oxney Road can be achieved and the necessary vehicle turning and parking provisions within the site are satisfied in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)

## **9 RECOMMENDATION**

The Head of Planning Services considers that planning permission should be granted with the following conditions and subject to the signing of S106/Unilateral Undertaking to meet the infrastructure needs of the development:

- C 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 **No development shall take place until details of all materials to be used in the external surfaces of the flats 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 Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C 3 **The flats hereby approved shall not be occupied until the areas for the parking of vehicles (drawing no. 96909/100-03B refers) have been implemented and those areas shall not thereafter be used for any purpose other than for the parking of vehicles in connection with the residential use of the development.**  
Reason: In the interests of highway safety in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)
- C 4 **No flat shall be occupied until space has been laid out within the site (drawing no. 96909/100-03B refers) for vehicles to turn so that they may enter and leave the site in a forward gear and that area shall not thereafter be used for any purpose other than the turning of vehicles.**  
Reason: In the Interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C 5 **Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of 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).
- C 6 **None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**  
Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies U1 and U2 of the Peterborough Local Plan (First Replacement).
- C 7 **Prior to the occupation of the flats hereby approved details of the surface water drainage system for the development including provisions for mitigating against the volume of surface water draining into the Padholme Surface Water Catchment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.**  
Reason: In order to protect and safeguard the amenity of the area and to ensure that the Padholme Surface Water Catchment is able to accommodate the surface water draining from the development. In accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control) and Policies U1, U2, U3 and U9 of the Peterborough Local Plan (First Replacement).

- C 8 No construction/excavation/clearance works shall be carried out on the site between 1 April and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.**  
Reason: To protect features of nature conservation importance in accordance with policies LNE11, LNE13, LNE17 and LNE19 of the Peterborough Local Plan (First Replacement)
- C 9 The entire length of the access road, including the parking spaces within the site shall be of a 'no-dig' construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**  
Reason: To ensure the health of the of the trees adjoining the road in the interests of the visual amenities of the area in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)
- C10 Notwithstanding the submitted information the first 10m length of the access road into the site, measured from the back edge of the pavement, shall be aligned level with the adjoining pavement in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved access design shall be implemented prior to the commencement of the construction of the flats.**  
Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C11 The first 10m length of the access road shall have a width of 5m and thereafter the access road shall have a width of at least 4.5m. The flats hereby approved shall not be occupied until the access road within the site has been constructed.**  
Reason: In the interests of highway safety in accordance with policy DA1 of the Peterborough Local Plan (First Replacement)
- C12 Before the vehicular access is brought into use, visibility splays, dimensioned 1.5m x 1.5m shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 1.5m x 1.5m measured from and along respectively the back edge of the pavement.**  
Reason: In the interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C13 Before the commencement of the development/site clearance works visibility splays of dimensions 2.4m x 80m to the west of the vehicular access and 2.4m x 73.5m to the east of the vehicular access shall be implemented and shall thereafter be maintained free of obstruction over a height of 600mm within those visibility splays measured from and along respectively the back edge of the pavement.**  
Reason: In the interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C14 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 layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant.**  
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).
- C15 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

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

- C16 The plans and particulars submitted in accordance with condition 13 above shall include details of the size, species, and position or density of all trees and shrubs to be planted, and the proposed timing of planting.**

Reason: To ensure that the City Council is satisfied with the landscaping schemes, in accordance with Policy LNE10 of the Adopted Peterborough Local Plan (First Replacement).

- C17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the flats are occupied. 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 Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

- C18 Details of existing and proposed site levels, including finished floor levels of both the dwellings, together with their associated garden areas, and garages hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site. The development shall be carried out fully in accordance with those 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).

- C19 The space for refuse bins indicated on the approved plans shall be provided prior to first occupation of the dwellings and thereafter shall be retained to be used solely for the storage of the refuse bins.**

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

- C20 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority: any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C21 The trees nearest to the north elevation of the flats shall be retained and be adequately fenced, as described below, before any development begins on site, and shall continue to be so protected during the period of construction. The fencing shall be erected outside the outermost spread of the tree canopy and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.1m (three feet six inches). The fencing shall be inspected by the Local Planning Authority prior to the commencement of development, and development shall not commence until the Authority is satisfied that the trees are adequately protected. No work shall take place, and the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority. No materials shall be stored within the fenced areas at any time.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement).

- C22 Notwithstanding the submitted information the first floor rear facing bathroom window of the northernmost flat shall be obscure glazed in accordance with details to be submitted**

**to and approved in writing by the Local Planning Authority. Thereafter the obscure glazing shall be retained in accordance with the approved details.**

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

**C23 Replacement tree or trees of sizes and species to be agreed in writing with the Local Planning Authority shall be planted in the first planting season (December to February inclusive for deciduous trees and October to March for evergreen trees) following removal of the tree(s) the subject of this application.**

Reason: To ensure continuity of tree cover in the interest of visual amenity, in accordance with the Policy 39 Peterborough Tree and Woodlands Strategy 1998.

Copy to Councillors Collins, Goldspink, Todd

## Appendix 1

Details of the accident record in the vicinity of the application site at or near to the junction of Oxney Road with Newark Road and Meadenvale **where injury resulted.**

- **27/4/04** – Person crossing on the approach to the pedestrian crossing without care causing collision with vehicle – slight injury
- **19/8/04** – vehicle about to turn right into Newark Road was struck head on by on coming vehicle – slight injuries
- **19/9/04** – Cyclist pulled out in front of moving vehicle from Meadenvale– cyclist suffered slight injury
- **25/10/04** – Vehicle static and waiting to turn right into Meadenvale was hit from behind by vehicle – slight injury to the driver of the static vehicle
- **9/12/04** – Car pulled out of the Newark Road junction, stopped at red light but a moped behind pulled out of the same junction but slipped when tried to stop – slight injury to moped driver
- **19/1/05** - Vehicle failed to stop at the red light at the pedestrian crossing and hit cyclist using the crossing – slight injury to the cyclist
- **6/3/05** – Vehicle braked for the traffic ahead which threw the passenger forward with the car hitting the road side barrier at the crossing – Serious injury to the passenger.
- **3/6/05** – Driver approaching the pedestrian crossing had to do an emergency stop due to a loose dog crossing the road. His vehicle hit the rear of another vehicle – slight injury to the driver
- **3/10/05** – A vehicle pushed another vehicle across the pedestrian crossing resulting in a collision with a lady pushing a bicycle. Cyclist suffered slight injury
- **18/11/05** – Driver of vehicle pulled out of Lyvelly Garden/Oxney Road junction without looking properly and was hit by an oncoming vehicle. The driver of the oncoming vehicle was slightly injured.
- **03/3/06** – A cyclist on the wrong side of the road was hit by a driver exiting his driveway. Cyclist slightly hurt.
- **26/7/07** – Vehicle stopped and indicating to turn right into Newark Road was hit from behind by another vehicle. Slight injury to the driver of the stationary vehicle.
- **16/10/07** – A vehicle was slowing to turn right into Meadenvale when a vehicle travelling in the same direction attempted to overtake and hit the driver's side door of the turning vehicle. Slight injuries to both drivers.
- **16/10/07** – A vehicle was slowing down on the approach to the pedestrian crossing and a vehicle travelling behind braked and skidded into the back of the forward vehicle. The driver of the front vehicle was slightly injured.
- **8/5/08** – Vehicle was hit from behind in a queue of traffic at the pedestrian crossing.
- **13/8/08** – A vehicle waiting to turn right into Meadenvale was hit from behind by car due to poor judgement of path of the waiting vehicle. The driver of the stationary vehicle was slightly injured.
- **19/9/08** – A vehicle turning right into Meadenvale was hit a motorcyclist for travelling too fast. The Motorcyclist was seriously injured having been thrown from his bike.
- **2009** – **No injury accidents were recorded**
- **13/3/10** – Slight collision at the junction of Newark Road and Oxney Road due to driver of vehicle distracted by sunlight from the window of a nearby building. However, at this stage the details of this accident have not yet been formally verified by the Cambridgeshire Constabulary

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**LOCATION PLAN 09/01294/FUL**

Peterborough City Lawn Tennis Club, Park Crescent, Peterborough

Scale 1:1250 Date 26/5/2010 Name MKB Department Planning Services

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09/01294/FUL: CONSTRUCTION OF 2 X TWO STOREY 4 BED DETACHED DWELLINGS AND 1 X TWO STOREY 3 BED DETACHED DWELLING AT PETERBOROUGH CITY LAWN TENNIS CLUB, PARK CRESCENT, PETERBOROUGH

VALID: 9<sup>TH</sup> NOVEMBER 2009

APPLICANT: PETERBOROUGH CITY LAWN TENNIS CLUB

AGENT: BARKER STOREY MATTHEWS

REFERRED BY: CLLR PEACH

REASON: IMPACT ON CONSERVATION AREA, LOSS OF TENNIS FACILITY AND HERITAGE, LACK OF REPLACEMENT FACILITIES, DESIGN, AMENITY

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

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

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Infrastructure/replacement tennis facilities
- Highway safety
- Impact on residential amenity
- Impact on and appearance in Conservation Area

The Head of Planning Services recommends that the application is APPROVED subject to prior completion of a Section 106 obligation relating to provision of community infrastructure in accordance with the Planning Obligation Implementation Scheme (POIS) and replacement tennis facilities.

