

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 6 JULY 2010</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOMS - TOWN HALL</b>
CONTACT:	Gemma George, Senior Governance Officer <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>28 June 2010</i>

### AGENDA

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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.

<b>6.</b>	<b>Revised Enforcement Strategy - For Information</b>	<b>59 - 60</b>
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## **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 8 June 2010

**Members Present:**

Chairman – Councillor North

Councillors – Lowndes, Hiller, Serluca, Thacker, Todd, Ash, Lane and Winslade

**Officers Present:**

Nick Harding, Planning Delivery Manager  
Julie Smith, Acting Highway Control Team Manager  
Richard Kay, Policy and Strategy Manager (Item 6)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Benton and Harrington.

Councillor Winslade attended as substitute.

**2. Declarations of Interests**

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

5.5 Councillor Lane declared that he knew the Secretary of the Peterborough Lawn Tennis Club but this would in no way influence his decision.

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

5.7 Councillor Lane declared that he knew a resident in Figtree Walk whose property bordered the property due to be discussed but this would in no way affect his decision.

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

Councillor Ash declared that he would be making representation as a Ward Councillor for agenda item 5.7, 78-80 Welland Road.

**4. Minutes of the Meeting held on 27 April 2010**

The minutes of the meeting held on 27 April 2010 were approved as a true and accurate record.

## **5. Development Control and Enforcement Matters**

### **5.1 10/00501/NTEL – Installation of a 12 metre high MK3 street furniture column supporting 3 x Vodaphone antennas, 3 x O2 antennas, 3 x equipment cabinets and ancillary equipment, at Whittlesey Road, Stanground**

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

The site was on the south side of Whittlesey Road, near to the junction with Coneygree Road. On the south side of the street was an open green area, with a fence between this and an area of highway verge running alongside the footway. There was a row of trees running in line with the fence, and nearby was a bus stop and street lighting columns. Across the road, there was a petrol filling station and a pub serving the local area which was mainly residential.

The Planning Officer addressed the Committee and stated that because of the nature of the application, the siting and appearance of the column were the only two factors that could be taken into consideration at that point.

Members' attention was drawn to additional information contained within the update report. There had been a query received from Councillor Walsh, Ward Councillor, regarding whether it was appropriate for a mast to be located in such close proximity to a petrol filling station given the warnings seen on petrol forecourts stating that mobile phones should not be used. A response had been provided to Councillor Walsh stating that mobile phones should not be used on forecourts due to the danger of batteries sparking and the operator distraction it may cause to pedestrians and drivers. As the mast was located outside of the forecourt area there were no rules or regulations to prevent the application going ahead and if matters did exist, they would be dealt with via other forms of legislation.

Councillor Irene Walsh, Ward Councillor, addressed the Committee on behalf of all of the Stanground Central Ward Councillors and local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The creation of an eyesore
- The contribution to the visual deterioration of the area
- The de-valuation of property
- The open green area would no longer be used by young children, thus causing the loss of a valuable community amenity
- The contribution of yet another visual distraction in the area on an already busy road
- The maintenance of the mast next to the road side would exacerbate the visual distraction problem further
- The similar application in Bretton which had recently been turned down due to it being higher than the surrounding street furniture. If the Committee was minded to approve the application, this would highlight inconsistencies in decision making
- The surrounding trees would not provide adequate camouflage
- The need for the mast was understood, but the search for an alternative site would be of benefit to all parties

Mr Brian Wolohan and Mr Stuart Banister, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed mast would be an eyesore

- The mast would affect the local view and local amenity, that being the safe play area much used by local children
- The view would be much worse in the winter after the loss of leaves from the surrounding trees
- The proposed mast would be the equivalent of stacking 9 cars on top of one another, this would be drastically higher than any other street furniture in the area
- The mast would be approximately 38 metres from the front of one local residents property
- There had been a petition signed by 344 local residents in objection to the mast, numerous letters of objection had been submitted to the Council and the local Ward Councillors were also strongly opposed to the application. The mast was not wanted by the local residents
- In 2006, the Council had rejected a plan to site a similar mast half a mile from the proposed site. This mast would have been placed on farmland and would have only been visible from the rear of houses on an estate on the opposite side of the road. The new proposal should therefore be refused as it was to be located in a much more populated area near a children's playing field
- The mast could put children playing near it at serious risk of injury and death
- The majority of masts were single operator used and there was no evidence available that the operators using this mast could be accommodated elsewhere
- The application for the mast seemed to indicate that it was for car users, therefore, surely a better location for the mast would be the new bypass

Members expressed concern at the comments which had been received from the Head of Transport and Engineering as highlighted in the committee report. In response to these concerns, the Highways Officer addressed the Committee and stated that the location of the proposed mast would be some distance away from the carriageway with a footway and grass verge in between, therefore the siting was of no concern. However, concern had been highlighted regarding the proposed service bay in Coneygree Road, it had been suggested by Highways that the bay be moved to Allen Avenue, however the location of the service bay could not be considered by the Committee at that stage.

After debate and questions to the Planning Officer regarding the previous application which had been refused in 2006 and also issues with regards to graffiti, a motion was put forward and seconded to approve the application. The motion was carried by 6 votes for and 3 votes against.

**RESOLVED:** (6 for, 3 against) to approve the application, as per officer recommendation.

**Reasons for the decision:**

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

- The applicant had shown that there was a need for the proposed telecommunications antennas. The mast had 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.

**5.2 10/00559/NTEL – Proposed siting of 12 Metre high lamp post style mast with associated equipment cabinet CAM7165, at highway verge land, corner of Thorpe Road Junction with Audley Gate, Netherton, Peterborough**

The proposal was for the installation of a 12 metre high monopole to be painted 'dove grey' with a shrouded three-sectored antenna. The proposal would have no dishes and would take the shape and form of a street light. The proposal also included the installation of an

equipment cabinet located adjacent to the monopole and an electricity pillar, both to be painted 'midnight green'.

The proposal was required due to the existing mast on the roof of Peterborough District Hospital becoming no longer available in the near future, due to the redevelopment of the site. The existing mast covered a large single cell but this had to be split into 3 smaller cells. The proposal was to serve one of these smaller cells.

The site was part of the highway verge adjacent to the junction of Thorpe Road, Thorpe Park Road and Audley Gate. It was approximately 31 metres wide at its narrowest point, comprising a grass verge with four trees varying from 9 metres to 12 metres in height. To the rear of the verge, Blind Lane connected Thorpe Road to Bradwell Road. There was a number of existing sluice valves adjacent to the footpath along Thorpe Park Road albeit these were not affected by the proposal. Residential properties surrounded 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 was situated to the south on the opposite side of Thorpe Road.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that consideration had been given to the aspect of the proposal which stated that the mast would be designed to appear as a street light, so it would fit in with the local street scene. Street lights were generally found on the back edge of a footpath and not in the middle of a wide grass verge, therefore attention would be drawn to the mast as it would not be sited in a position where a street light would be likely to be. It would therefore be out of keeping with the street scene.

Members' attention was drawn to additional information contained within the update report. There had been a number of objections received, including comments from Mr Stuart Jackson MP highlighting concerns such as the masts location in relation to residential properties, its siting next to a pedestrian route to Jack Hunt School and the loss of highway visibility at the busy road junction.

A petition containing 109 signatures had also been received as had several additional letters of objection to the proposal, these highlighted issues such as the possibility of attracting vandalism, devaluation of surrounding properties and the lack of consultation which had been undertaken with local residents. Jack Hunt School had also submitted comments relating to the potential health risks to its students and Councillor Arculus had also submitted a written response highlighting opposition by all of the West Ward Councillors to the siting and appearance of the proposed monopole.

Mr John Drownicky, Mr Ball and Dr Malcolm Vincent, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposal would be 3 metres higher than the surrounding street lights
- The proposal would be dove grey in colour and would not blend in with the surrounding trees
- There were a number of alternative sites available
- There was a manhole located at the site, this would mean that the proposal would have to be moved further back into the trees, meaning the possible loss of one of more of the existing trees, or nearer to the road making the proposal even more conspicuous
- The proposal would be opposite a grade two listed building
- Although there was yet to be hard evidence that these masts were dangerous to the public, it was an unwanted in the area

- Audley Gate had been consistently protected by Council's policies and residents in order to maintain its appearance as being open views down Audley Gate towards Thorpe Hall
- The lamp posts along Audley Gate were only 6 meters high
- The proposal would spoil the views

After debate, a motion was put forward and seconded to refuse the application. The motion was carried by 8 votes for and 1 vote against.

**RESOLVED:** (8 for, 1 against) to refuse the application, as per officer recommendation.

**Reasons for the decision:**

The proposal was 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 reflected the appearance of existing street lighting within the surrounding area but it had been sited in such a location where lighting columns would not normally be located and was taller. As such, the mast would appear incongruous within the street scene.
- The proposal was contrary to Policy U11 of the adopted Peterborough Local Plan (First Replacement).
- The view from Audley Gate to Thorpe Hall should in no way be obstructed.

**5.3 10/00198/R3FUL – Construction of four-bed dwelling and detached garage on land adjacent to 1 Pudding Bag Lane, Pilsgate, Stamford**

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

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

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

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that Pudding Bag Lane was an adopted road, however the track leading to the house was private. This track was proposed to serve the garage of the proposed dwelling. There was a walnut tree on the site which was proposed to be lost as part of the proposal. The proposal was a more traditional design than the terraced properties next door and it had incorporated themes from a key building in the village, Pilsgate House. There was a level of shadowing which would be likely to occur as a result of the proposal however it was considered that satisfactory amounts of daylight and amenity would be retained by the adjacent property. A further amended plan for the garage was being awaited to increase the depth of the garage to meet the satisfaction of Highways.

Members' attention was drawn to additional information contained within the update report. Two additional conditions had been requested with regard to tree and shrub planting and

boundary treatments. There had also been two additional conditions and an informative recommended by Highways in relation to the garage construction, proposed street naming and the material to be used for the driveway. Members were advised that there had been subsequent revisions to these conditions and the informative. The wording for the first condition had been amended to ensure it would be retained as a garage and not turned into living accommodation. The second condition was to be converted to an informative and the informative that had been requested was to be deleted as there was no requirement for hard surfacing outside of the garage.

There were no speakers on the proposal and Members commented that it was unfortunate that a representative from the Parish Council was not present to discuss their concerns and reasons for referral to the Committee.

After debate and questions to the Planning Officer, Members expressed concern regarding the size of the garage, the design and size of the proposal, the impact on the amenity of surrounding properties and the loss of the walnut tree.

After further debate, a motion was put forward and seconded to refuse the application. The motion was carried unanimously.

**RESOLVED:** (unanimously) to refuse the application, against officer recommendation.

**Reasons for the decision:**

The proposal occupied a corner site adjacent to a row of relatively modern terraced properties and both were sited adjacent to the Pilsgate Conservation Area. The scale and form of the proposed dwelling was such that it over dominated the adjacent properties excessively to the extent that the dwelling would be visually out of context with the surrounding development, the setting in the street scene and when viewed from the Conservation Area. Therefore the proposal was:

- Contrary to policy DA2
- Contrary to CBE3

The meeting was adjourned for ten minutes.

**5.4 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 proposal was for 4 one bed flats and 4 two bed flats. The flats were to be in 2 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 were to be identical in terms of their footprints having an average depth of 7.5m and length of 23m. The elevational details were also near identical for both blocks, the only differences being within the first floor rear fenestration. The design of the flats incorporated four 2 storey gable elements to the front and rear elevations. These were to have pitched roofs. The main roof formed of the flats was to comprise a pitched roof with dark grey Calderdale slates and contrasting red ridge and hip tiles.

Within the flat blocks at either end was 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 were to serve the occupiers of the first floor flats. Each flat was 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 were to be emptied. Parking provision for 5 cycles was to be provided in a central location between the flat blocks.