## 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 – Within the Urban Area residential development on any unallocated site will be permitted subject to criteria

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

H16 – Seeks to ensure an adequate level of residential amenity

DA1 – Development should be compatible with its surroundings

**DA2 – Development should be in keeping with the area and have no detrimental impact on neighbour amenity.**

DA6 - Infill development should be to an appropriate scale for the site and be in keeping with the character of the area; and have no detrimental impact on neighbouring occupiers

**LT3 – Retention of sports facilities**

**CBE3 – Development should maintain or preserve the character of the Conservation Area**

**IMP1 – Seeks to secure provision of adequate infrastructure where the development gives rise to an increased need.**

## **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**

**PPS 3 - Housing** gives general advice on dealing with applications for residential development, including:

Para 13 - Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Para 41 - The national annual target is that at least 60 per cent of new housing should be provided on previously developed land. This includes land and buildings that are vacant or derelict as well as land that is currently in use but which has potential for re-development.

Para 47 - 30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making, until local density policies are in place. Where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified, having regard to paragraph 46.

### **PPG 17 - Planning for open space, sport and recreation**

**Park Conservation Area Appraisal/Management Plan** - Gives general advice on dealing with applications in the area.

**Regional Spatial Strategy** – No specific guidance.

**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**

Planning permission is sought for the construction of three detached properties on the site. The two properties proposed at the front of the site would be two storey high 4 bedroom houses, and the property at the rear of the site, a two storey high 3 bedroom coach house.

Two car parking spaces are proposed for each property, all car parking spaces are at the rear of the site behind plots 1 and 2.

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

The site is the last remnants of a tennis club that has been on site for about 100 years. Part of the site was developed for housing in the 1970’s, leaving a wooden clubhouse and four grass tennis courts which are the subject of this application. The courts are not currently in use.

The site falls within the Park Conservation Area and lies opposite Central Park. The front boundaries of this and many nearby sites are marked by distinctive diaper work fences and hedging. The adjoining houses are modern (having been built around 1970), although the overall character of the area reflects its history as an Arcadian Victorian/Edwardian residential area.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
06/00625/FUL	Erection of 12 apartments in three blocks	25.07.2006	Withdrawn
06/01243/FUL	Erection of 10 apartments in three blocks	10.05.2007	Refused and dismissed on appeal.
08/00438/FUL	Erection of 10 apartments in three blocks	25.11.2008	Refused and dismissed on appeal.

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Environmental Health** – No objection.

**Housing Enforcement Officer** – No objection but highlights requirements of the Housing Act 2004.

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

**Conservation Officer** – The concerns over adverse impact on the conservation area and design have previously been dismissed by the Planning Inspector. It is not considered that the proposed development would harm the character and appearance of the conservation area. Variations in the architectural detailing on the elevations facing the Crescent and landscaping issues would enhance the impact of the development.

### **EXTERNAL**

**Anglian Water** – No objection

**Police Architectural Liaison Officer** – No comments received

**Environment Agency** – No comments received

**Sport England** – In this instance Sport England are a non-statutory consultee. They support the principle of replacement facilities to compensate for the loss of the existing facilities, and are agreeable that two hard surfaced floodlit courts would be an adequate replacement for the four grass courts to be lost. Their only concern is without knowledge of where the replacement facilities would be, they are unable to judge the accessibility requirement of their policy and PPG17, to ensure the new facility is at least as accessible to current and potential new users. They recommend the S106 agree the location of the replacement facilities and that these replacement facilities be provided prior to work commencing on the Park Crescent site. They conclude that they would be unable to support the proposal, without prior agreement of location, management, cost of replacement facilities details, and the replacement facilities being provided prior to commencement of development on the existing site.

**Peterborough Civic Society** – Support this application. They consider it to be a sensitive, well detailed scheme entirely appropriate for this part of the Park Conservation Area.

**English Heritage** – No comments received

## **NEIGHBOURS**

Letters of objection have been received from 44 local residents raising the following issues:

- Incompatible with Park Conservation Area Appraisal
- Not in keeping with the character of surrounding development
- Overdevelopment
- Unacceptable visual impact
- Poor design
- Unacceptable size, scale, siting and height
- Loss of privacy/overlooking
- Overshadow/loss of light
- Materials
- Noise
- Similar footprint to previously refused flats
- Impact on local community
- Loss of property value
- Too close to site boundaries and neighbouring sites
- The Tennis Club is one of the oldest in England and this historic facility should not be lost
- Inadequate replacement tennis facilities
- Contrary to planning policies
- Planning history, previously refused applications
- Loss of green space
- Loss of open aspect
- Affect on trees
- Affect on wildlife
- Extra traffic
- Parking problems
- Lack of garages
- Inadequate garden provision
- Creation of front accesses will destroy the existing front hedge boundary treatment
- Pollution
- Gated developments are socially divisive
- Lack of renewable energy generation on site
- Design is not energy efficient
- Rear building line should be respected
- Bins on site frontage not acceptable
- Too much hard surfacing proposed on site

### **Broadway Residents Association**

Were disappointed that they were not formally notified, and raised concerns about the agent's assumptions that the application has all been agreed before the submission of the application. As the Council may gain financially from the development it is important that it is rigorously assessed. They do not consider that the application meets the requirements of PPG17 or the concerns of the Inspector in the last planning appeal decision. The application for Conservation Area consent for the demolition of the clubhouse on site should have been submitted at the same as this application. All previous application have been refused and dismissed on appeal, therefore this application should be determined by the Planning Committee.

## **COUNCILLORS**

Cllr Peach – The proposal fails to identify alternative facilities to satisfy the S106 requirement. The scheme does not meet the requirements of the Park Conservation Area Appraisal report and management plan. The scheme results in the loss of amenity value, loss of recreational and sporting facility, and loss of heritage for the community and city. There are aesthetic, design and social objections to the scheme. The development does not follow the front and rear building lines of surrounding development and the refuse facilities would be positioned too close to the road.

## **7 REASONING**

### **a) Introduction**

There have been two previous applications on this site for ten apartments contained within three blocks that were both refused by Members and dismissed on appeal.

The last appeal was dismissed primarily on the grounds that the applicants had not entered into a S106 obligation to provide replacement tennis facilities in accordance with best practice. Whilst this application is now for three dwellings, it is similar to the previous submissions in terms of the siting of three buildings on the site, their design, appearance and footprint, which were deemed to be acceptable by the Inspector, and as such the Inspector's decision must be a material consideration in reaching your decision.

### **b) Provision of replacement tennis facilities.**

#### Summary

In the context of this application, national and local policy is such that the loss of the grass courts has to be offset by the provision of replacement or improve tennis facilities elsewhere. To this end the applicant is proposing to:

- I. Deposit a sum of approximately £100,000 (index linked) on the sale of the land with the City Council and either
- II. The Club draws on the money to build two all weather floodlit tennis courts at Bretton Gate (or an alternative site to be approved by the Council) within one year of the sale of the land or (in the event that this does not happen)
- III. The Council draws on the money to providing new and or improved existing tennis facilities.

Adopted Local Plan Policy LT3 indicates that this is an acceptable approach, provided the replacement facilities are as accessible and equivalent. Although this may result in a reduction in the amount of open space in the ward, this must be balanced against the benefits to the City as a whole of the proposed replacement facilities.

#### Detail

The applicants are proposing to construct two floodlit all weather courts elsewhere in the City, on a site to be identified. Since the courts at Park Crescent have become unplayable the club have continued to play at Bretton and Itter Park. It is the clubs first preference that the relocated facilities for the club would be provided at the Peterborough Town site at Bretton Gate. However as the funding of the re-placement tennis facilities is directly dependent on the grant of planning permission and sale of this site, contracts with the landowners of the site cannot be secured at this stage. Planning permission for these replacement facilities would be required to be sought, and it is Officers view that the principle of these facilities at this site would be acceptable.

Although the number of existing courts will be halved, their proposed all weather surfacing and lighting would allow play on many more occasions than the current grass pitches and therefore this is considered to be equivalent provision. It will result in the loss of grass courts, which is regrettable, but that must be balanced against the additional availability of the new courts, which will be more useful and arguably of higher quality than the existing courts. Accessibility is impossible to evaluate as the exact site has not

yet been identified, however the preferred site of the tennis club is considered to be acceptable in terms of accessibility. Members should be mindful that whilst there are few sites as central as the current premises, there are other sites within the City that are accessible to large portions of the population on foot and by bus, and the membership of the existing club is city wide, and is not just a local facility. The loss of these tennis facilities from the Park Ward would not result in any deficiency in tennis facilities in the Ward, as tennis facilities are available in Central Park.

In the event that the new courts are not provided by the applicant the Council will draw on the £100,000 that is to be deposited with the Council by the Tennis Club to provide new or improved tennis facilities in the city.

The existing tennis courts available within the city have been assessed, in terms of those with and without floodlighting, and those which are owned or run by Peterborough City Council (PCC), with the others in private or school ownership (see Appendix 1). After assessing all options, should the Council be in the position where it receives the S106 monies, due to the Lawn Tennis Club being unable to provide the replacement facilities, the most likely sites for this money to be spent due to their acceptability and deliverability would be Bushfield Sports centre or Werrington Sports centre. Both these sites are existing facilities within the control of the Council, they both have unlit facilities which could become lit to increase their usage, and they are both located within District centres of the city, therefore highly accessible by means of transport other than the private car. It is therefore considered should the Lawn Tennis Club be unable to provide replacement tennis facilities that the Council would be able to use the financial contribution to upgrade existing tennis facilities within the city to provide suitable replacement tennis facilities for the facilities that would be lost.

In conclusion, officers consider that these provisions comply with policy LT3 and will ensure equivalent replacement facilities.

These requirements accord 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.

**c) Highway safety**

There are no highway safety issues or parking problems associated with this proposed development. The Local Highway Authority is satisfied subject to the imposition of conditions and informatives that this development will not result in any highway safety concerns.

**d) Character of the area/design**

In the previous appeals the Inspector commented 'many of the buildings on Park Crescent were built in the latter half of the 20<sup>th</sup> century. There is, therefore, considerable variety in the age and form of buildings in Park Crescent and an assessment of the character and appearance of the Conservation Area cannot ignore those built after the Edwardian period'. It is most noticeable that the dwellings adjacent to this site were built in the 1960's and 70's and are at variance with the character described in the Conservation Area appraisal and the character identified as important to the area; but due to the passage of time and growth of planting have integrated themselves into the area. The proposed buildings however are proportioned and detailed to respect the character of the late Edwardian/ Victorian period that typifies the area and should quickly achieve the same status.

It is not considered that the positioning of three dwellings on this site would be overdevelopment or would harmfully impact on the surrounding character of the Conservation Area. The proposed garden provision for each property is in excess of the Council's minimum guidelines and whilst not as generous as surrounding plots could not be considered unacceptable in planning terms.

It is considered therefore that the three proposed dwellings on the site would not be harmfully out of keeping with the surrounding area or Conservation Area and would be in accordance with Policy CBE3 and the Conservation Area Appraisal.



#### e) **Impact on residential amenity**

The buildings have been arranged to avoid any material overlooking or noise for nearby residents. The levels of amenity enjoyed will change; however, all window to window overlooking distances exceed the recommended 20 metres. The adjoining properties in Park Crescent will experience some noise and activity adjacent to their gardens, but this is no more than would be normal in any residential street, whilst other properties will experience noise and activity closer to the less sensitive areas of existing gardens.

Similarly, there may be times when adjoining gardens will be shaded for periods during the day, but in no case will this amount to a material loss of amenity.

Overall, the impact on the amenity of neighbouring properties is considered to be negligible.

#### f) **POIS contribution**

This has been calculated to be £24,000 (plus monitoring fee) in accordance with the adopted Planning Obligation Implementation Scheme.

### **8 CONCLUSIONS**

The proposed buildings have been assessed by an Inspector to be appropriate in terms of scale, design, use and siting. Since that assessment there have been no material changes which would indicate that they have become unacceptable. The applicants have agreed to a Section 106 obligation that meets all the burdens imposed by the development and additionally provides replacement tennis facilities.

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 development is an unallocated site in a residential area which is appropriate for residential development, the density and design is appropriate and therefore it complies with policies H7, H15, DA1 and DA6 of the Peterborough Local Plan (2005).

The proposal would maintain or preserve the character of the Conservation Area and therefore it complies with policy CBE3 of the Peterborough Local Plan (2005).

The level of overlooking and privacy is acceptable and therefore it complies with policy DA2 of the Peterborough Local Plan (2005).

Adequate infrastructure would be provided including replacement tennis facilities and therefore it complies with policies IMP1 and LT3 of the Peterborough Local Plan (2005).

### **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 community infrastructure and replacement tennis 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 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 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings; hereby permitted have been 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 statutory instrument revoking and re enacting that Order), no windows shall be inserted into the first floor north and south elevations of plots 1, 2, and the Coach House; other than those on the approved plan no. AK003, AK017, and AK013.**

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

- C4 Details of all boundary walls and fences shall 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/walls shall be maintained.**

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).

- 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 T1 of the Peterborough Local Plan (First Replacement).

- C6 The existing access to Park Crescent shall be permanently closed to vehicular traffic before the new access is brought into use. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.**

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

- C7 If gates are to be provided to the vehicular access they should be set back at least 6m from the edge of the carriageway and be electronically operated.**

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 Policies T1 of the Peterborough Local Plan (First Replacement).

- C9 Notwithstanding the details shown on the submitted plans, 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 means of enclosure, hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and**

**below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.).**

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).

- C10 All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be in accordance with BS5837:1991. Any parts of the hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by no later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.**

Reason: In order to protect the amenity of the area, in accordance with Policy LNE12 and LNE10 of the Peterborough Local Plan (First Replacement).

- C11 Before the new access is brought into use, visibility splays shall be provided on both sides of the access 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).

- C12 The gradient of the access shall not exceed 1 in 10 for a distance of 5m 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).

- C13 The access road/driveway shall be of a minimum width of 5m for a distance of 10m from the edge of the existing carriageway, and a minimum of 4.5m width thereafter.**

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).

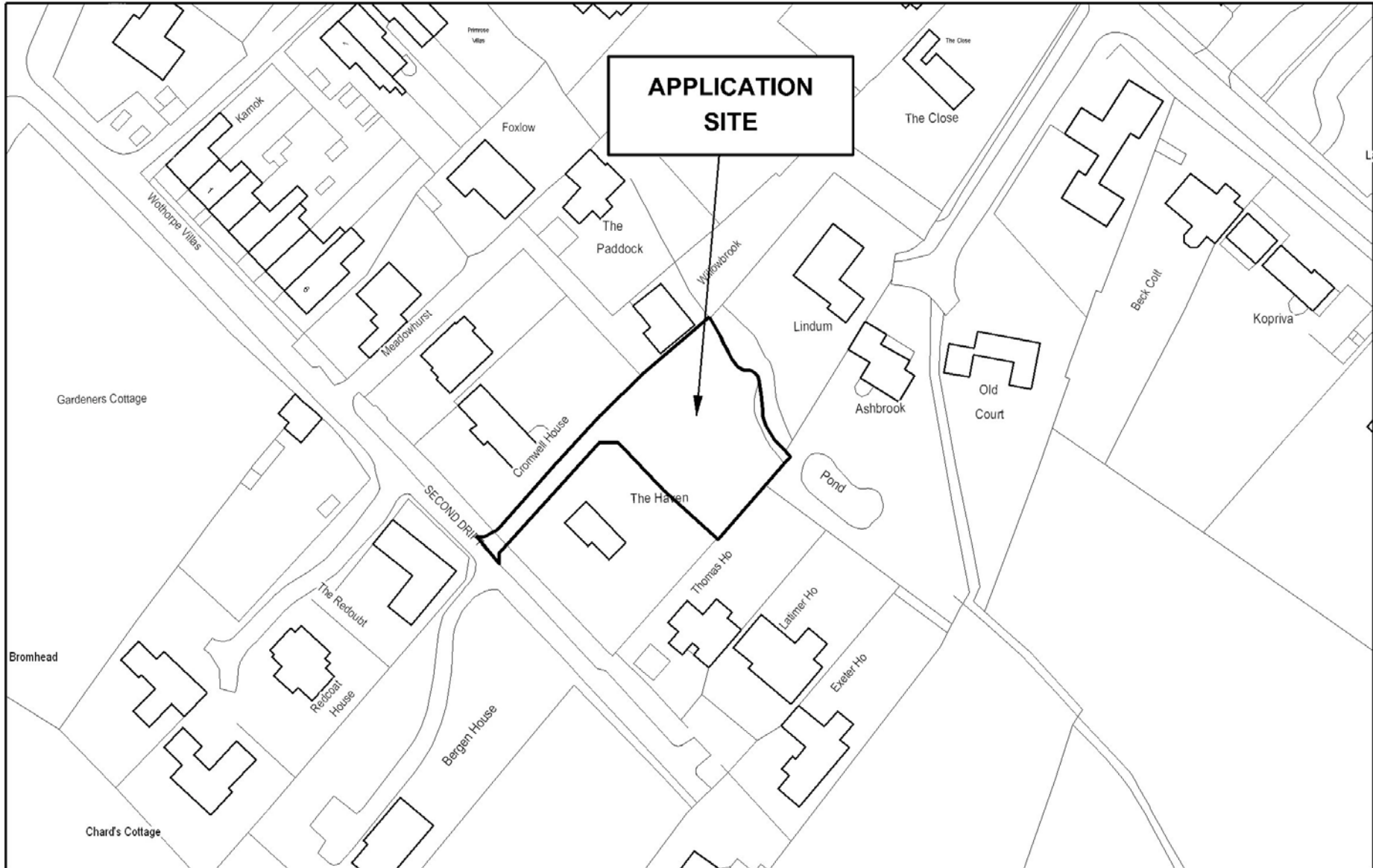
If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1 A request has been made by the Local Planning Authority to secure community infrastructure and replacement tennis facilities 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).**

Copy to Councillors Kreling, Lowndes, and Peach

Appendix 1

<b>With Floodlights</b>	<b>Without floodlights</b>
Esporta (6 courts) Thorpe	PCC - Bushfield Sports Centre (Orton) 7 courts -
Orton Longueville (4 courts) Orton	PCC - Werrington Sports Centre (Werrington) 5 courts
Peterborough Town Sports Club (Bretton) 3 courts	PCC - Itter Park (4 courts) – Paston
Kings School – (9 courts) – City Centre	PCC - Central (4 hard and 6 grass) city centre
	Longthorpe (2 hard courts) Longthorpe/Netherton
	Bretton – (4 hard courts) (Pboro Lions)
	Jack Hunt School (6 courts) - Netherton
	Thomas Deacon Academy (4 courts) City centre
	Peterborough High (3 courts) city centre/thorpe
	Castor / Ailsworth– 2 grass and 1 hard court - Castor
	Arthur Mellows Village College – (8 courts) - Glinton



**LOCATION PLAN 10/00204/FUL**

The Haven, Second Drift, Wothorpe, Stamford

Scale 1:1250 Date 26/5/2010 Name MKB Department Planning Services

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PCC GIS



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APPLICATION: CONSTRUCTION OF FIVE-BED DWELLING AND DETACHED GARAGE ON LAND AT THE HAVEN WOTHORPE STAMFORD  
NUMBER: 10/00204/FUL  
APPLICANT: HERWARD HOMES LTD  
AGENT: IPLAN  
REFERRED BY: CLLR D. OVER  
REASON: OVERDEVELOPMENT, BACKLAND, INADEQUATE ROADS, WATER SUPPLY AND DRAINAGE  
DEPARTURE: NO  
CASE OFFICER: DALE BARKER  
TELEPHONE: 01733 454411  
E-MAIL: dale.barker@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

### Brief Outline of Development

Construction of a 5 bedroom house at the rear of an existing house on Second Drift Wothorpe.