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

The Planning Officer addressed the Committee and stated that the proposal had been considered by the Committee at its previous meeting and had been deferred to enable the provision of additional information. The latest statistics for any accidents at the junction on Oxney Road after 2008 had been requested and Members were advised that this information had been provided in Appendix 1 attached to the main committee report. Since the spring of 2008 there had been four incidents that had occurred, all of which being of a similar nature to accidents which had previously taken place at the junction. Highways did not therefore feel that the proposal would make any material impact on road safety at that junction. An update on any traffic management plan that there may be on the Newark Road and Oxney Road junction had also been requested and Members were further advised that no scheme had been designed at that time, but there was to be a scheme implemented at some point during the financial year. The Committee had also requested Officers to approach the applicant to request a reduction in the number of properties contained within the proposal. The applicant had indicated that he did not wish to revise the scheme. The applicant had also appealed against the non-determination of the application. This meant that the application could not be decided by the Committee at that time.

Members were required to establish whether they wanted to indicate to the planning inspector that the authority was happy with the proposal as presented, or whether the authority was not happy with the proposal and the elements of the scheme it was not happy with. This determination would form the basis of the evidence to be presented at the forthcoming appeal.

Members' attention was drawn to additional information contained within the update report. In the event of proposal approval, two additional conditions had been requested by Highways in relation to cycle parking provision and the development of a wheel wash system to clean the wheels and chassis of construction vehicles entering and exiting the site.

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

- The proposal was inappropriate for the size, location and character of the surrounding area
- The traffic infrastructure was not adequate to support the proposal
- The additional information which had been provided by the Planning Officers was still inaccurate, as not all accidents in the area were reported to the police
- If the Planning Officers did not have all of the facts available to them, how could they form an accurate judgement?
- Why had the non-injury accidents figures been omitted from the committee report?
- Between 19 April 2010 and 26 May 2010, there had been six incidents witnessed by Mr Lyons
- The development would attract more vehicle movement to Oxney Road
- The increase in traffic movement would be a danger to the children walking to and from school
- There should be no more high density developments in the Oxney Road area until the traffic infrastructure had been improved
- Residents had not been consulted on the previous applications
- The proposal contravened section T8 of the Local Development Plan
- The proposal contravened section DA2 of the Local Plan

The Highways Officer addressed the Committee and stated that the accident data was not wholly accurate as the data was taken from police reports only. If incidents were not reported

to the police they did not get fed back. There was a traffic management scheme being looked into for Newark Road in order to slow vehicles down, and whilst there was no funding allocated for the scheme at present, it had been agreed that a scheme would be implemented before the end of the financial year. Members were also advised that when the impact of the proposal had been assessed, it was highlighted that 8 dwellings would not have a substantial impact on the already large numbers of vehicles travelling down Oxney Road.

After debate and questions to the Planning Officer and Highways Officer regarding the traffic management works due to be undertaken down Oxney Road, the lack of onsite parking provision, the anti social behaviour that the design of the proposal may encourage, the increased levels of traffic down Oxney Road and the design of the proposal, a motion was put forward and seconded to approve the application in the context of the pending appeal against non-determination. The motion was carried by 5 votes for and 4 votes against.

**RESOLVED:** (5 for, 4 against) to approve the application in the context of the pending appeal against non-determination, as per officer recommendation subject to:

1. The signing of S106/Unilateral Undertaking to meet the infrastructure needs of the development
2. The conditions numbered C1 to C23 as detailed in the committee report
3. The additional highways conditions numbered C24 and C25 as detailed in the update report

#### **Reasons for the decision:**

Subject to the imposition of the conditions, the proposal was 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 was 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 could be achieved and the necessary vehicle turning and parking provisions within the site were satisfied in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)

#### **5.5 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**

Planning permission was 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 were proposed for each property, all car parking spaces were at the rear of the site behind plots 1 and 2.

The site was the last remnants of a tennis club that had 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 was the subject of this application. The courts were not currently in use.

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

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that a previous scheme for flats had been refused on the grounds of inadequate provision being made for alternative tennis facilities as part of the development proposal. The scheme in front of the Committee was now for houses, which followed the same footprint as the flats. The previous refusal had been appealed and the inspectorate had agreed with the Council that there were not firm enough proposals for alternative tennis provisions being made as part of that application, therefore the current application sought to address that issue. The applicant's proposal was to provide the sum of £100,000, which would be put into a joint account between the Local Authority and the applicant and the money would be used within twelve months to provide two new floodlit all weather tennis courts at Bretton Gate. If that did not happen within twelve months, then the Local Authority could draw the £100,000 and use it to improve existing tennis facilities in its own ownership. The £100,000 had been checked to see if it would be sufficient both internally and with a third party contractor and it had been confirmed that the funds would be sufficient.

Members' attention was drawn to additional information contained within the update report. A number of additional conditions had been requested by Highways regarding parking provisions, turning areas and bin stores. The Broadway Residents Association had submitted an updated letter of objection and Mr Stuart Jackson MP had also submitted an email of objection. Members were also advised that the tennis club, since 2008, had merged with the Peterborough Town Sports Club at Bretton Gate and both parties were committed to the provision of the alternative facilities.

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

- The application before the Committee was not much different to those which had gone before and had previously been refused
- The Park Conservation Area ensured the preservation of this area, the whole purpose of the designation of Central Park and its surroundings as a conservation area in 1988 was to preserve the character of the area which was unique to Peterborough, this had since been re-enforced by the approval of the Park Conservation Area Appraisals Report and Management Plan in March 2007. Commitment had been given by Councillors to manage new development, so as to avoid harming key elements of the Park Conservation Area
- The proposal would be significantly higher than the surrounding properties and trees, and would take up the green area
- Development of sports facilities was covered by Government Planning Guidance in the form of PPG17, the Council had adopted this guidance into its Local Plan under policy LT3. The guidance dictated that sporting facilities should not be re-developed unless there was provision for facilities elsewhere which were at least as accessible to existing and new users
- The planning inspectorate had stated in their report that there was no definite timescales, locations, details of tenure or planning permission granted for alternative courts. It had also been stated that whilst the money allocated was a substantial sum, it could not be confirmed that the £100,000 would be sufficient for the new site.
- The club could not provide details of new courts

- There was no formal agreement with the Bretton club
- There had been no application for conservation demolition of the existing site
- What would the £100,000 provide if the new courts were not built?
- The Council could use the money in another part of town less accessible to members
- The proposal did not accord with Local Planning Policy or guidance
- Transparency and probity were all important when the Council could gain financially from the S106 agreement
- The local concern regarding the matter was extremely high, with a large number of signatures received on two petitions from both adults and children
- There was cross party representation against the proposal and Mr Stuart Jackson MP had also objected
- Sport England had expressed concern as a suitable replacement location had yet to be found
- The Bretton Sports Club was leasehold, when was the lease due to expire?
- At a recent AGM of the Bretton Sports Club, opinion was divided as to whether they wished to have an arrangement with the Peterborough Lawn Tennis Club on the Bretton site
- There was talk of the hospital site next door to the Bretton Sports Club wanting more land, therefore there would be the possibility that the land would be lost to the hospital
- The Officers had accepted that there were no proper terms, and accordingly the proposal was contrary to policy IMP1, there should be no permission until the proposals were certain and were enforceable
- With regards to open space, particularly in relation to policy PPG17, it was not clear that the Council should approve any application for the removal of a facility without an assessment of open space. According to the Council's own open space study undertaken in Park Ward "there was a sufficient shortage of open space for public access in the ward"
- It had recently been confirmed by the law courts that planning decisions in respect of developments proposed to be carried out in conservation areas must give high priority to the objective of preserving and enhancing the character or appearance of the area, if any development should conflict with that development there would be a strong presumption against the grant of the proposal
- If the club was really committed to tennis in Peterborough, then discussions should be undertaken with the Council's Recreation Officers and the Leisure Trust regarding the surrender of the site to the Council for grass courts, with arrangements for hard courts at the park and floodlighting for evening play, this would keep the tennis local and accessible, would keep a facility in the park and would keep the area green
- Was the proposal for the good of tennis or rather for profit?
- The site was worth approximately £500,000 so why was there only £100,000 going towards tennis at the other side of town?
- The cost of two new tennis courts would be over £100,000 as stated by Sport England
- All the neighbours to the property disagreed with the overlooking and their living conditions would be adversely affected
- The bin store would be almost directly adjacent to one local residents patio
- The Bretton Sports Club had provided no confirmation of an agreement
- The proposal was contrary to the Council's well established planning policies for the protection of conservation areas and the local amenity, these being CBE3, DA1 and DA2

A member of Broadway Residents Association, Mr Tony Newell and Mr David Jervis, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Membership of the club had been frozen, but many local residents wished to join the club and to help re-invigorate it

- Numerous local residents who had signed the petition wished to keep the site alive as a playing facility
- The planning inspectorate had upheld the previous Committee decisions on national and local policy grounds
- There was no greater certainty in the planning application or the S106 agreement since it had been rejected by the planning inspector
- There was no greater certainty as to the whereabouts of the new facilities or equivalent, would they be as useful and as attractive?
- The proposed houses on plots 1 and 2 would dominate the nearby houses due to their size and siting this would lead to considerable light and shading issues
- The lengths of the houses would mean small gardens and lack of parking provision
- There would be a loss of pathways to make way for driveways
- The development layout was poor as it utilised the same size blocks that had been planned for flats and which were unnecessarily large
- One of the houses provided no garages and totally inadequate parking
- The area was a nice area and tennis should remain local

Mr John Dadge and Mr Andrew Stanley, the agent from Barker Storey Matthews and a representative from the tennis club, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- A letter which had been received from Bretton Tennis Club signed by Mr Peter Leaton, the Chairman of Peterborough Town Sports Club and the Secretary of the club, stated how the two clubs would work together going forward, confidence was high that working together would help provide the facilities so greatly needed in Peterborough
- The club was not closed for new members and new members had been taken on in the current season
- The club membership was diverse and contained people from areas outside Peterborough
- The design of the site did follow closely the design of the previous application, however, it was now three dwellings, this being in response to the current climate in relation to flats and the Council's perceived requirement for the provision of prestige homes within the urban area
- At the appeal, the design and layout of the site had received no issues or objections and were considered to be compatible with the conservation area
- In terms of the S106 agreement, discussions had been undertaken with Planning Officers regarding the format of the agreement and to ensure that the proposal placed before the Committee met all set requirements. Legal officers had also been involved in the meetings to ensure that had happened and legal counsel had been taken on behalf of the tennis club
- The original financial contribution came from discussions with the Lawn Tennis Association, whose objectives were the promotion of hard surface, floodlit tennis courts which could be played on throughout the year. This was what the scheme sought to achieve

Councillor Lowndes addressed the Committee and declared that she knew Mr Peter Leaton as he was married to her cousin, but this would in no way affect her decision.

Members commented that it was disappointing that the Inspectors report had not been appended to the main Committee report. In response, the Planning Officer highlighted the main points contained within the inspectors report.

Members sought further clarity as to what had changed since the previous refused application. Members were advised that Bretton Gate was now the indicated as the alternative location of choice, a rough layout drawing had been provided of where the courts

would go on the site, an assessment had been undertaken by a Planning Case Officer which had stated that there was no reason why the location would not be suitable. In addition if the Council were to provide improved facilities at one of its own facilities, there was a list of suitable sites which could be approved for the use of the £100,000. If an alternative site was not found within twelve months of the sale of the site, the Council would be able to draw on the money.

After debate and further questions to the Planning Officer regarding the insufficient evidence of an alternative site, a motion was put forward and seconded to refuse the application. The motion was carried by 6 votes, with 1 voting against and 2 not voting.

**RESOLVED:** (6 for, 1 against, 2 not voting) to refuse the application, contrary to officer recommendation.

**Reason for the decision:**

- The proposal did not comply with the provisions of PPG17 and Adopted Local Plan Policy LT3 (Peterborough Local Plan, First Replacement, Adopted 2005) in that there was insufficient assurance that the alternative provision of tennis facilities could actually be provided in a suitably timely way to a standard that adequately reflected the location of the resource that was proposed to be lost to development.

The meeting was adjourned for ten minutes.

**5.6 10/00204/FUL – Construction of five bed dwelling and detached garage on land at The Haven, Wothorpe, Stamford**

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

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

There was a tradition of large plots, some with development in the rear, in Wothorpe, including adjoining sites where there was 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 remained one of large houses in large plots.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues.

Members' attention was drawn to additional information contained within the update report. There had been additional comments received from six local residents highlighting issues such as de-valuation of property, damage to wildlife, overlooking, overdevelopment, loss of amenity and increased risk of flooding, among numerous other points. The Parish Council had also reiterated its original comments as highlighted in the committee report.

Mrs Anne Marshall and Mr John Finch, objectors and local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There was a planning application for two houses on the front of The Haven, the two applications should not be considered separately, there was not enough room for three properties on the plot
- Wothorpe was about to be made an exception area in from planning, therefore rushing through applications at the last minute made no sense
- The application flew in the face of the Council village design guidelines that were published on the Peterborough City Council website
- Local MP Mr Shilesh Vara had written to the Chief Executive of Peterborough City Council expressing his concern against the application
- The house which had been approved in February 2009 and had outline planning permission had a much smaller footprint with integral garage. The proposal before the Committee had expanded including a number of additional bedrooms and a detached garage
- The proposal would not enhance the amenity value of the area
- The special character and uniqueness of The Drift would be lost
- The proposal was big and bold and would completely dominate surrounding properties
- Its mass contravened policy DA1, creating adverse visual impact
- The proposal was two storeys high next to two bungalows
- The proposal contravened policy DA2 as it had a number of large windows which would lead to the surrounding properties being overlooked, meaning a loss of privacy
- The clearance of The Haven plot had had an adverse affect on the bird population
- The planting scheme was insufficient
- The access road went against policy T1 in that a safe access road would not be provided for all user groups
- The problems with parking in the area and the safety of the children playing the area

Mr John Gibson, the applicant from Hereward Homes, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The principle of building a house in the location had already been established
- The proposal was on a similar outline to the reserved matters application which already had permission
- The proposal was 20% smaller than the new houses recently constructed in Wothorpe
- The driveway was the same as the already approved reserved matters application
- The house had been set back to combat the overlooking issues as had the imposition of a detached garage

After debate, Members sought clarity as to whether the proposal was of similar size to the application which had already had permission granted. The Planning Officer clarified to the Committee that the sizes were the same and a copy of both of the proposals was circulated for Members to see.

After further debate and questions to the Planning Officer regarding the slight movement of the proposal nearer to the boundary and the comments which had been received from the Senior Drainage Engineer as highlighted in the committee report, a motion was put forward and seconded to approve the application. The motion was carried by 7 votes, with 1 against and 1 not voting.

**RESOLVED:** (7 for, 1 against, 1 not voting) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C10 as highlighted in the committee report
2. If the S106 had not been completed within a reasonable time i.e. 4/5 weeks of the decision, the Head of Service be delegated to refuse the application

### **Reasons for the decision:**

Subject to the imposition of the conditions, the proposal was 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 was acceptable, would not cause any material loss of amenity, would 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).

Councillor Ash left the meeting.

### **5.7 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**

The application sought planning permission for the retention of the bungalow on the site which was 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.

There had been several applications submitted to regularise the situation however none had been successful and at that time, the dwelling had no planning permission. The revised scheme had been submitted following extensive discussion between the Applicant, Officers, Ward Councillors and local residents of Figtree Walk. The revisions to the dwelling included alterations to the glazing of the rear elevation and the construction of a new boundary wall. The scheme proposed 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 proposed a 1.9 metre rear boundary wall to be constructed of bricks to match the surrounding area.

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues. Members were advised that their approval was sought for some alterations to the structure which had already been built, these alterations were summarised by the Planning Officer. A previous application to rectify the faults with the application had been refused at Committee and had subsequently gone to appeal, the appeal inspector considered a series of points including the option of the wall as a barrier, which was considered to be oppressive to the occupiers of the properties on Figtree Walk. The current proposed wall was 20cm less in height than was previously refused, the inspector also considered the option of frosted glass in the patio doors, it was considered not appropriate as it would be oppressive to occupiers of new build house, therefore it was now proposed to frost the tops of the windows only. The scheme was recommended for approval as it was felt that it was a reasonable compromise for protecting the neighbour's amenity and having the development amended to the satisfaction of the Planning Officer in a way that would not be significantly detrimental to the occupier of the property.

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

- The situation had been going on for a long time and was a worry for all parties involved
- It was a shame that the applicant had not followed the original plan
- The aim was to make sure the dwelling did not have an undue impact on Figtree Walk
- The gardens in Figtree Walk were very small and the wall would make the garden very oppressive



- The inspectors report highlighted that the property was less than 21 metres away from the neighbouring property, this was against planning policy guidance
- The wall would still be extremely tall
- A condition should be added stating that suitable materials be used for the wall
- The inspector had highlighted that the Council had not complied with its own policy DA6
- Had enough been done to mitigate against the overlooking issues?
- A condition or informative should be added to make sure that any external lighting did not have any undue impact on neighbouring properties
- Had all of the issues in the inspectors report been addressed?

Councillor Lucia Serluca addressed the Committee and stated that she knew the speaker about to address the Committee, but that it would in no way affect her decision.

Mr Salvatore Cammarata, an objector speaking on behalf of a local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- This had blighted the residents of Figtree Walk for so long
- The property was big and very oppressive
- The roof was black and much higher than it was ever planned to be
- The reason that there were no dormer windows in the property was that the windows had been objected to by local residents
- It was an intrusion of privacy as you could hear everything going on in their house
- The wall which was proposed would make the gardens look like a prison compound

Mr John Dadge, the agent from Barker Storey Matthews, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The separation distance of 21 metres was in relation to two storey properties with habitable rooms
- The minimum Council guidance for gardens was a minimum of 10 metres, much shorter than the gardens in Figtree Walk
- The impact of the wall would be softened by landscaping up against it, there was not the space for planting matured trees, however climbers could be used on the applicants side
- The wall would reduce the noise levels from the property
- The proposal for obscure glazing at the top of the windows would genuinely stop inter-visibility between the houses
- The roof sloped away from the adjacent properties, so was receding from neighbouring properties
- An appropriate condition to provide planting should be added
- A wall may not necessarily be the best option available. Could a selection of different options be shown to residents for them to choose from?

After debate, Members commented that the original application had been breached and the neighbours preferred option had been to revert back to the original design. Members questioned whether a condition could be added requesting that no dormer windows be allowed to be implemented in the roof. Members were advised by the Planning Officer that if the Committee were minded to refuse the application then conditions could not be added at that stage, however if the inspector were minded to approve the application a condition could subsequently be added regarding the addition of dormer windows.

After further debate, a motion was put forward and seconded to refuse the application and to issue enforcement action. The motion was carried unanimously.

**RESOLVED:** (unanimously) to refuse the application, contrary to officer recommendation and:

1. To issue enforcement action against the property
2. To request a condition be added regarding the addition of dormer windows being placed in the roof, if at appeal the planning inspector was minded to approve the application

**Reasons for the decision:**

The proposal for the wall and window alterations had arisen as a response to the fact that the dwelling had not been built in accordance with the approved plans. The development had been constructed so it was taller and closer to the boundary with the adjacent Figtree Walk properties with a greater area of fenestration facing them. The proposed wall, whilst preventing overlooking, would be of such a height that it would have an overbearing and detrimental impact on the amenity of the adjacent residents in Figtree Walk and would not overcome the overbearing impact of the dwelling itself which arose as a result of it being built significantly closer and taller than the previously approved plans. The proposal was therefore contrary to the provisions of Adopted Local Plan Policies DA2 and DA6 (Peterborough Local Plan, First Replacement , Adopted 2005).

Councillor Ash re-joined the meeting.

**6. Peterborough Local Development Framework – The Peterborough District Hospital Site Supplementary Planning Document**

A report was presented to the Committee which sought its comments on the Peterborough District Hospital Site Supplementary Planning Document (SPD) prior to its submission to Cabinet for adoption as formal planning policy for the site.

On 23 March 2010, the Planning Committee considered a draft version of the Hospital Site SPD and made its comments known to Cabinet on 29 March 2010. The draft version had subsequently been subject to public consultation, and the final version had been prepared for consideration and adoption.

Members were advised that the Peterborough District Hospital site would 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 would become vacant and would require comprehensive regeneration. The purpose of the Hospital Site SPD was to provide detailed guidance to prospective developers as to the type and level of development the Council would 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.

Members were invited to comment on the document and after debate and questions to the Policy and Strategy Manager, the concerns and issues were summarised as follows:

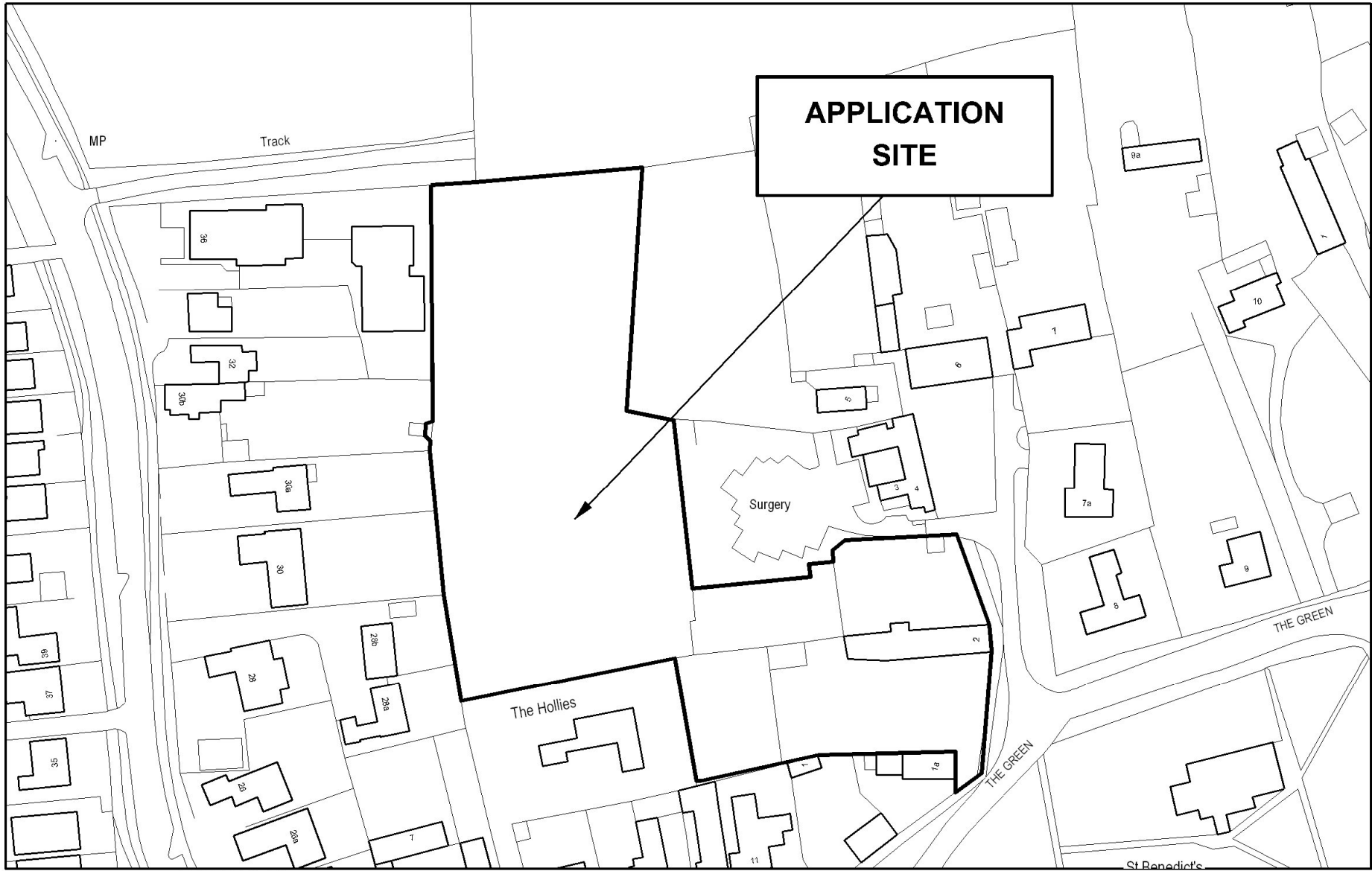
- The density of the site
- The lack of schooling available on and surrounding the site
- The design of the properties on the site and their commercial saleability. People wanted homes for life
- The disability access across the scheme
- The protection of the historic buildings on the site

Members were advised that their comments would be reported to Cabinet prior to adoption of the Peterborough District Hospital Site Supplementary Planning Document.