### Main Issues.

- Amenity/overlooking/overshadowing
- Character of area
- Design/scale
- Trees
- Wildlife
- Access/road

### Recommendation.

The Head of Planning Services recommends that the application is Approved subject to conditions and prior completion of a Section 106 obligation relating to a financial contribution to comply with POIS.

## 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

#### **Peterborough Local Plan (First replacement)**

Relevant policies are listed below. The most relevant policies are highlighted in bold for easy reference.

- DA1** Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
- DA2** Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.
- DA6** Tandem, backland and piecemeal development.
- H15 Development to be carried out at highest net residential density
- H16 Residential density
- LT20 Car Parking Standards

- T1** New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
- T9 Cycle parking requirements.
- T8** Permission will only be granted for a development if vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10** Car parking provision to be in accordance with maximum car parking standard
- IMP1** Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development

**Planning Policy Statement 3 – Housing.** This requires Local Planning Authorities to make best use of land for new residential development and that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

**Planning Policy Statement 7: The Countryside, Environmental Quality and Economic and Social Development** seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

### **Material Planning Considerations**

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

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.

**City Centre Framework Implications:** NO

**Village Design Statement Implications:** Wothorpe VDS sets out a series of guidelines on Architectural Character, Scale, Relationship between buildings, Overdevelopment, Location, Building lines, Building heights and Landscaping. However, the village design statement no longer forms part of the development plan therefore only very limited weight can be given to it in deciding this application.

## **3 DESCRIPTION OF PROPOSAL**

Construction of a five bedroom house and garage within the garden of an existing house fronting Second Drift. The house has two storeys with no accommodation in the roof and is similar in its characteristics to the three houses built in recent years immediately to the south of the site. Access is via an existing gated access to the northern edge of the site.

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

The application site is the rear half of a garden and measures approx 27m x 36m. It is served by an access drive approx 40m long which runs between The Haven and Cromwell House, approx 5 m from Cromwell House and 7m from The Haven. The site slopes in several directions and a small stream runs along the eastern edge. There are a number of trees within the site, most of which are to be retained.

There is a tradition of large plots, some with development in the rear, in Wothorpe, including adjoining sites where there is a bungalow and opposite where the replacement of one house with four new houses was allowed on appeal; despite this history, the character of the area remains one of large houses in large plots.



**5 PLANNING HISTORY**

Application Number	Description	Date	Decision
01/00575/OUT	Erection of four dwellings	26.07.2001	WDN
01/01295/OUT	Erection of dwelling (Revised access)	12.03.2002	PER
02/00842/OUT	Residential development comprising one house and garage	24.09.2002	PER
03/00360/OUT	Residential development comprising two dwellings and garaging	14.05.2003	WDN
04/02018/WCPP	Variation of Condition 1 of planning permission 01/01295/OUT to allow a further three years for the submission of reserved matter	08.02.2005	PER
05/00477/WCPP	Variation of condition 1 of planning permission 02/00842/OUT (erection of house and garage) to allow a further three years for the submission of reserved matters	22.09.2005	PER
08/01203/REM	Reserved matters for the siting, design, external appearance of buildings, means of access and landscaping for a four-bed dwelling as consented under 02/00842/OUT	08.04.2009	PER

**6 CONSULTATIONS/REPRESENTATIONS****INTERNAL**

**Head of Transport and Engineering** – Has no objection

**Private Sector Housing** – Has no objection subject to comments on layout.

**Education** – No objections

**Senior Engineer Drainage** – The watercourse to the north east should be protected and building control should approve any soakaways on site. (The watercourse is unaffected by the proposal).

**EXTERNAL**

**Wothorpe Parish Council** – Objects. Loss of amenity to adjoining neighbours, excessive height, trees on site should be retained.

**NEIGHBOURS**

Letters of objection have been received from 6 local residents raising the following issues:

- Increased scale, size and mass.
- Design/Style of the dwelling
- Overbearing impact, overdevelopment of the plot, loss of amenity, privacy and open aspect, for neighbouring properties,
- Height and bulk results in dominance/The dwelling should be restricted to 1<sup>1</sup>/<sub>2</sub> storey
- Trees on site should be protected/loss of Leyland Cypress and other trees.
- High levels of public disquiet.

- Contrary to policies DA1, DA2 and DA6 of the Local Plan.
- Inadequate infrastructure,
- Lack of regard for the Wothorpe VDS.
- Additional dwellings in gardens should be discouraged on the basis that the neighbourhoods were originally designed with specific environmental and aesthetic considerations, providing privacy and security
- Condition of, capacity of, and damage to the road, the Drift is not wide enough to support three further properties, reduced safety for children playing in the road.
- Possible flooding from excess surface water.
- Loss of character of the area.
- Gardens should not be developed.

## 7 REASONING

### a) Introduction

This application seeks to use an area of land at the rear of The Haven which has previously had planning permission for a dwelling and detached garage. The principle of building a house in this location has therefore been established and the issues involved with this application relate to the change in impact of the proposal.

### b) Policy issues

The site is within the Village Envelope for Wothorpe where the principle of residential use is acceptable. The controlling policies are DA1, DA2, DA6 and T1.

### c) Amenity/Overlooking/Overshadowing

The proposed dwelling is sited in generally the same place as the previous approval (08/01203/REM), although the distance to the northern boundary has been reduced from approx 7m to approx 5.5m and the northern wing of the dwelling has increased to 1½ storeys.

The house will be approx 29m obliquely from the rear of Cromwell House (the approved house is approx 24m away). It will only be approx 8 m from the bungalow known as Willowbrook (the approved house is approx 9m away), but due to the orientation of the buildings the relationship is unlikely to result in any loss of amenity, overshadowing or overlooking. If the boundary vegetation was to be removed the proposed house may result in some overshadowing, but the level would be less than currently caused by the trees and therefore there would be no material loss of amenity or overlooking.

The height of the proposed house is 0.2m lower than the approved property at approx 8.3m, it is set down into the ground in the same way as the approved property. The wing closest to Willowbrook is 1½ storey, whilst the approved house is single storey, but the 2.5m increase in height at an oblique angle will result in no material loss of amenity.

Relationships with other nearby properties all exceed the Council's normal minima by significant amounts and will not result in material problems.

### d) Design/Scale

The design of the proposed house is similar in character to the three houses recently built at the top of Second Drift, materials are limestone and slate, windows are small with opening casements and the character is reminiscent of a farmhouse. It will be appropriate in this location. The scale of the house is comparable with nearby houses it is well proportioned and neatly articulated. It has a smaller footprint than some nearby dwellings, it is not over large and the garden is large, comparable with many houses in the vicinity.

### e) Wildlife

Although there is a stream running through this site there are no particular wildlife issues subject to the retention, enhancement and creation of natural features within the site, the retention, enhancement and creation of wildlife corridors and the use of native species in landscape planting.

### f) Landscape

The application proposes to retain all of the significant vegetation on site. This results in sizeable root protection areas which will make the construction process difficult;

nevertheless, the retention of the vegetation is desirable to reduce the change in character of the area and to establish the new dwelling into the landscape. As a consequence, the routes available for services are constrained, but routes are available which avoid tree protection areas and can be controlled by condition. An Arboricultural Method statement will also be required to ensure the development does not damage the retained trees. Further planting will also be needed to ensure that the new dwelling settles comfortably into the landscape. However, it must be appreciated that the trees are not protected by Tree Preservation Orders and are not within a Conservation Area. The trees are not of a quality or species that would justify a Tree Preservation Order. This being the case, the trees can be taken out or pruned/reduced. Conditions are proposed which promote retention of the trees and their inclusion within a landscaping scheme to be submitted, however, these conditions only take effect if the development commences. Prior to that the trees could be removed.

**g) Access**

Second Drift is an unadopted road which is not maintained by the Council. Previous developments have resulted in some improvements and surfacing works to the road, but it is not possible to require developers to surface areas that are owned by third parties. The approach taken at St Martin's Lodge on First Drift was to require a condition survey of the drift before work begins and to agree a scheme of repairs post construction. However, as the land is outside the full control of the applicant, this approach should not be taken again.

**h) S106**

The applicant has agreed to enter into a S106 Obligation to make a contribution under POIS.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

Overall, it is considered that this proposal meets the objectives of the VDS and policy DA6; when the material factors are considered, this application comes to a matter of judgement, is it satisfactorily accommodated on the site, would it unacceptably harm the character of the area, would it have an unacceptably adverse impact on nearby properties, is the design appropriate and is the scale excessive? In view of the existing permission on site Members should concentrate on the details of the proposal rather than the principle and unless they are clear that this particular design is different to the previous approval in a material and damaging way, it should be approved.