**RESOLVED:** to comment on the Peterborough District Hospital Site Supplementary Planning Document before its submission to Cabinet on 14 June 2010, for adoption as formal planning policy for the site.

1.30pm – 6.47pm  
Chairman

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**LOCATION PLAN 10/00406/LBC**  
 Granville House, 2 The Green, Glinton, Peterborough

Scale 1:1250 Date 25/6/2010 Name MKB Department Planning Services

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10/00406/LBC: MOVING OF EXISTING ENTRANCE AND REBUILDING OF STONE BOUNDARY WALL AT GRANVILLE HOUSE, 2 THE GREEN, GLINTON, PETERBOROUGH

VALID: 19 APRIL 2010

APPLICANT: MR & MRS BRIGGS

AGENT: MR TERRY TITMAN

REFERRED BY: CLLR JOHN HOLDICH

REASON: REQUEST THAT MEMBERS OF THE PLANNING COMMITTEE CONSIDER WHETHER HUMAN RIGHTS CONSIDERATION SHOULD OVER-RIDE PLANNING RESERVATIONS

DEPARTURE: YES

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

E-MAIL: janet.maclennan@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on the setting of a the Listed Building
- Impact on the character and appearance of the Glinton Conservation Area
- Landscape implications

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

Key policies highlighted below.

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

- CBE3: Development affecting conservation areas** - Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.
- CBE6: Development affecting the setting of a Listed Building** – Planning permission will not be granted where alterations, extensions or works to a listed building would be unsympathetic to its character, be detrimental to the fabric of the building or result in the removal of features which contribute to its historic interest.
- CBE7: Development affecting the setting of a Listed Building** – Planning permission will not be granted for any new building if it would be detrimental to the setting of the Listed Building.
- CBE8: Sub-division of the Grounds of a Listed Building** – Planning permission will not be granted for development which would sub-divide the grounds of a Listed Building.
- DA1: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

**DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

**DA9: Protected spaces and frontages in villages** - Development will not be permitted within a village envelope which would result in the loss of a green space serving an important visual or amenity function, of an open space which allows views into and out of a village, of a treed or hedged frontage or of a substantial wall or railings.

**LNE9: Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

#### Material planning considerations

Planning Policy Statement (PPS) 5 ‘ Planning of the Historic Environment’ March 2010

Glington Conservation Area Appraisal and Management Plan adopted March 2009

### 3 DESCRIPTION OF PROPOSAL

The application seeks permission to relocate the existing vehicular access approximately 1.5m to the south. The existing access would be closed off. Damage has been caused to a length of the existing wall due to the positioning of two false Acacia trees which have now been removed and the wall needs to be taken down and rebuilt. The existing hard asphalt surface forming the existing access will be taken up, kerbs raised and the grass verge extended across the disused entrance.

### 4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site contains a Grade II Listed Building with formal gardens to the south and north and paddock area to the west (designated within the Adopted Peterborough Local Plan (First Replacement) as an allocated housing site (H10.04). The site is located close to the historic centre of the Glington and within the Conservation Area boundary and is enclosed by a 1.2m high stone wall which is protected under policy DA9 of the Adopted Peterborough Local Plan (First Replacement). The surrounding area is predominantly residential in character and contains a number of listed properties, the Church and church yard lies to the south-east and many of the properties are bounded by continuous stone walls, trees and hedges, all of which contribute to the character and appearance of the Conservation Area. The application site with its boundary wall with trees behind provides a positive ‘end stop’ when viewed from North Fen Road, west along The Green.

### 5 PLANNING HISTORY

Application Number	Description	Date	Decision
02/00160/CTR	Fell one Yew, four Lawson Cypress, one Holly and trim Yew	27.03.2002	PER
08/00451/CTR	Remove two Old False Acacia Trees	13.05.2008	PER
08/01015/LBC	Demolition of stone boundary wall and rebuilding using salvaged materials and rebuilding of double garage	04.12.2008	WDN
08/01114/FUL	Demolition of existing garage and construction of new garage using the salvaged stones and roof tiles	03.12.2008	WDN
09/00017/LBC	Moving of existing entrance and rebuilding of stone boundary wall	04.03.2009	WDN



## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Conservation Officer** – Objects (see section 7)

**Landscape Officer** – No objection, but recommends tree protection conditions

**Head of Transport and Engineering** – They have been consulted on the application however comments cannot be considered as part of this Listed Building Application. The drive is not permitted Development so needs a separate planning permission.

### **NEIGHBOURS**

One letter has been received in support of the application from the neighbouring property. The proposal would prevent gravel breaking the windows of No 2, would afford the occupant greater privacy, provide a separate access to the paddock and garages, would reduce the amount of garden area to be maintained to the south of the dwelling and would give the occupier greater wheelchair accessibility. The neighbour is also the agent for the applicant.

### **COUNCILLORS**

Cllr Holdich request that application is referred to Committee for consideration. The applicant has a severe physical handicap and Granville House is becoming increasingly difficult for him to manage. The reason for moving the drive and wall is so that he may build a bungalow in the extensive grounds, which would be a more suitable property for his condition. Would like Planning Committee to consider whether the human rights considerations over-ride planning reservations.

### **PARISH COUNCIL**

Glington Parish Council opposes application and considers the boundary wall provides a frontage to The Green and the new access would impact on the street scene and the core of the Conservation Area contrary to policies CBE3 and CBE6 of the Local Plan. Creating a new access for the purpose of serving a new dwelling is contrary to policy DA9 of the Local Plan. The access would not provide for a safe convenient access contrary to policy T1 of the Local Plan.

## **7 REASONING**

### **a) Background**

The application is a re-submission following previous applications which have been withdrawn (refs. 08/01015/LBC, 08/01114/FUL and 09/00017/LBC). The proposals were considered to impact on the setting of the Listed Building and harm the character and appearance of the Glington Conservation Area. The previous proposals were not supported by the Local Highways Authority (LHA) due to highway implications with regard to inadequate width of access and visibility splays.

The justification for the relocation of the access further away from the property is to provide more privacy to the occupiers of No 2 The Green, avoid the gravel breaking the glass in the windows and eliminate noise generated by vehicles. The new drive would also afford the occupier a high level of wheelchair access. It is proposed the rebuilding of the wall provides an opportunity to implement the relocation of the existing access.

### **b) Impact on the setting of the Listed Building**

The formality of the property; carefully selected squared block, dressed stonework, parapets to gables and symmetrical plan form, is reflected in the layout of the gardens to the property. To the north of the property is a more formal 'kitchen' garden set behind 3 metre high and continuous stone boundary wall. This formal enclosure contrasts with the Arcadian aspect to the south of the property with its lawns and tree and shrub borders. The position of the present access in the boundary wall, the drive immediately in front of the building, and the lawns and landscaped borders are strong features of the property. This Arcadian character will be significantly eroded by the construction of a 3.5m wide hard surfaced drive across the present lawn and new opening to the wall and harm the building's setting and character.

The drive is not permitted Development so needs a separate planning permission. Issues related to the drive do not form part of this Listed Building Consent application.

It is considered that there is limited justification put forward for the new opening to the boundary wall and this does not outweigh the harm caused to the setting of the Listed Building. The proposal is therefore contrary to policies CBE6 and DA9 (d) of the Adopted Peterborough Local Plan (First Replacement).

**c) Impact on the Character and Appearance of the Conservation Area**

The Glington Conservation Area Appraisal and Management Plan was adopted in March 2009 as planning guidance. The Townscape in the vicinity of The Green makes a positive contribution to the character and appearance of the Glington Conservation Area. This is formed by a combination of buildings, continuous lengths of stone walls, trees and hedges. In terms of these features, the application property and boundary wall make a positive contribution to the street scene and context. The view from Flag Fen Road, west along The Green terminates at the present continuous stone boundary wall with the green landscape behind and is a very pleasing 'end stop' view. It is considered that the present continuous boundary wall makes a positive contribution to the character and appearance of the conservation area. The proposed opening would be visible in these views as a clear break in the continuous wall which would erode this important focal point and diminish this positive view in the conservation area.

The continuous boundary wall to the south of the present access and the strong tree and shrub planting to the rear provides a good sense of place and enclosure in the street scene. The boundary wall to be part demolished, like others in the vicinity of the Green, is recognised under policy DA9 (d) as an essential feature of the village character. Stone boundary walls were historically a more common feature in the village. The desire to park vehicles within curtilages / alter access has led to the puncturing and fragmentation of previously continuous boundary walls. Shorter runs of walls and openings detract from the street scene. If the integrity of the stone wall is altered then it would be rebuilt as necessary using reclaimed stone and laid in level courses to match.

The proposed access will also require the sub-division of a large and continuous grass verge and introduce hard asphalt surface in the street scene. This fragmentation of the verge is considered to harm the open aspect of The Green which this and other areas of verge/ grassed areas positively contribute. The part demolition and opening will result in the loss to a designated heritage asset and falls within the scope of Policy EH 9 of Planning Policy Statement 5 'Planning for the Historic Environment' (March 2010) Which states '*there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of this conservation should be*'. *Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Loss affecting any designated heritage asset should require clear and convincing justification*'. In this instance no convincing justification has been put forward for the work and in the Conservation Officer's opinion the consequential harm caused to the character of the Conservation Area and the character and setting of the listed building.

The issues could be overcome by for example the installation of gates at the access, replacement of the gravel surfacing with tarmac or block paving which would also deal with noise issues and provide better wheelchair access. The proposed works would harm and not preserve or enhance the character and appearance of the Conservation Area contrary to policies CBE3 and DA9 (d) of the Adopted Peterborough Local Plan (First Replacement).

**d) Landscaping implication**

An Arboricultural Impact Assessment (by Dr Frank Hope) dated August 2007 has been submitted in support of the application. The report confirmed the damage caused by the two false Acacia trees located to the rear of the boundary wall fronting the site and recommended that the trees were removed. Tree protection measures for the trees close the proposal (in particular for the middle-aged Yew). The Landscape Officer has raised no objections to the proposal.

**e) Sub-division of the curtilage of the Listed Building (for background information only and should not be considered as part of the consideration of committee)**

There have been pre-application discussions regarding the proposal for a new residential dwelling within the curtilage of No 2 The Green. The proposed new access provides a separate access to the west of the garden as drawing 1645/12 illustrates.

In letters from the Conservation Officer dated 16<sup>th</sup> July and 15<sup>th</sup> October 2007 the applicant was advised that access from The Green across the garden to the south of No 2 would harm the character and the setting of the listed building and that access should be taken off the adjoining paddock of land identified in the Peterborough Local Plan (First Replacement) for residential development which is believed to be in the ownership of the applicant (ref. H10.04). The applicant has been provided with pre-application advice with regards to this matter but it is not appropriate to discuss or consider this further in this report. The current application must be considered on its own merits and the future plans of the applicant cannot be taken into account. The above information serves just to illustrate that advice has been given with regards to the access.

**f) Other issues – human rights**

The comments of Cllr Holdich are noted with regards to the Human Rights Act 1998. In some rare instances there may be reasons why personal circumstances might outweigh a planning policy consideration. This is not such a case as the issue at question relates to a listed building. The Local Planning Authority has a statutory duty placed upon it by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1991 to ensure that listed buildings and their settings are preserved or enhanced. In this instance the personal circumstances or human rights of the applicant do not outweigh the consideration of the conservation issues. It would be for the Court to declare if the legislation in question (i.e. the Planning Act mentioned above), was incompatible with a human right and if such a declaration were made, for Parliament to change the law. Until the legislation is changed then it must be followed.

## **8 CONCLUSIONS**

The justification provided by the applicant for the relocation of the access does not outweigh the harm which would be caused to the setting of the Listed Building and the character and appearance to the Conservation Area and the proposal is therefore contrary to policies CBE3, CBE6, DA2 and DA9 (d), of the Adopted Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

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

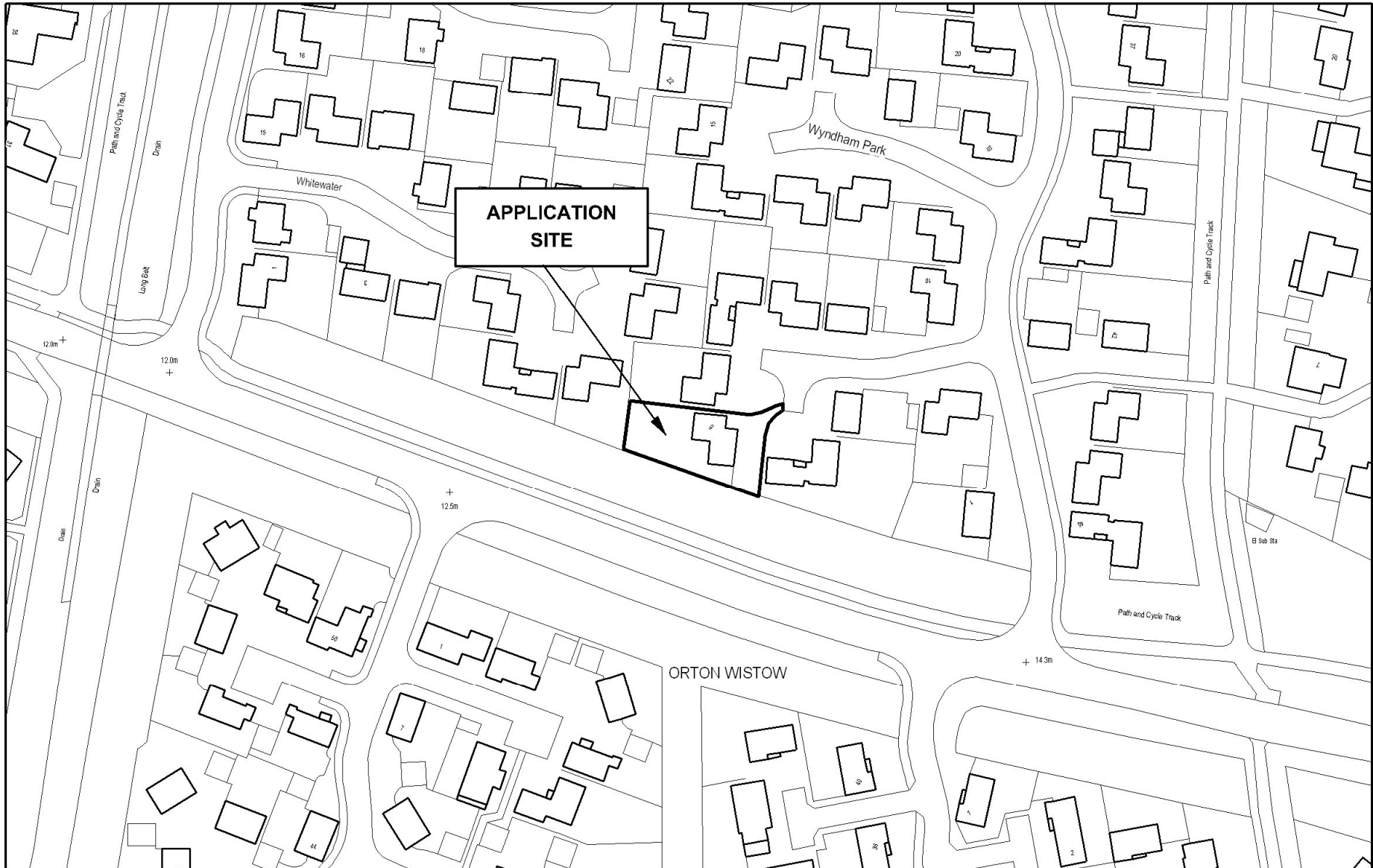
**R1 The boundary walls of the property and others in the vicinity of The Green make a positive contribution to the special character of the centre of the Glinton Conservation Area. The boundary wall to be part demolished, like others in the vicinity of the Green is recognised under policy DA9 (d) of the Adopted Peterborough Local Plan (First Replacement) and the Adopted Glinton Conservation Area Appraisal and Management Plan as essential features of village character. The view from Flag Fen Road, west along The Green terminates at the present continuous wall with landscape behind and this is a positive ‘end stop’. The proposed opening would diminish the quality of this view and the sense of place and enclosure in the street scene part formed by the continuous boundary wall. The alteration would also sub-divide a sizeable area of grass verge and introduce a hard surface in the street scene and harm the character and appearance of the Conservation Area contrary to the adopted Glinton Conservation Area Appraisal, guidance set out in Planning Policy Statement 5, and policies CBE3 and DA9 (d) of the adopted Peterborough Local Plan (First Replacement) which state:**

**CBE3 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.**

**DA9 Planning permission will not be granted for any development within a village envelope which would result in the loss of part or all of:**

**(d) a substantial wall or railings;**

Copy to Councillors Holdich, Lamb



**LOCATION PLAN 10/00480/FUL**

5 Wyndham Park, Orton Wistow, Peterborough

Scale 1:1250 Date 25/6/2010 Name MKB Department Planning Services

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10/00480/FUL: CONSTRUCTION OF TWO STOREY SIDE AND FRONT EXTENSION, 5 WYNDHAM PARK, ORTON WISTOW, PETERBOROUGH, PE2 6YD  
 VALID: 07 MAY 2010  
 APPLICANT: MR AND MRS CURPHEY  
 AGENT: MR A HORNSBY  
 REFERRED BY: CLLR ALLEN  
 REASON: THE SCALE AND SIZE OF THE EXTENSION, EXTENSION PROTRUDES NEAR GARAGE OF NUMBER 4, CONCERNS ABOUT DISTANCE BETWEEN EXTENSION AND NEIGHBOURING PROPERTIES, CONCERNS ABOUT PARKING, TWO WINDOWS WILL OVERLOOK NEIGHBOURING PATIO AREA, TWO TREES ARE TO BE REMOVED, WILL AFFECT PRIVACY, PARKING AND ENVIRONMENT  
 DEPARTURE: NO  
 CASE OFFICER: DAVE JOLLEY  
 TELEPHONE: 01733 453414  
 E-MAIL: david.jolley@peterborough.gov.uk

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

The main considerations are:

- The size, scale and appearance of the proposed extension
- Impact upon the occupiers of neighbouring dwellings

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)**

DA2 The effects of development on the amenities and character of an area

## **3 DESCRIPTION OF PROPOSAL**

Permission is sought for the construction of a two storey front and side extension in order to create a 1 bedroom granny annexe containing; lounge, dining room, bedroom and bathroom. The extension will also allow for the enlargement of an existing bedroom and the creation of an en suite. The agent proposes to create an L shaped dwelling with side gable.

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

Wyndham Park is a fairly modern estate of detached dwellings in modest plots. The appearance of the estate is uniform in terms of size and design of dwelling but is punctuated by some substantial extensions in a similar vein to that proposed under this application. Numbers 22, 26, 33, 35 and 42 being the most notable examples. The application site is bordered by a landscaping strip to the south; the neighbouring dwellings sit to the north and east.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
PAOTH/10/00085	Construction of 2 storey side and front extensions	13.04.2010	Extension is at upper limit of acceptable size.

## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Head of Transport and Engineering** – No objections to the proposals

### NEIGHBOURS

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

- The scale/size and height of the extension will be imposing in such a small cul de sac
- Out of keeping with other houses in the area
- Contractors vehicles will cause parking problems
- Not a granny annexe but a doubling of the property
- Will close the only gap between dwellings
- Visually dominant from neighbouring patio area
- Will necessitate the removal of 2 trees that help screen noise from road
- Will lead to parking issues

### COUNCILLORS

Cllr's Stokes and Allen

- The scale and size of the proposed extension – it will almost double the size of the property.
- The front extension protrudes near the neighbour's garage at No. 4.
- There are concerns about the distance between the planned extension and the neighbours property (measurement to be confirmed)
- Parking concerns have been expressed by local residents. No. 5 already has three cars and has to park on the grass where the intended extension will be – if allowed.
- Two windows of the front extension will overlook the neighbours patio sitting area in the garden
- Two trees in the Green Belt will have to be removed.

Local residents have voiced that the planned extension is just far too large for the area and feel that it will adversely affect privacy, parking and environmental aspect too. A more modest extension would be more acceptable.

## 7 REASONING

### a) **Introduction**

The applicant seeks to extend to the front and side of the property to create a 1 bedroom granny annexe and enlarge an existing bedroom and create space for en-suite.

### b) **Policy issues**

The controlling policy is DA2 of the Peterborough Local Plan (First Replacement).

### c) **Design and Scale**

This is a large extension, practically doubling the size of the existing dwelling. This in itself is not harmful and need not be a basis for refusal proving that the scale of the extension is not harmful to either the character of the area or the amenities of the occupiers of neighbouring dwellings. In this case it is considered that neither the character nor neighbouring amenity is materially harmed by the proposal. Wyndham Park is an estate of detached dwellings in modest plots; some of these



dwellings have been extensively extended in a similar fashion to that proposed at number 5. In particular numbers 22, 26, 33, 35 and 42 have large extensions. Numbers 33, 35 and 42 have all been extended to the side and front to form dwellings of a similar appearance to that proposed under this application. The precedent for such development has therefore been set. In addition number 5 is tucked away at the end of the cul de sac and only visible to 6 other properties in the immediate location. For these reasons the scale of the proposal is considered acceptable.

The design of the proposed extension is fairly utilitarian, but this matches the appearance of the original dwelling, which is typical of the era. The lost bay will be relocated to the extension retaining a standard feature of the dwellings in the area. The roof pitch of the extension matches that of the original dwelling, which in this instance is considered preferable to having a shallower roof pitch that would allow for a lower ridge line.

### **Neighbour Impact**

No overshadowing to amenity space will result from the proposed extensions. There may be slight overshadowing of a garage of number 4 Wyndham Park but this is in no way harmful to the amenity of the occupier of this dwelling. The occupier of number 4 has also stated that the extension would be overbearing when they used their patio area. It is acknowledged that the extension would be visible from certain areas within the garden of number 4 but the existing garage will block much of the visibility of the extension.

No overlooking will result from the development. The two windows facing 4 Wyndham Park will be conditioned to be obscure glazed and apart from top hung fan lights be incapable of being opened. As these windows serve en-suites it is likely that that they would be obscure glazed anyway, but for the avoidance of doubt the condition will be added.

Parking is within the standards outlined in appendix V of the Peterborough Local Plan (First Replacement) and the Local Highways Authority has raised no objection to the proposal. Therefore it is considered that the proposal will not cause harm to the public highway and is acceptable in highway impact terms.

The closeness of the extension to the garage of number 4 has been highlighted as an issue but without explanation of why this is a problem. The Local Planning Authority do not consider this to be a problem and any issues arising from the party walls would be a matter for the applicant and the occupier of number 4 to resolve between themselves.

### **Loss of Landscape**

The objectors, including the Parish Council make reference to the fact that the front extension would enclose a gap in the street scene that permitted views of the landscaping strip and would lead to loss of two trees within the landscaping strip. The latter point is no longer a point of contention as the trees have been removed by the council department responsible for the planting and maintenance of these trees and landscaping strips. It is considered that the loss of the view of the landscaping strip is not materially harmful to the amenities of the occupiers of neighbouring dwellings. Some of the strip will still be visible above the neighbouring garage and in the 3.5 metre gap between the extension and the neighbouring garage.