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

The proposed house design is acceptable, will not cause any material loss of amenity, will provide acceptable access and parking and a contribution under the Council's POIS in accordance with policies DA1, DA2, DA6, T1 and IMP1 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that these applications are APPROVED subject to the following conditions and that if the S106 is not completed within reasonable time i.e. 4/5 weeks of this decision that the Head of Service be delegated to refuse the application:

**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).

**C 2 Materials to be used in the construction of the approved development shall be as described in approved plan 2009/51-9c, unless agreed otherwise in writing by the Local Planning Authority.**

Reason: In the interests of the amenity of the area, 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), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**  
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Prior to the commencement of development and not withstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained; retention, enhancement and creation of natural features within the site, the retention, enhancement and creation of wildlife corridors and the use of native species in planting. The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner.**  
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C 5 No trees that are shown as being retained on the approved plan shall be felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the Planning Authority. If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the Planning Authority. If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the Planning Authority.**  
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C6 The following activities must not be carried out under any circumstances.**
- **No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree on or adjacent to the proposal site.**
  - **No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,**
  - **No temporary access within designated Root Protection Areas without the prior written approval of the Planning Authority.**
  - **No mixing of cement, dispensing of fuels or chemicals within 10 metres of the tree stem of any retained tree on or adjacent to the application site.**
  - **No soak- aways to be routed within the Root Protection Areas of any retained tree on or adjacent to the application site.**
  - **No stripping of top soils, excavations or changing of levels to occur within the Root Protection Areas of any retained tree on or adjacent to the application site.**
  - **No topsoil, building materials or other to be stored within the Root Protection Areas of any retained tree on or adjacent to the application site.**
  - **No alterations or variations of the approved works or tree protection schemes shall be carried out without the prior written approval of the Planning Authority.**
- Reason: To safeguard all existing trees to be retained in the interests of amenity, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C7 No trees that are shown as being retained on the approved plan shall be cut back in any way without the prior written consent of the Planning Authority. All pruning works approved shall be to BS 3998-1989 Recommendations for Tree Work.**  
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C8** No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the roadway and installation of service runs; has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/ Method Statement.  
Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C9** The dwelling shall be constructed at the level shown on plan 2009/51-11A, unless otherwise agreed in writing with the LPA.  
Reason: In the interests of visual and residential amenity. This accords with policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C10** Surface water disposal shall be by means of soakaway unless percolation tests prove negative in which case an alternative means of disposal shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The soakaway or alternative approved means of disposal shall be implemented prior to the first occupation of the dwelling.  
Reason: To prevent surface water flooding in accordance with the aims of PPS25.

Copy to Councillor Over

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**LOCATION PLAN**      **10/00554/FUL**  
 Land Rear of 78-80 Welland Road, Dogsthorpe, Peterborough

**Scale** 1:1250    **Date** 27/5/2010    **Name** MKB    **Department** Planning Services

PCC GIS



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10/00554/FUL: RETENTION OF DWELLING INCLUDING ALTERATIONS TO REAR BOUNDARY WALL AND WINDOW GLAZING AT LAND REAR OF 78-80 WELLAND ROAD, DOGSTHORPE, PETERBOROUGH

VALID: 27 APRIL 2010

APPLICANT: MR P MILLER

AGENT: MR B SHEMELD

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: DEVELOPER HAS NOT ADHERED TO ORIGINAL PLANNING PERMISSION, SIGNIFICANT NEIGHBOUR OBJECTION

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:

- Impact of the development on neighbour amenity

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  
H16 Residential Design and Amenity  
T1 Transport Implications of New Development  
DA1 Townscape and Urban Design  
DA2 The effect of Development on the Amenities and Character of an Area  
DA6 Tandem, Backland and Piecemeal Development

### **National Planning Policies**

#### **Material Planning Considerations**

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

## **3 DESCRIPTION OF PROPOSAL**

The application seeks planning permission for the retention of the bungalow on the site which is complete and occupied. A dwelling was granted permission under application reference 01/01585/FUL albeit the dwelling was not built in accordance with the approved plans. A summary of the differences is to be provided.

There have been several applications submitted to regularise the situation however none have been successful and at present, the dwelling has no planning permission. This revised scheme has been submitted following extensive discussion between the Applicant, Officers, Ward Councillors and local

residents of Figtree Walk. The revisions to the dwelling include alterations to the glazing of the rear elevation and the construction of a new boundary wall. The scheme proposes replacement of three no. double patio doors with fixed standard glazed windows and insertion of a 400mm strip of obscure glazing to all windows and doors in the rear elevation. The scheme also proposes a 1.9 metre rear boundary wall to be constructed of bricks to match the surrounding area.

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

The site was previously part of the rear private gardens to Nos. 78 and 80 Welland Road, a pair of semi-detached dwelling houses. The site is bound to the north east by part of the side wall and the rear garden to No.82 Welland Road and to the south east by the rear gardens of properties along Figtree Walk.

The dwelling itself is situated to the rear of the plot, at its narrowest approximately 2 metres from the rear boundary wall and at its widest 3.2 metres. The form is roughly 'L-shaped' with the main amenity area to the front of the dwelling. A detached garage is situated close to the boundary on the south-west side and access to the highway is provided via a driveway along side No.78 Welland Road. The driveway has not been completed.

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
01/01585/FUL	Erection of dwelling	26.02.2002	PERMITTED
08/00615/FUL	Amendments to bungalow design under application 01/01585/FUL – retrospective	30.06.2008	WITHDRAWN
08/01120/FUL	Erection of a 4 bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme	23.12.2008	REFUSED
09/00170/FUL	Erection of a three bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme (as built)	24.04.2009	REFUSED
09/00029/REFPP	Appeal A/09/2107626/WF in relation to application reference 09/00170/FUL	22.12.2009	DISMISSED
09/01266/FUL	Construction of a three bedroom bungalow and single garage with rear boundary wall and 2.2m reed fencing and part obscure glazing to rear windows and doors – retrospective revised scheme	19.01.2010	WITHDRAWN

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

None

##### **EXTERNAL**

None

##### **NEIGHBOURS**

Letters of objection have been received from 5 neighbours raising the following issues:

- Building should never have been allowed so close to the boundary with properties along Figtree Walk
- No privacy afforded to surrounding residents
- How long until a final decision is reached
- Different from the approved bungalow
- Living accommodation of dwelling looks directly onto neighbouring properties
- Roof height has been raised from original approval

- Detrimental impact on visual amenity
- Measures proposed address issue of overlooking but not that the dwelling built does not have planning permission
- Too close to surrounding properties
- Concern that there will be external lighting
- Waste of time objecting as residents have not been listened to in the past
- How many times must a planning application be rightly refused and independent appeals be dismissed before the property is removed
- Trees should be planted along the rear boundary to screen the development
- The brick wall should be of a sufficient height to prevent overlooking and constructed of materials to match the surrounding area

## **COUNCILLORS**

**Councillor Ash** – Essential that proposal addresses points raised in Inspectors report. If not then reasons for refusal are still valid.

**Councillor Miners** – If Applicant has met all conditions, taken on board advice and changes from Planning Officers and will construct a boundary wall with bricks suitable to residents of Figtree Walk then no further comments.

**Councillor Saltmarsh** – Objections remain the same, bungalow is built too close to the rear boundary of properties along Figtree Walk and is larger than the original planned dwelling.

## **7 REASONING**

### **a) Introduction**

There is a long planning history on the site dating back to the implementation of the original planning permission (reference 01/01585/FUL). The current position is the result of an enforcement enquiry which established that the bungalow was not being built in accordance with the approved plans.

The first revised application (08/00615/FUL) was withdrawn due to inaccuracy of the submitted plans. The second application (08/01120/FUL) was refused by Members on 23 December 2008. Application reference 09/00170/FUL was again refused by Members on 26 April 2009 and the subsequent appeal was dismissed. The reasons for dismissal related to the increased number of openings (and their size) in the rear elevation from that which was approved and the significant overlooking impact this caused to properties along Figtree Walk, the insufficient separation distance which conflicts with the aims and objectives of the Peterborough Residential Design Guide (SPG), and the overbearing impact upon residents along Figtree Walk of the proposed boundary wall. A revised scheme (09/01266/FUL) attempting to address the Inspectors concerns was withdrawn on 19 January 2010 and subsequent discussion has led to the submission of the current application.

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

The principle of infill development in this location has already been established under application reference 01/01585/FUL. The site is capable of accommodating the level of development without appearing cramped and as such, is considered acceptable.

### **c) Impact on the amenity of neighbouring properties**

As permission was previously granted for a bungalow on the site, the issue is not how much the impact on neighbours has changed from that approved under 01/01585/FUL, but whether the impact of what has been built and the changes proposed is unacceptable.

The impact on the amenity of neighbouring properties should be considered against No.82 Welland Road and the properties adjoining the site along Figtree Walk. Each of these will be discussed in turn.

#### **No.82 Welland Road**

The maximum ridge height of the dwelling constructed has not altered significantly in relation to No.82 Welland Road from the bungalow previously approved albeit the dwelling has been built

approximately 0.7 metres closer to the shared boundary (eastern). It is considered that there is sufficient separation distance between the application dwelling and the neighbouring property to ensure that no overbearing or overshadowing impact will occur and as such, the impact on this property has not significantly changed.

#### Nos.46-50 Figtree Walk

The previously permitted bungalow had a smaller footprint and the ridge height was approximately 0.4 metres lower than that which has been built (ridge height of 5.2 metres). In addition, the dwelling constructed is approximately 1 metre closer to the southern boundary which abuts the properties along Figtree Walk. These neighbouring properties have a lower site level to that of the application site however it is considered that this increase in ridge height and slightly reduced separation distance does not result in a significantly overbearing impact upon the amenities of neighbouring residents. Furthermore, the issue of loss of view is not a material planning consideration as there is no right in planning law to a private view.