## **8 CONCLUSIONS**

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

The proposal is similar in extent to other extensions within Wyndham Park and will not result in unacceptable levels of overshadowing or overbearing to the occupiers of neighbouring dwellings and will not result in a significant adverse impact on the street scene; in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension; 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 Before the development hereby permitted is first occupied, the proposed 1<sup>st</sup> floor window(s) in the east facing elevation of the two storey extension hereby approved; shall be obscure glazed, details of which shall be agreed in writing with the Local Planning Authority and development shall be carried out in accordance with the approved details and apart from any top hung fan lights shall be incapable of being opened and shall subsequently be maintained as such.**  
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).
- C4 The annexe; hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 Wyndham Park; and shall not be sold, leased or rented as a separate dwelling.**  
Reason: In order to ensure adequate provision of special housing need, in accordance with Policies H20, H23 and H25 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Stokes, Elsey, Allen



**LOCATION PLAN 10/00502/FUL and 10/00510/CON**

80 Lincoln Road, Peterborough

Scale 1:1250 Date 25/6/2010 Name MKB Department Planning Services

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**10/00502/FUL: CONSTRUCTION OF 34 DWELLINGS, TOGETHER WITH ACCESS, CAR PARKING AND LANDSCAPING**

**10/00510/CON: DEMOLITION OF ALL BUILDINGS ON SITE INCLUDING OFFICES AND GARAGES**

**AT 80 LINCOLN ROAD, PETERBOROUGH**

**VALID: 21 APRIL 2010**  
**APPLICANT: ACCENT NENE LTD**  
**AGENT: DAVID SHAW**  
**REFERRED BY: CLLR PEACH**  
**REASON: OVERDEVELOPMENT OF THE SITE AND LOSS OF THURSTON HOUSE**  
**DEPARTURE: NO**

**CASE OFFICER: ANDREW CUNDY**  
**TELEPHONE: 01733 453470**  
**E-MAIL: andrew.cundy@peterborough.gov.uk**

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

The main considerations are:

- The impact of the development on the Conservation Area
- The impact of the development on trees and ecology
- The proposed design and layout
- The impact on neighbouring sites
- Car parking provision
- Housing provision
- S106 Planning Obligation

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)

**CBE3** Development affecting a conservation area is required to preserve or enhance the character or appearance of that area.

**CBE4** Demolition of unlisted buildings which make a positive contribution to the character or appearance of a conservation area will not be granted, unless there are overriding reasons, or there are replacement proposals which make an equal or greater contribution.

**LNE9** New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.

LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.

**DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.**

**DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.**

DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.

DA7 The needs of people with disabilities must be met in terms of access and provision of appropriate facilities.

CC8 New residential development in the city centre is supported provided suitable amenity for residents is provided.

CC15 Controls the provision of new city centre car parking for proposed developments.

CC16 New city centre development, should provide secure, safe, convenient and high quality parking for cycles.

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

### **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, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

PPS5 Planning and the Historic Environment, seeks to protect historic buildings, conservation areas and the historic environment.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

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.

There is relevant guidance in the Park Conservation Area Appraisal.

### **3 DESCRIPTION OF PROPOSAL**

This is a joint committee report to cover:

1. 10/00502/FUL, the full application for the proposed residential development, and
2. 10/00510/CON, the conservation area consent for the demolition of the buildings on site.

Full planning permission is sought under planning reference 10/00502/FUL for 6 two bed houses, 1 four bed house, 15 one bedroom flats and 12 two bedroom flats together with access, car parking and landscaping. Conservation Area consent is sought under reference 10/00510/CON for demolition of all the existing buildings on site, including the main Thurston/Gayhurst Victorian villa.

Twenty seven flats are to be provided in two three storey buildings. Twelve two bed flats would be sited within Block A and fifteen one bed flats within Block B. Block A fronts onto Lincoln Road and its design reflects the large terrace of former houses opposite. Block B is the second of the two three storey blocks and is set 18 metres to the rear of Block A. Each flat would have one car parking space. Twenty one of these spaces are sited to the rear of block A, the remaining 6 spaces are sited to the front of block B.

5 dwellings are to be accommodated in Blocks D (a row of three terrace properties) and E (a pair of semi detached properties) and are all 2 storey in height. 2 dwellings are located in block C, a two bed house being two storey in height attached to a four bed dwelling being two and half storey in height. Nine parking spaces have been set aside for these 7 dwellings.

All the residential units will be affordable. A total of 20 secure cycle parking spaces are to be provided for the flats and each of the dwellings have cycle storage. The site is to be access from Lincoln Road.

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

The site is located within the city centre boundary and Park Conservation Area as defined by the Local Plan. The site is located on the west side of Lincoln Road. It is positioned to the south of St Mark's Church and Beeches primary school site, and to the north of the Craig Street surface level public car park and NHS building. To the west of the site are the rear gardens of the two storey residential houses on Craig Street.

The site covers an area of 5,070 sq metres. It is occupied by a large substantial Victorian brick built villa, now in commercial use, located in the centre of the plot, along with various minor outbuildings at the western end of the site. The main building has many surviving original features and is a good example of the Victorian buildings that are characteristic of this part of Lincoln Road. The site is also characterised by its mature tree lined southern and eastern boundaries and the spacious nature of the plot.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
09/00838/FUL	Construction of 8 dwellings, 32 apartments, NHS Recognition Centre (A2 or B1 (a) use together with access car parking and landscaping	29.09.2009	Refused
09/00839/CON	Demolition of all buildings on the site including offices and garages	29.09.2009	Refused
98/01036/FUL	Erection of three prefabricated units for storage of office	02.11.1998	Approved

	furniture and equipment		
97/00756/FUL	Use as office	12.09.1997	Approved
94/P0220C	Renewal of planning permission P1531/88/C/R for residential development comprising of 6 maisonettes and 14 flats with parking	17.11.1994	Approved
P1531'88	Residential development comprising maisonettes and 14 flats with parking	10.04.1989	Approved
P0982'85	Temporary use for furniture storage	23.12.85	Approved
P0464'85	Erection of 24 No. elderly persons flats	18.07.1985	Approved
P0074'80	Continued use as offices	19.02.1980	Approved

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – No objection subject to conditions

**Environmental Health** – No observations

**Landscape Officer** – No objection but comments that due to the proximity of the tree there will be considerable shading and possible pressure for pruning works.

**Drainage** – Full design details of the proposed drainage systems proposed for this development should be forwarded for approval.

**Waste Management** – No objection – Happy with the location of the underground facility.

**Housing Strategy** – As this is an all affordable scheme it may be necessary to negotiate a S106 contribution which is lower than the policy requirement

**Senior Architectural Liaison Officer** – No objection

### **EXTERNAL**

**Fire and Rescue** – No objection but comments that a hydrant will be required for this development

**English Heritage** – Object as the case for the demolition of Thurston House (a building that makes a positive contribution to the character and appearance of the conservation area) has not been substantiated in accordance with PPS5 guidance.

**Peterborough Civic Society** – Objects - Chief concern at this juncture remains the loss of the existing building formerly 'Gayhurst' The existing house which remains in beneficial use as offices is unquestionably of local architectural and historic interest. A request, by the Civic Society, is being considered by the Council for the inclusion of Gayhurst in the revised Local List. The society is opposed to the current proposals generally and to the proposed demolition of Gayhurst in particular. The society argues that the existing building clearly makes a positive contribution to the Conservation Area.

**Design Review Panel** – At the Design Review Panel meeting in March, the panel view was that the scheme does not fully exploit the site's asset and argued that the existing building could be integrated into the scheme. The panel asked the applicants to explore the possibility of retaining the existing building and extend to the south or to explore the possibilities of incorporating mixed-use elements and convert to re-use the rear block. The panel raised concerns over the level of car parking provision and suggested that the developer remove the car parking area from the front and provide spaces to the rear of the site. The panel added that the design of the front block should be further enhanced - green space could be improved and elevation should be strong complimenting the surrounding buildings.

**MANERP** – Oppose the demolition of Thurston House.



## Neighbours -

16 replies have been received objecting to the application on the following grounds:

- A new housing development would exasperate increasing traffic problems with an escalation of further traffic brought to the area
- Proposal will congest and confuse motorist on the Main Route into the City from the North along Lincoln Road particularly at peak times when this area is already over congested.
- The location for this development is essentially opposite the one way street in Church Walk, which is a nightmare to get out of during rush hour
- The demolition of Thurston House will result in the loss of employment within the city centre
- Object to the demolition of all buildings on the site. Thurston House is a fine example of an Edwardian House of its type and should be retained at all costs as it is very important to the conservation area
- 34 dwellings on this site is an over-intensification.
- Too much space at the front
- Object to the housing going ahead without super insulation, rainwater harvesting, solar easter heating/ground source heating

**MP Stewart Jackson** – Concerned re the demolition of Thurston House

## **COUNCILLORS**

**Cllr Nazim** – Objects The building should be kept as an office building. That the area is a conservation area which he feels needs to be preserved and enhance as opposed to it being knocked down. Does not believe that this congested area needs any further flats or houses as it would create even more problems for an area that is already congested.

**Cllr Peach** – Concerns about overdevelopment and the loss of Thurston House.

## **7 REASONING**

### **Background**

Against officer recommendation, Conservation Application Ref: 09/00839/CON for demolition of all buildings on the site including offices and garages was refused by members of the planning and environmental protection committee on 29<sup>th</sup> September 2009. The application was refused for the following reason:

*1 - Thurston House/Gayhurst is a pleasant building in an attractive setting, which makes a significant positive contribution to the character and appearance of the Park Conservation Area. The proposed replacement buildings (under planning reference 09/00838/FUL) are of insufficient quality to make an equal or greater contribution to the Conservation Area. This is therefore contrary to PPG15 and Policy CBE4 of the Peterborough Local Plan First Replacement(2005) which*

On the same date and against officer recommendation Planning Application Ref: 09/00838/FUL for construction of 8 dwellings, 32 apartments, NHS Recognition Centre (A2 or B1 (a) use together with access car parking and landscaping was refused by members of the planning and environmental protection committee. The application was refused for the following reasons:

*1 - The density, siting, layout, massing and height of the proposed development, would adversely affect the character and appearance of the Conservation Area. This is contrary to PPG15 and Policies DA2, CBE3 and CBE4 of the Peterborough Local Plan (First Replacement) 2005*

*2 - The proposed development fails to retain and protect trees that make a positive contribution to the quality of the local environment and Conservation Area. This is contrary to Policies LNE9 and CBE3 of the Peterborough Local Plan (First Replacement) 2005*

Since this decision the applicant has made the following changes to the submission:

- Removal of the NHS Recognition Centre from the application
- Reduce number of units from 32 apartments and 8 dwellings to 27 apartment and 7 dwellings
- All units are affordable an opposed to 35% previously

- Reduction from 50 car parking spaces to 36
- Setting back block A to allow views through the site of St Mark's Church
- Siting the access road along the northern boundary of the site – to allow for south facing gardens and to reduce impact on St Mark's Church
- Inclusion of a report considering the retention of Thurston House for office use
- Inclusion of a report considering the retention of Thurston House for residential use

### **Assessment of the Planning Issues**

#### **a) The impact of the development on the Conservation Area (The duty placed on decision makers to consider whether or not any proposal would serve to preserve or enhance the character or appearance of the area – 4 tests)**

The site lies within the Park Conservation Area, therefore in accordance with PPS5, the proposal needs to be assessed in terms of whether the proposed development and the loss of the buildings would preserve or enhance the character and appearance of the Park Conservation Area.

The existing building on site 'Gayhurst' and nearby buildings (including the St Marks Church and other former Victorian villas), the curtilage and street trees, are identified by the Park Conservation Area (2007) as features which make a positive contribution to the townscape of the Conservation Area. EH9 of PPS5 advises that there should be a presumption in the favour of the 'conservation of designated heritage assets' Policy CBE4 follows a similar line.

A starting point is to consider the character of the area. The Park Conservation Area Appraisal was adopted in March 2007 and provides important planning guidance. The character of the Park Conservation Area is broadly that of large Victorian villa style properties set within large plots with frontage trees. Of relevance to consideration of the proposed demolition the appraisal advises:-

- That there is a general presumption against intensification of plot use and demolition of buildings which make a positive contribution to the character and appearance of the conservation area.
- Plan 7.2 (Townscape Appraisal) identifies buildings that have a positive effect on the conservation area: Gayhurst, St Marks Church and other nearby Victorian villas, curtilage and street trees all make a positive contribution to the character and appearance of the conservation area
- "Further loss of original buildings is directly at odds with the conservation area objectives" Section 5.5

Specifically Gayhurst has many surviving architectural features and is a good example of the Victorian buildings characteristic of this part of Lincoln Road. Gayhurst and nearby buildings make a positive contribution to the townscape of the conservation area. The Council are currently considering whether Gayhurst should be added to the revised Local List.

Two options have been put forward by the applicant for the retention of the building: one providing for its refurbishment for continued office use, and a second (drawing 109) for conversion to residential use with new residential development in the curtilage. The conclusion presented, based on the information provided, that neither are economically viable is weak. It is considered that neither option has presented sufficiently detailed costings to show that the schemes are unviable. The case presented on retention of the villa is only based on the argument that these schemes are not viable for this applicant. Officers are not convinced that alternative schemes involving the retention of the building (converted / refurbished) by other developers providing a combination of residential / or office uses is not feasible. Policy HE 9.4 of PPS5 advises that "local planning authorities should require the applicant to provide evidence that other potential owners or users of the site have been sought through appropriate marketing" is applicable.

Of the other buildings to be demolished only the former stable block to the rear of the site has merit. However, this is not readily visible from outside the site and its contribution to the conservation area is more limited. There would be no objection to the demolition of this building in order to provide development opportunity which consisted of some new build in the curtilage of the retained the principle building.

It is not only the Gayhurst building itself that positively impacts on the townscape, but also its extensive grounds and curtilage trees which are typical of the Victorian character. This character is also shaped by the building line, together with consistent eaves and ridge heights on buildings nearby.

The existing building on this does respect the building line and is not dominant in the street scene due to the strong tree presence on the site frontage and the large set back of the building. The set back allows views of the adjacent church and in particular its spire, which is a local landmark feature. This openness and the views that it provides, is also a part of the current character. The design of the new build respects this character. Development is set back within the site. This retains the important treed frontage to Lincoln Road and avoids intruding on views of the spire of St Marks Church viewed from the south.

Notwithstanding the above the proposed development would provide affordable housing close to the city centre. The loss of the Gayhurst Building has to be weighed against any benefits that arise from the provision of the development here. Officers consider that the public benefit arising from the development and the quality of the design is sufficient to offset the harm caused by the loss of the Villa to the Park Conservation Area.

#### **b) The impact of the development on trees and ecology**

##### Trees

The site is characterised by a line of mature trees that run along the southern boundary of the site, adjacent to the Craig Street car park. All trees on site are protected by their location within the Conservation Area. The eastern boundary of the site fronting on to Lincoln Road also has a tree lined character, however these trees are of more varying maturity, with the more important trees found at the site corners.

The majority of the trees on the southern boundary are category A and B trees. These are trees that have been designated as having a high to moderate value, and as a result are recommended for retention in all new developments, where possible. They comprise mature Chestnuts, Limes and Yews, some of which rise to 18m in height. The proposed development recognises the importance of this mature tree belt on the southern boundary and seeks to retain them as part of the new proposal. The Councils Landscape officer advises that the retained trees along the southern boundary will cast considerable shade over nearly half the site and that pressure to prune these trees post-development will be inevitable.

This aspect, too, has to be weighed against any benefits that arise from the provision of the development here. Officers again consider that the public benefit arising from the development is sufficient to offset the pressure to prune these trees

##### Ecology

A protected species report was submitted with the application. At the time of drafting this committee report comments on it have not been received. This will be addressed via the update report.

#### **c) The proposed design and layout**

The design of Block A (to Lincoln Road) follows a traditional approach to reflect the Victorian character of the area such as use of the two storey canted bays, yellow stock bricks and eaves detailing similar to the late 19<sup>th</sup> C buildings. This is not fundamentally out of context with the Victorian character of the immediate locality.

Since submission part of the scheme has been revised. The contrasting red brick entrance bays to Block A (facing Lincoln Road) have been revised and now continue the canted bay design of the overall elevation, a feature evidenced within the immediate locality (e.g. Craig Street, Rothsay Villas, Tom Lock PH) This design change is supported and has been repeated to Block B. The use of yellow stock bricks, contrasting red brick detailing and stone dressings is appropriate. Should permission be granted a condition is recommended to ensure that the design of fenestration are appropriate within the Conservation Area.

The boundary to Lincoln Road has been revised to omit short plinth walls and pillars in place of railings throughout. This change is welcomed for the future health of the trees and to avoid an over dominant frontage appearance made by walls and piers.

d) **The impact on neighbouring sites**

The amended submission reduces the impact on St Mark's Church to the North of the site. It is not considered that the siting, layout and design of the residential dwellings would result in any harmful impact on the neighbouring residential properties.

e) **Car parking**

9 car parking spaces would be provided for the 7 dwellings on site, and 27 spaces for the 27 apartments. The Local Highway Authority advise that the parking levels in accordance with PCC maximum standards. Cycle parking in accordance with policy will be secured by planning condition.

f) **Housing**

The development provides the required 100% affordable housing provision at a time when many developers are requesting a reduction in that figure. The achievement of such accommodation, close to the City Centre, is a positive and is a real benefit arising out of the overall scheme.

g) **S106 Planning obligation**

The developer has submitted an open book appraisal including their build costs. The S106 officer is satisfied that these are true figures and agrees to a reduced S106 contribution of £34,000.

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 weighing against relevant policies of the development plan.

This is not an easy decision for the Committee to make. There are policies, aspirations, aims and objectives (from the Council itself, its partners, the Local Planning Authority, interested parties and consultees), that conflict with each other. The principal conflict is the loss of the Gayhurst building the form of the development and any impact that this has on the character of the area. This has to be weighed against the need for the development and the benefits that it will bring to the city.

Specifically:

- The provision of affordable housing which is required to help house the very large number of people on the housing waiting list in Peterborough which is over 9000.
- A high quality designed scheme that takes into account the attributes of the Conservation Area, including the trees and surrounding architectural style.

Your officers have concluded that the balance tips in favour of the grant of permission, for both applications.

## **9 RECOMMENDATION**

1. Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990, the Head of Planning Services be authorised to grant planning permission for 10/00502/FUL subject to the following conditions:

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

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

**C2 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials (including window and doors) to be used in the external surfaces of the development shall be 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 Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

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

**C4 The pedestrian visibility splays shown on plan 945/P/210 Rev P10 shall be provided prior to the occupation of the development and thereafter maintained free from any obstruction over a height of 600mm within the area of the splays**

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

**C5 The areas shown on plan 945/P/210 for the parking and turning of vehicles shall be provided prior to occupation of the dwellings and shall thereafter be used for other purpose other than the parking and turning of vehicles in connection with the dwellings.**

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

**C6 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**

- (a) A phasing scheme and schedule of the proposed works;**
- (b) Provisions to control construction noise and vibration emanating from the site;**
- (c) A scheme for the control of dust arising from building works and site works;**
- (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
- (e) A scheme of working hours for construction and other site works**
- (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**

**The development shall be carried out in accordance with the approved construction management plan.**

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

**C7 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. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**

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).

**C8 Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-**

- i) arboricultural Method Statement**
- ii) a landscape management plan including long term design objectives, management responsibilities and maintenance schedule for any areas not within private gardens;**

- iii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;
- iv) measures to promote biodiversity in accordance with the Protected Species Survey dated July 2009. These measures should bird, bat, insect and hedgehog boxes/homes;
- v) all means of enclosure;
- vi) all hard surfacing materials;
- vii) any minor structures including waste/recycling facilities;
- viii) details of cycle parking provision, including the type of stands;

The hard landscaping work shall be undertaken in accordance with the approved details prior to the occupation of each dwelling and the soft landscaping works in accordance with the approved proposals and implementation plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C9** If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

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

- C10** In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [twelve months] from [the date of the occupation of the building for its permitted use].

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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).

- C11** Development shall not begin until a scheme showing the provision and location of fire hydrants has been submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.

Reason: To ensure adequate provision of fire hydrants, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement).

**C12 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. 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 DA11 and DA12 of the Peterborough Local Plan (First Replacement).

**C13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, of a Method Statement detailing the remediation of this unsuspected contamination.**

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

**C14 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March 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 LNE17 and LNE19 of the Peterborough Local Plan (First Replacement).

**C15 Details of the surface water drainage system for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.**

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 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 a S106 contribution, 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).

2. The Head of Planning Services recommends that 10/00510/CON is application is APPROVED subject to the following conditions:

**C1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.**

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

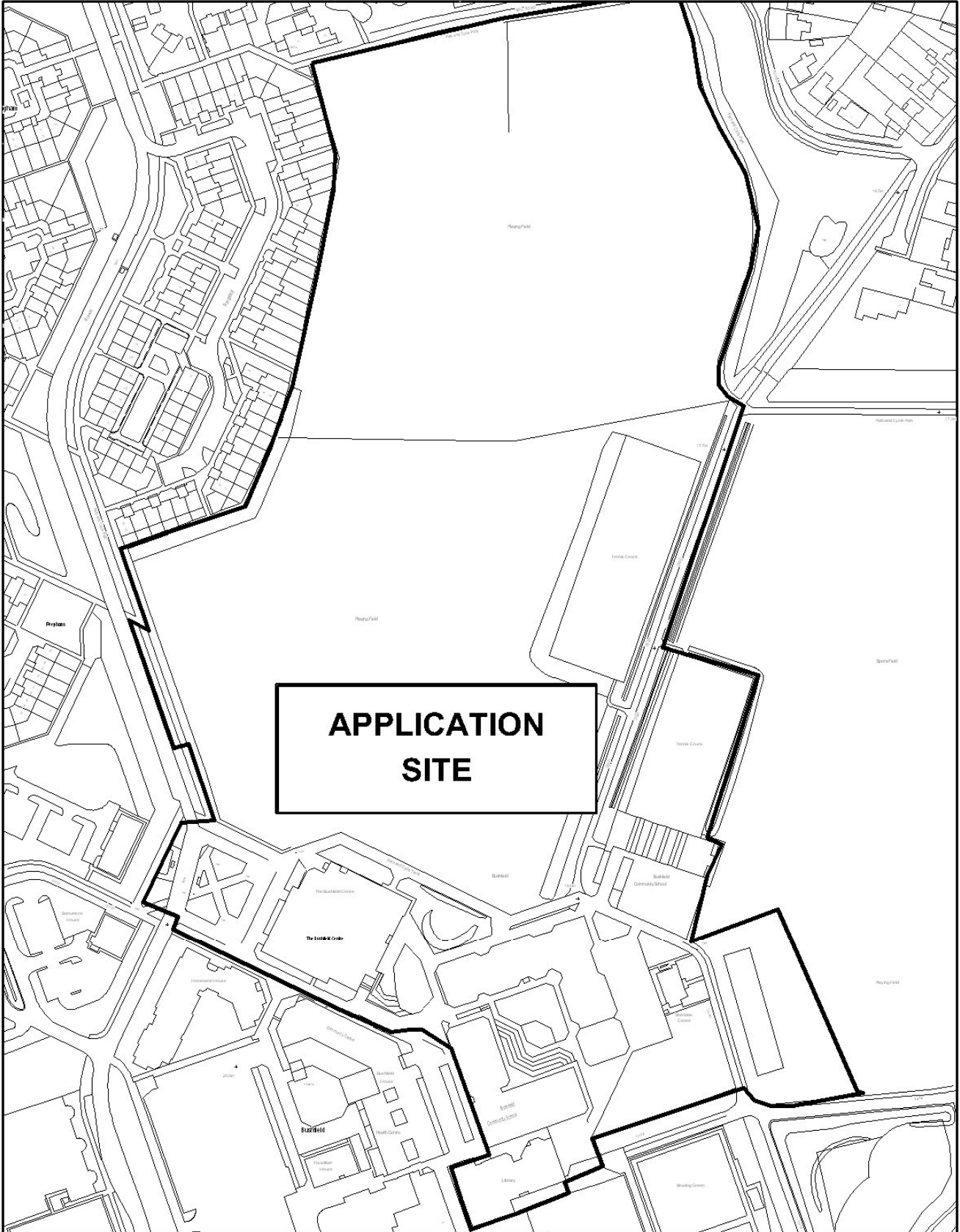
**C2 The demolition hereby approved shall not be commenced until such time as a contract for carrying out the works of residential redevelopment has been made and detailed planning permission granted for the development to which the contract relates.**

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

Copy to Councillors Hussain, Khan, Jamil

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**LOCATION PLAN** 10/00719/FUL  
 Bushfield Community College, Bushfield, Orton Goldhay, Peterborough

PCC GIS

Scale 1:2500 Date 25/6/2010 Name MKB Department Planning Services



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**10/00719/FUL:** CONSTRUCTION OF A NEW TWO STOREY HIGH ACADEMY SCHOOL BUILDING, INCORPORATING THE LIBRARY, YOUNG PEOPLE'S CENTRE AND EARLY YEARS CENTRE, AND DEMOLITION OF THE EXISTING ACADEMY, LIBRARY AND SHERIDAN CENTRE BUILDINGS. PROVISION OF ASSOCIATED EXTERNAL AREAS, INCLUDING SPORTS FIELDS, A FLOODLIT ALL WEATHER PITCH, CAR PARKING AND PUBLIC PLAZA, WITH ASSOCIATED ACCESS, ALTERATIONS TO CYCLE WAY AND BOUNDARY TREATMENTS. EXTENSION TO THE EXISTING BUSHFIELD SPORTS CENTRE, THE RE-CLADDING OF ITS FRONT ELEVATION AND THE CONSTRUCTION OF A NEW COLONNADE FEATURE. THE REFURBISHMENT AND EXTENSION OF THE EXISTING CHANGING PAVILION BUILDING AT BUSHFIELD COMMUNITY COLLEGE, BUSHFIELD, ORTON GOLDHAY, PETERBOROUGH

**VALID:** 28 MAY 2010  
**APPLICANT:** PETERBOROUGH CITY COUNCIL  
**AGENT:** FRANK SHAW ASSOCIATES LTD  
**REFERRED BY:** HEAD OF PLANNING SERVICES  
**REASON:** IN THE WIDER PUBLIC INTEREST  
**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:

- The proposed design and layout
- The impact on neighbouring developments
- Access to the site and alterations to cycle route
- The impact of the development on trees and ecology
- Unilateral Undertaking Planning Obligation

The Head of Planning Services recommends that the application is APPROVED subject to a Unilateral Undertaking legal agreement being signed.