With regards to the overlooking impact that was considered unacceptable in previous refusals and appeal dismissals, this scheme has sought to overcome these objections. The proposed 1.7 metre high wall in combination with the proposed obscure glazing and alterations to the window form of the rear elevation will prevent any occupant of the application dwelling from looking into the gardens and primary habitable rooms of neighbouring properties. At present, there are four no. sets of double patio doors inserted into the rear elevation of the dwelling. It is proposed that three of these will be replaced with static standard glazed windows. The door to the kitchen has been retained as this is broadly in the same location as the previously permitted bungalow. In addition to these replacement windows, all windows and doors in the southern elevation are proposed to have an obscure glazed strip of 400mm from the top down. This will ensure that any person standing in these rooms will not have a clear line of sight below the boundary wall (as shown in drawing no. 4125/3).

In relation to the boundary wall and in line with the preferences expressed by surrounding neighbours at pre-application discussions, it is proposed that the wall will stand at 1.8 metres in height when measured from the application site. When measured from the rear gardens of Figtree Walk, this will reach a height of 2.3 metres. It is understood that the previous Appeal dismissal commented on the overbearing impact that a significant boundary wall would have upon the amenities of surrounding residents however the current proposal has sought to reduce the height of the boundary wall whilst maintaining a height which will prevent overlooking. Furthermore, the wall is in line with the compromise reached with local residents and can be conditioned to ensure that the materials used in its construction match those found in the surrounding locality. It has been requested by one resident that boundary planting in the form of trees be undertaken to further screen the dwelling. However, given the small area between the boundary and the dwelling constructed this is not considered appropriate. Such planting would result in a significantly overshadowing impact upon the occupants of the dwelling and would cause an unacceptably harmful impact upon amenity.

#### d) **Planning Obligations**

The original permission was granted without contribution and under the provisions of the Planning Obligation Implementation Scheme SPD adopted on 8 February 2010 a contribution of £6000 plus a monitoring fee of £120 is required. The applicant has agreed to enter into such an agreement and the process is currently ongoing.

#### e) **Other matters**

The following comments have also been made:

#### Concern that there will be external lighting

The installation of lighting to the rear of the property would not be a reason to refuse this application. Should such lighting cause a nuisance to neighbours, it could be controlled via relevant legislation.

#### Applicant has ignored previous permission / built without permission / lack of action from the Council

It is not illegal for developers to start building before they have planning permission, or to build something that is not in accordance with approved plans. The planning system allows for this, and

the developer has the right to submit a retrospective application to regularise the unauthorised work which the Local Planning Authority must evaluate on its merits.

The applicant has not broken any planning law.

The Council has taken action by undertaking extensive discussion with the applicant, local Ward Councillors and residents who have objected to the scheme and invited the submission of a revised planning application in line with the scheme agreed.

The applicant is aware that development is at his own risk, that there is a chance that planning permission may not be granted, and that in the event of a refusal he would have the right to appeal to the Planning Inspectorate.

*Waste of planning time / numerous applications make a mockery of the system*

It is a function of the planning system and of Council's Planning Services to provide planning advice to applicants and to process, assess and formulate recommendations relating to applications made in accordance with the relevant legislation, regulations and guidance. These processes and procedures have been applied with regards to this application.

*Trees should be planted along boundary to screen the dwelling*

It is considered that there is insufficient space between the dwelling and the rear boundary wall to accommodate planting of trees. Such planting would obstruct light into primary habitable rooms of the dwelling and would cause a detriment to occupant amenity. Furthermore, as the trees develop and roots spread it is likely that they would compromise the integrity of the boundary wall.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

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

- The bungalow is situated on a residential area on an unallocated site. Development is considered to be in keeping with the character of the area, providing adequate living conditions for residents and suitable highway access
- The impact on occupiers of neighbouring properties is not substantially worse than the impact of the development permitted under 01/01585/FUL and the proposed mitigation measures will prevent any issues of overlooking.

The proposal is therefore in accordance with policies H7, H16, T1, DA2 and DA6 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 Within three months of the date of this permission, the alterations to the southern elevation of the constructed dwelling shall be implemented in accordance with the details shown on drawing no. 4125/1.**

Reason: In the interests of amenity in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C2 Within three months of the date of this permission, samples of the materials to be used in the construction of the rear boundary wall shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and within one month of the date of approval of the materials.**

Reason: In the interests of amenity in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the obscure glazing strips to windows on the southern elevation shall be maintained as such in perpetuity.**

Reason: In the interests of amenity in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no windows shall be inserted into any roof slope of the dwelling other than those expressly authorised by this permission.**

Reason: In order to 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).

If the S106 has not been completed before the expiration of the application (22<sup>nd</sup> June 2010) following 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 Ash, Miners, Saltmarsh

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 6
<b>8 JUNE 2010</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Lead Member – Marco Cereste (Cabinet Member for Growth, Strategic Planning and Economic Development)	
Contact Officers:	Andrew Edwards (Head of Delivery)	Tel. 384530
Reporting Officer:	Richard Kay (Policy and Strategy Manager)	Tel. 863795

**PETERBOROUGH LOCAL DEVELOPMENT FRAMEWORK: THE PETERBOROUGH DISTRICT HOSPITAL SITE SUPPLEMENTARY PLANNING DOCUMENT**

RECOMMENDATIONS	
<b>FROM :</b> Head of Delivery	<b>Deadline date :</b>
That Committee offers any comments on the Peterborough District Hospital Site Supplementary Planning Document before it is submitted to Cabinet on 14 June for adoption as formal planning policy for the site.	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to Committee following approval of the Council's Local Development Scheme by the Secretary of State for Communities and Local Government and in accordance with the Peterborough Local Plan (First Replacement) 2005.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to enable the Committee to offer any comments on the Peterborough District Hospital Site Supplementary Planning Document (hereafter referred to as the Hospital Site SPD) before it is submitted to Cabinet for adoption as formal planning policy for the site.

2.2 The officer-recommended Hospital Site SPD is available on the Council's web site at: <http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Peterborough+District+Hospital+Supplementary+Plan&ID=291&RPID=136781&sch=doc&cat=12992&path=12992> and copies have been placed in the Members group rooms.

2.3 Members will recall that on 23 March 2010, the PEP Committee considered a draft version of the Hospital Site SPD and made comments known to Cabinet on 29 March 2010. The draft version has now been subject to public consultation, and the final version has subsequently been prepared for consideration and adoption.

**3. TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>No</b>	If Yes, date for relevant Council Meeting	
		Date for submission to Government Dept	N/A

**4. PETERBOROUGH LOCAL DEVELOPMENT FRAMEWORK: PETERBOROUGH DISTRICT HOSPITAL SITE SUPPLEMENTARY PLANNING DOCUMENT**

## Introduction

- 4.1 The Peterborough District Hospital site will be vacated by the end of 2011 following the transfer of remaining medical services to the new city hospital on the Edith Cavell site. The site will become vacant and will require comprehensive regeneration. The purpose of the Hospital Site SPD is to provide detailed guidance to prospective developers as to the type and level of development the Council will expect to see come forward on the site, and in turn meet the objectives of the Local Plan, the emerging LDF, the Local Area Agreement and the Sustainable Communities Strategy.
- 4.2 The Hospital Site SPD has been prepared jointly by King Sturge (acting on behalf of the Peterborough and Stamford NHS Trust) and PCC Officers. However, as the SPD will become official Council planning policy once adopted (post consultation), the final text as presented to PEP Committee is that as recommended by PCC planning officers.

## Summary of the Hospital Site SPD

- 4.3 Your report of 23 March 2010 summarised the content of the draft Hospital Site SPD, and is not repeated here, other than the basic headlines of the proposals those being:
- **Site Area:** 10 hectares (25 acres), currently containing a range of hospital and residential buildings. Most of the site will be cleared to make way for new development.
  - **Residential development:** The Hospital Site SPD makes provision for 350-550 new houses, mainly in a mix of family housing and apartments, at varying densities (generally higher to the east). 30% of all new dwellings proposed to be affordable; and a minimum of 20% to meet lifetime homes standards.
  - **Retail** – Small-scale retail facilities of no larger than 500 sq.m gross in total.
  - **Historic buildings** – Historic buildings of local importance on the site should be retained and re-used, namely The Gables and the core part of the Memorial Hospital.
  - **Transport/access** – Redevelopment of the site will create and improve access to and through the site. New east and west links are proposed and an opportunity for direct connectivity, particularly for pedestrians and cyclists, into the Station Quarter/Railway station and surrounding residential suburbs.
  - **Trees** – trees that are protected by a Tree Preservation Order and those that are not protected by law but make a positive contribution to the character of the area will need to be retained and preserved.
- 4.4 The Hospital Site SPD has fuller details as to what is expected from the site, and the above should therefore be considered only as a summary.

## **5. CONSULTATION**

- 5.1 The draft Hospital Site SPD was presented to the LDF Scrutiny Group (17<sup>th</sup> March), PEP Committee (23<sup>rd</sup> March) and Cabinet (29<sup>th</sup> March). The draft Hospital Site SPD was then published for formal consultation for the statutorily required 4 weeks, between 9<sup>th</sup> April – 6<sup>th</sup> May 2010. To advertise the consultation period, leaflets were dropped in the surrounding residential area, two radio interviews were given, formal press notices and informal press articles appeared in the local newspaper, and the documents were available in both Hospital reception areas and in Bayard Place reception. All material was available on the Council's website.
- 5.2 Following the consultation, the representations have been considered and a statement has been prepared setting out a summary of the main issues raised and how these issues are to be addressed in the final document. This is attached at Appendix 1. Overall, there were no significant issues raised which meant that the SPD needed a fundamental rethink.
- 5.3 As a result of the comments received, together with a final review of the document by officers, the following substantive changes are proposed to be made compared with the



draft Hospital Site SPD. As can be seen, they are relatively few, and reflect the limited amount of suggestions received during the consultation process:

- Additional references to historic assets (listed buildings etc) incorporated to the text, further ensuring they are carefully considered as part of detailed planning application process.
- New reference added to the SPD for the need for a single wider Nature / Biodiversity / Open Space / Green Infrastructure Strategy as part of a future planning application.
- Reference added to the need to consider the RECAP Waste Management Design Guide Toolkit Assessment.

5.4 Some suggestions have not been taken forward, either because they were not considered appropriate or because they were detailed matters more appropriate to a full planning application stage. Please see Appendix 1 for full details.

## **6. ANTICIPATED OUTCOMES**

6.1 It is anticipated that Cabinet, at the meeting on 14<sup>th</sup> June 2010, will adopt the Hospital Site SPD, assisted in its decision by comments made by this PEP Committee.

## **7. REASONS FOR RECOMMENDATIONS**

7.1 Committee is recommended to make its comments known to assist Cabinet in reaching its decision. At the meeting on 14<sup>th</sup> June 2010, Cabinet will be recommended to adopt the Hospital Site SPD as formal planning policy for the site.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 Various development options for the site have been considered and have been tested for the viability of each. The development proposed in the document is, in simple terms, considered to be the 'preferred option', and there were no overriding reasons given during the public consultation period to warrant an alternative solution to be investigated.

## **9. IMPLICATIONS**

9.1 The SPD will guide regeneration of the hospital quarter; it will help to deliver a mix of housing and a small amount of ancillary retail.

9.2 **Legal Implications** - The Council must follow due Regulations in preparing the SPD. Once the SPD is adopted, the Council has a legal duty to refer to it when determining planning applications for the hospital site and, to some extent, the surrounding area.

9.3 **Financial Implications** - There are no immediate financial implications flowing from the approval of the Hospital site SPD. However, Members should be aware that there could be:

- Indirect financial implications for the Council in terms of its Vawser Lodge asset. This falls within the SPD area, and is labelled as possibly coming forward for housing. However, the SPD is sufficiently flexible for this to happen or not happen depending on what the Council wishes to see happen to that asset (hence, the SPD only has indirect financial implications).
- Indirect financial implications arising from the development of the hospital site (e.g. provision of infrastructure and services for the new residents, s106 arrangements, and increased council tax or other receipts).

## **10. BACKGROUND DOCUMENTS**

- Peterborough Local Plan (1<sup>st</sup> Replacement) July 2005
- Peterborough Core Strategy Proposed Submission Version (as approved by Council December 2009 and published in January 2010).

- Draft Hospital Site SPD, April 2010

**The Peterborough District Hospital Supplementary Planning Document  
Consultation Draft**

**Comments Received and Responses to the Key Issues  
May 2010**

**(DRAFT FOR P.E.P. COMMITTEE 8 JUNE 2010)**

***Explanatory Note:***

*This document sets out a summary of the comments and issues raised at the consultation stage of the draft Peterborough District Hospital Supplementary Planning Document, together with the Council's response to the key issues raised.*

*This is a public document, and helps meet Peterborough City Council's commitment to consult and keep people informed of progress on the Local Development Framework (which the Supplementary Planning Document forms a part). Full details on Peterborough City Council's commitments on community consultation can be found in its Statement of Community Involvement, available on the Council's website.*

*This document has been prepared by the Planning Policy Team at Peterborough City Council.*

## **1. Introduction**

- 1.1. Peterborough City Council wishes to particularly thank all those who took the time between April and May 2010 to complete the response form or to write to us with thoughts, ideas and concerns about the draft Hospital Site SPD.
- 1.2. This document is to highlight to everyone a summary of what was said and how we propose to take those comments forward.
- 1.3. Some responses were detailed in nature and clearly this document cannot summarise every point made, but rather it tries to capture the most important or frequently mentioned issues. However, rest assured that all comments received have been read and considered in detail, even if you cannot explicitly see it summarised here.
- 1.4. On the following pages, we set out in a standard format the comments received for each paragraph or issue.

### **Next Steps**

- 1.5. Taking account of the findings set out in this report we will shortly be publishing a final version of the SPD for consideration by the Cabinet. This is expected in June 2010.

## 2. Consideration of the Issues Raised

Please note that all references to ‘section x’ are referring to such items as can be found in the Consultation draft of the Peterborough District Hospital Site Supplementary Planning Document (April 2010).

<b>Paragraph Reference: Section 2 – SPD Area</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>No reference in the SPD to Grade II listed Westwood House.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Reference to Westwood House will be added into the Site History section.</li> </ul>

<b>Paragraph Reference: Section 2.4 – Wider Location</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>No mention of the character to the north of the site.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The final document will be updated with a paragraph on the character to the north of the site.</li> </ul>

<b>Paragraph Reference: Section 4.1</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Support for retention of the Memorial wing; encouraging use of cycles and pedestrian use; using existing mature vegetation.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>This support is noted.</li> </ul>

<b>Paragraph Reference: Section 4.1 - Opportunities</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Reference to the listed buildings should include Westwood House and any other BLI's in terms of improving their setting.</li> <li>The referencing to the retention of the Gables is weak and at odds with the much firmer wording of policy CBE11. It also conflicts with the Council's commitment to enriching the potential of heritage buildings within regeneration schemes contained in the emerging LDF Core Strategy.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Comments noted and will be considered further, with further text added to the SPD if appropriate.</li> </ul>

<b>Paragraph Reference: Section 4.2 - Constraints</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Question why the set back of the listed Sessions House is identified as a “constraint” when this could equally be an opportunity for improved public space.</li> <li>Why is the Memorial Wing identified as a “constraint” when text seems to refer to the building as an “opportunity”?</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The land to the front of the Sessions House is under private ownership and not included within the redevelopment area. Given its private ownership, the area to the front of Sessions House is unlikely to be made available for public open space.</li> <li>The Memorial Wing can be viewed subjectively as both an opportunity and constraint and is referenced as such.</li> </ul>

<b>Paragraph Reference: Section 4.3 – Overarching Vision</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Little consideration given to the effects of the redevelopment on the wider area, specifically the setting of the City Centre Conservation Area to the east.</li> <li>The relationship of the site with the city centre needs to be assessed and included as an issue in the SPD.</li> <li>Welcome the reference to harmonisation of development with listed buildings and the surrounding area.</li> <li>Suggest explicit reference to the BLI's is also included.</li> <li>Welcome the requirement to retain the core of the Memorial Wing, the need for indicative storey heights</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The city centre is some distance from the site, separated by a railway line. The expected height of the scheme suggests it will have no impact upon the conservation area.</li> <li>The general relationship of the site with the city centre has been an important consideration in preparing the SPD.</li> <li>No changes considered necessary.</li> </ul>

<b>Paragraph Reference: Section 5.1 – retail element</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Support for provision of a small scale retail facility.</li> <li>• Cannot see the need for new retail uses.</li> <li>• Would prefer expansion of existing shops in the area.</li> <li>• Hospital Quarter is 'out of centre' and not suitable for town centre or food retailing uses.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• The retail element will be a small element of the wider scheme. The retail element is expected to provide convenience basket sized shopping for new residents.</li> <li>• Due to its size and nature, it is not envisaged that the retail offering will compete with other surrounding local centres.</li> </ul>

<b>Paragraph Reference: Section 5.1 – Mix of Uses</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Urgent need for a new Primary School</li> <li>• Should be built on current school playing field adjacent to Angus Court</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• The SPD draft is worded so as to be non prescriptive as to the location of educational facilities.</li> <li>• The SPD draft does highlight a demand for educational provision across all age groups.</li> <li>• The need for a Primary School in the general locality (not just the hospital site) is an ongoing debate within the Council and its specific size, location and timing of delivery are still to be decided.</li> </ul>

<b>Paragraph Reference: Section 5.1 – Mix of Uses</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Residential led scheme is the most suitable form of development for the area.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• Comment noted</li> </ul>

<b>Paragraph Reference: Section 5.1 – Mix of Uses</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Welcomes the removal of the need for office space in the Hospital Opportunity Area.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• Comment noted.</li> </ul>

<b>Paragraph Reference: Section 5.4 – Environmental Sustainability</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Add in paragraph which requires a drainage strategy for Sustainable Urban Drainage Systems (SUDS) to be submitted with the Masterplan.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• This matter can be consider at a detailed application stage rather than this broad strategic stage.</li> </ul>

<b>Paragraph Reference: Section 5.4 – Environmental Sustainability</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Planning applications should be supported by a detailed ecological assessment, particularly due to the presence of bats on the site.</li> <li>• Welcome the fact that development proposals will be designed to benefit bats and other priority BAP species in and around the site.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• Comments noted</li> </ul>

<b>Paragraph Reference: Section 5.4 – Environmental Sustainability</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Will the scheme provide extra care/ sheltered accommodation?</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• A variety of different residential dwelling types may be forthcoming through the application process. The SPD is not prescriptive on this.</li> </ul>

<b>Paragraph Reference: Section 5.5 – Design Parameters</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• The treatment of the area of the site situated between the listed Wagon Repair Shop and Sessions House needs careful consideration.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• The listed buildings are referenced in the SPD. Design considerations will come forward further in future planning applications.</li> </ul>

<b>Paragraph Reference: Section 5.6 – TPO issue</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>There is currently no TPO on the corner of Midland Road and Thorpe Road, contrary to the referencing in section 5.6. The TPO is currently draft</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>This factual inaccuracy will be addressed in the final document.</li> </ul>

<b>Paragraph Reference: Section 5.6 – Memorial Wing</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Memorial Wing to be converted into residential accommodation for the over 60's with supporting services including shops, doctors</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Retention of the Memorial Wing core is a key theme of the SPD. Community uses are advocated for it's re-use. Any alternative uses will need to be discussed through the planning application process.</li> </ul>

<b>Paragraph Reference: Section 5.6 – The Gables</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>The Gables is referenced as "A Building of Local Townscape Merit". This description understates the attractiveness of the building. The city needs to retain such distinctive buildings.</li> <li>The SPD needs to conform to PPS5 guidance on the historic environment with regards to The Gables. The LPA should take into account the desirability of sustaining and enhancing the significance of heritage assets.</li> <li>The Gables, from a place-shaping and local distinctiveness perspective will need to be weighed against the other public benefits arising from the redevelopment of the hospital site.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The referencing comes from the adopted Local Plan. As the building does not benefit from a statutory listing, no further weight of protection can be afforded through the SPD.</li> </ul>

<b>Paragraph Reference: Section 5.6 – Layout &amp; Urban Form</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>The two storey building on the corner of Thorpe Road and Aldermans Drive should be retained.</li> <li>Re-development as a whole should go some way to re-establishing Aldermans Drive as a visually pleasing vista.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The corner building is referenced in the SPD as having a level of positive townscape merit and the emphasis is on its retention and re-use.</li> <li>One of the overarching themes of the document is to produce high quality urban design across the whole SPD area.</li> </ul>

<b>Paragraph Reference: Section 5.6 – Link to Station Quarter</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Any forthcoming proposals will need to be mindful of the adjoining Station Quarter</li> <li>Reference to a co-ordinated approach to masterplanning, with Station Quarter is welcomed.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The draft SPD references the need for a co-ordinated approach to masterplan development with adjoining sites.</li> <li>Comment noted</li> </ul>

<b>Paragraph Reference: Section 5.6 – historic assets</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>No reference to the setting of the Grade II* and Grade II listed railway structures.</li> <li>No reference to the setting of 64 Thorpe Road and The Lodge.</li> <li>Should be noted that the Grade II listed Westwood House. Its setting could be affected depending on existing and proposed landscaping.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>All comments noted</li> <li>Further reference will be made to the listed railway structures in the final document.</li> </ul>

<b>Paragraph Reference: Section 5.6 – education issues</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Site 1 would make an ideal location for University buildings associated with a Medical School.</li> <li>The current site is largely publicly owned (albeit through the Trust and PCC). A public facility such as a University Centre, Community Centre, Arts Centre and new Primary School would better recognise this previous use rather than private housing.</li> <li>The North end of Site 4 (to the north of 'The Gables') would be an ideal location for a replacement for West Town Primary School with access from Aldermans Drive.</li> </ul>

<b>Response</b>	<ul style="list-style-type: none"> <li>• All comments noted, some of which will be important issues at a planning application stage.</li> <li>• The need for a Primary School in the general locality (not just the hospital site) is an ongoing debate within the Council and its specific size, location and timing of delivery are still to be decided.</li> <li>• The provision of a university on this site is no longer considered appropriate or deliverable.</li> </ul>
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<b>Paragraph Reference: Section 5.6 – cycling / access</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Improve pedestrian and cyclist safety along Thorpe Road by redeveloping the frontage to the north side of Thorpe Road and taking the cycle and footpath to the north of the line of mature trees.</li> <li>• Attention also needs to be given to westward movement of cyclists.</li> <li>• There are too many accesses proposed off Thorpe Road. These junctions just lead to traffic congestion and potential accident spots. Improved junctions at Aldermans Drive and Midland Road would provide sufficient access.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• All comments noted</li> <li>• Specific cycle and pedestrian routes will be formalised through the planning application process and Green Travel Plan which will put forward proposals for cycle routes.</li> </ul>

<b>Paragraph Reference: Section 5.6 – open space</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Site 2 would make a good Allotments area to replace those lost at Westfield Road/The Grange</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• The provision of open space, including allotments, wither on-site or off site will form part of the detailed planning application process, in line with the Council's adopted Local Plan policy on the need for open space provision as part of new developments.</li> </ul>

<b>Paragraph Reference: Section 5.8 - parking</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Overspill car parking along Westwood Park Road and other street is currently overused by hospital workers and train commuters.</li> <li>• Please consider the parking requirements for both workers and visitors to avoid local roads being taken up for parking.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• On site car parking may be regulated through any forthcoming planning application, and we can consider a controlled parking zone around the site.</li> </ul>

<b>Paragraph Reference: Section 5.8 – Highways/ Transport</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>• Supports the development principle to deliver sustainable modes of transport.</li> <li>• Support for requirement for a comprehensive Transport Assessment and Travel Plan.</li> <li>• Requests that the Transport Assessment also considers the impact of development on the trunk road, in particular it's junction with the A15 and A1260.</li> <li>• Redevelopment should include cycle paths linking Westfield Road, Mayors Walk, Aldermans Drive and Thorpe Road.</li> <li>• A new pedestrian/ cycle bridge to the city centre would be welcomed</li> <li>• Future developers should make appropriate contributions to ensure the delivery of Peterborough Station upgrades/ improvements.</li> <li>• There is an argument to make that the pedestrian/ cycle bridge is unnecessary. If such a link were developed further, all developers benefiting from such a proposal should contribute to providing the non-railway elements of this link.</li> <li>• Transportation and traffic issues will need to be fully addressed.</li> <li>• Welcome the reference to a co-ordinated approach with nearby sites insofar as transportation matters are to be addressed.</li> <li>• Welcome the clear requirement for a cycle/ walking route through the site and its future connection through to the Station Quarter.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>• The SPD requires the submission of a Green Travel Plan at planning application stage.</li> <li>• Cycle routes and linkages through the site and beyond will be an important consideration at the planning application stage.</li> <li>• Planning obligation contributions will be expected from any proposal to assist delivery of new pedestrian / cycle routes.</li> <li>• Station upgrade contributions will be realised through a wide variety of partners,</li> </ul>



	including developers and landowners. It will be at the planning application stage to determine what level of contribution to infrastructure works are needed by developers of the hospital site.
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<b>Paragraph Reference: Section 5.11 – Environmental Assessment</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Welcome the requirement identified in 5.11 that all planning applications will be supported by a screening request for an EIA.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Comments noted. Screening process underway.</li> </ul>

<b>Paragraph Reference: Section 6 – Application Stage</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Welcome the proposal that a Nature Conservation report will be required at application stage.</li> <li>May be better to refer to a biodiversity strategy which could incorporate public open space and vegetation/ landscaping proposals.</li> <li>Support the proposal to seek innovative solutions to open space provision</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Comments noted.</li> <li>Reference to the need for a single wider Nature / Biodiversity / Open Space / Green Infrastructure Strategy to be added to the SPD</li> </ul>

<b>Paragraph Reference: Section 6 – Application Stage</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Long term management and maintenance proposals should be included within the strategy.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>SPD amended as appropriate to reflect long term management and maintenance of the site.</li> </ul>

<b>Paragraph Reference: Section 6 – Application Stage</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Suggest that the need to make provision for off-site indoor community sports facility provision becomes an integral part of the SPD.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>There is currently referencing to the Council's POIS document in the draft SPD. Off site sports facility provision will be dealt with through planning obligations.</li> </ul>

<b>Paragraph Reference: Section 6 – Application Stage</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Reference should be made to a Site Waste Management Plan and the submission of a RECAP Waste Management Design Guide Toolkit Assessment will also be required as part of a planning application.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>The list contained within section 6 is not expressed to be exhaustive. However, reference to RECAP Waste Management Design Guide Toolkit Assessment to be added to the final SPD</li> </ul>

<b>Paragraph Reference: Section 6 – Application Phase</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>All Briefs and applications for development in this SPD area should be submitted at pre-application stage to the Design Review Panel.</li> <li>A retail impact assessment at planning application stage should be referenced. This should investigate the impact of the proposals on the Mayors Walk Shopping Centre.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>This is standard practice for all large applications in Peterborough.</li> <li>A retail impact assessment may or may not be necessary dependent on the size of the retail offering proposed.</li> </ul>

<b>Paragraph Reference: Section 6 – Application Stage</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Recommend that redevelopment of Brownfield land is undertaken in accordance with CLR11 'Model Procedures for the Management of Land Contamination' and PPS23 'Planning and Pollution Control'.</li> <li>Welcome early liaison with the EA with regard to assessing the potential risk posed to controlled waters from the past use of the site.</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>All planning applications will need to be in line with national planning guidance.</li> <li>The EA will be a statutory consultee in any forthcoming planning application.</li> </ul>

<b>Paragraph Reference: Opportunities &amp; Constraints Plan</b>	
<b>Summary of</b>	<ul style="list-style-type: none"> <li>Not included within contents page. Essential that it is included in the final document.</li> </ul>

<b>Comments Received</b>	
<b>Response</b>	<ul style="list-style-type: none"> <li>This reference in the contents page will be updated as appropriate.</li> </ul>

<b>Paragraph Reference: Overall document</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Supports the overall objectives and opportunities which the SPD seeks to address</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Comments noted</li> </ul>

<b>Paragraph Reference: General Questions</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Is it envisaged to continue to restrict access from the Holditch Street site to the back of Percival Street?</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>It is too early to be sure, as this will be dependent on the final design of site 3.</li> </ul>

<b>Paragraph Reference: General Questions</b>	
<b>Summary of Comments Received</b>	<ul style="list-style-type: none"> <li>Will residents be subject to parking charges and will there be sufficient parking spaces?</li> </ul>
<b>Response</b>	<ul style="list-style-type: none"> <li>Parking will be provided in line with adopted development plan policy.</li> </ul>