## **2 PLANNING POLICY**

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

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

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

- DA1** New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.
- DA2** The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.
- DA7** The needs of people with disabilities must be met in terms of access and provision of appropriate

facilities.

- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- DA12 Lighting schemes must be designed and installed to minimise the impact on neighbouring sites.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.
- CBE2 Archaeological potential and importance must be evaluated and appropriately mitigated where appropriate.
- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T3 New development should be safely and easily accessible by pedestrians and those with mobility difficulties.
- T4 New development should not prejudice or cause inconvenience to, cyclists using the cycle route network.
- T5 Safe and convenient access for cyclist should be secured
- T8 Development must safely connect to the existing highway network.
- T9 High quality cycle parking should be provided
- T10 Car and motorcycle parking provision
- T11 Parking provision for motorist with mobility difficulties
- IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

### **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, sets out the planning policies for the delivery of sustainable development.

PPS5 Planning for the Historic Environment, seeks to conserve and protect our heritage assets.

PPS9 , Biodiversity and Geological Conservation, seeks to ensure that biological diversity is conserved and enhanced as an integral part of any development.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

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**

Full planning permission is sought for :-

- The construction of a new two storey high Academy school building(9713m<sup>2</sup>); which includes the library (524m<sup>2</sup>), young people's (124m<sup>2</sup>), and early year centres (96m<sup>2</sup>).
- The demolition of the existing school, library and Sheridan buildings (8500m<sup>2</sup>).
- The provision of associated external areas, including playing fields, a floodlit all weather pitch, public plaza, car parking, with associated access, alterations to the cycle way and boundary treatments.
- An extension to the existing Bushfield sports centre (93m<sup>2</sup>), the re-cladding of its front elevation, and the construction of a new colonnade feature around the frontage of the sports and main school buildings.
- The refurbishment and extension (11m<sup>2</sup>) to the changing room pavilion building, with the addition of a new entrance canopy.
- Relocation of the grounds maintenance depot from its exiting position on the east of the site to the west, adjacent to the car park.

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

The site covers an area of 10.8 hectares and comprises of the existing school buildings, library, sports centre, maintenance depot, car park and sports fields and pitches. The site is located on the edge of the Orton District centre as defined by the Local Plan.

The surrounding land uses are residential to the north and west, recreational playing fields to the east, and the Orton shopping centre (including the community centre, health centre, elderly persons housing, and car park) to the south.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
06/00352/FUL	Continuation of 2.4m high security fence	05.06.2006	Permitted
05/01963/R3FUL	Three new storage containers and mess room and erection of fencing	08.02.2006	Permitted
02/00555/FUL	Security fencing and revised pedestrian access	24.07.2002	Refused
00/01002/R3FUL	New access to sports centre and extension of existing fence to school (2.4 metres and 2 metres)	15.02.2001	Refused
99/00296/R3FUL	2.4 metre high palisade fence as amended by drawing dated 14th June 1999	14.07.1999	Permitted

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – No objections have been received. Various detailed comments have been made in respect of the specific highways and travel plan information submitted, and amended details are awaited to address these. The further Highway comments in respect of the amended details will be reported to Members at the Committee meeting.

**Historic Environment Officer** – Comments awaited

**Wildlife Officer** – No objection. The approach and recommendations regarding great crested newts, bats and biodiversity are supported and considers the use of planning conditions as an appropriate means of securing these.

**Landscape Officer** – Objects to the proposal on the basis of the loss of trees.

**Public Rights of Way Officer** - The proposed diversions do not affect any public rights of way. The new cycle routes should be brought into use before the existing routes are extinguished.

## **EXTERNAL**

**Police Architectural Liaison Officer** – Has raised concern about some of the boundary fencing proposed and its ability to meeting the secure by design 2010 schools guide in respect of the anti climb requirements. Alternative options have been suggested to the applicant and this can be either be secured by receipt of suitable amended details or by the imposition of a planning condition. Members will be updated of this at the Committee meeting.

**Natural England** – No objection. The site is located within approximately 1km of Orton Pit SSSI and SAC. It is considered unlikely that the proposed development would have any adverse impact on its interest features. The proposed development boundary runs adjacent to Debdale Pond County Wildlife Site, which is designated for its amphibian community, therefore the Wildlife Trust should be consulted.

**Peterborough Local Access Forum** – Support the extensive survey work carried out by the developer in reaching their conclusions about diverting the cycleways. Need to ensure the safety of pedestrians in Bushfield Square, where there is dual pedestrian and cycle use. Need to ensure that the new cycle routes results in no more unnecessary conflict with cars than the existing.

**Environment Agency** - Comments awaited.

**Sport England** – Comments awaited.

**Wildlife Trust** - Comments awaited.

## **NEIGHBOURS**

2 Letters of objection have been received from local residents, and 3 letters of objection have been received from 2 surrounding land owners raising the following issues:

- Loss of green space that has been used for some time as dual school and community use
- Light pollution for surrounding residents, particularly from all weather pitch
- Noise pollution from all weather sports pitch for residents, particularly in evenings
- The new building will create more noise pollution and reduced privacy and light for surrounding residents
- New school not required, refurbish and improve the existing facilities. (Not a planning issue)
- Is this project affordable in this economic climate? (Not a planning issue)
- The use of any third party land within the application site is objected to. (Not a planning issue)
- Loss or revision of existing legal rights of way for pedestrians and vehicles. (Not a planning issue)

## **COUNCILLORS**

No comments received

## **7 REASONING**

### **a) The proposed design and layout**

The proposed design has been influenced by:-

- the need to create linkages with the Orton shopping centre, with clear pedestrian routes for the new dual education and community facilities on site

- the retention and enhancement of the Bushfeld sports centre with its dual community and educational function
- the relocation of the all weather pitch to suit both the school and sports centre users
- the retention of the existing car park and tennis courts
- The two storey height to remain in keeping with the surrounding urban fabric
- The avoidance of car parking at the front of the building and the improvement of pedestrian and cyclist access to support sustainable travel
- The need to maintain the existing facilities operational during the construction period.

The main building was therefore positioned on site to maintain its close relationship with the sports centre, to screen the car parking, to provide adequate separation distance from surrounding residential sites, and to allow good connections to the adjacent Orton centre. The building was designed with a strong curved double height fully glazed entrance frontage. The four buildings uses (Academy, Library, Early years centre and Young people's centre) each have their own independent entrances on this main elevation, accessed from the circular public plaza to the buildings frontage. A colonnade structure is proposed to wrap around the buildings frontage and that of the sports centre to provide a visual linkage between these two buildings. The front elevation of the sports centre is to be re-clad to create consistency with the new Academy building.

The two storey height of the building proposed is in keeping the surrounding development of the area. The rear teaching spaces are laid out in three wings to give maximum connection to the rear landscaped area, whilst creating outdoor courtyard areas between the wings. The dominance and setting of the new entrance of the Academy building will be enhanced by the creation of an attractive landscaped area to the buildings frontage with strong pedestrian and cycle routes.

The proposed small scale extensions to the sports centre and changing pavilion are considered to be of an appropriate scale and design, to be compatible with the existing buildings.

The design and layout of the development is therefore acceptable and is considered will be both visually enhancing and compatible with the surrounding character or appearance of the area. This is in accordance with Policies DA1 and DA2 of the Local Plan.

### Sports Provision

The total area of existing sports pitches on site is 115,535m<sup>2</sup>. The total area of proposed sports pitches is 106,631m<sup>2</sup>, which includes the new proposed all weather pitch. To compensate for the overall loss of 8904m<sup>2</sup> of playing area, Peterborough City Council are proposing to construct a new all weather pitch at Orton Longueville school.

Sport England is, in this instance, a statutory consultee because the proposed development will result in the loss of a playing field. At the time of writing the report their comments were awaited, and Members will be updated of their response at the Committee meeting.

If on the receipt of further information Sport England advises that it has no objections to the proposal then it is considered that the mitigation measures will be sufficient to satisfy the requirements policy LT3. If, however, Sport England objects then the application will need to be referred to the Secretary of State under the Town and Country (Playing Fields) (England) Direction 1998. This could result in the application being called in by the Secretary of State for her own determination.

### **b) The impact on neighbouring development**

The new school building and sports pitches will move further north on the site, closer to the residential properties of Rangefield and Mill Road. However, it is considered sufficient separation distance would remain between the new facilities and surrounding residents, to allow the existing privacy and amenity levels currently enjoyed to not be adversely reduced.

The new all weather flood lit pitch proposed, would be located in the position of the existing school building.

This is one of the furthest points on site from the residential properties on Mill Road and Rangefield, further than all the existing sports pitches on site. The new school building will be positioned between the new all weather new pitch and the residential sites and so will provide screening. It is therefore

considered that any noise or light pollution generated from this facility would not have an unacceptable adverse impact on residents.

It is not therefore considered that the siting, layout and design of the buildings or external areas would result in any unacceptable harmful on the amenity of any surrounding residents. The proposal is therefore in accordance with Policy DA2 of the Local Plan.

**c) Access to the site and alterations to cycle route**

The existing staff car park adjacent to Bushfield Square will be retained, with 126 spaces, including disabled and motorcycle spaces. Access to the car park will be off the Square, as existing, as will access to the service yard. High quality covered cycle parking is proposed at the two main cyclist entry points to the school on either side of the site, and will be secured by condition. Access for emergency vehicles and deliveries will be via a new access off the bus way west of the site. Access to the maintenance depot will be off another access off the bus way.

The Academy is surrounded by an extensive and well lit pedestrian and cycle network. The Wellington traffic free cycle route runs along the back of the site linking to other cycle routes through out the Orton township. Bushfield Way to the south of the site links the Academy to the pedestrian and cycle network south of the site. Sustrans National Cycle Route 53 runs along part of the eastern boundary of the site, and the Regional Route 21 runs along the western and southern site boundary. The routes have good signage at all strategic points, aiding both cyclists and pedestrians.

Due to the relocation of the school building and the need prevent cyclists and servicing vehicles clashing it is proposed to divert some of the existing cycle routes. The proposed diversion of cycle ways will all be on the southern part of the site. It is proposed to abandon the route through Bushfield Square and to the north of the sports centre, and divert this route across Bushfield Square and to the south of the sports centre building. New diverted routes with thereafter diverge to both the south and north to link in with the existing routes. The route beside the Sheridan centre will also be moved slightly to the east to wrap around the edge of the new all weather pitch.

The affected cycleways form part of National Cycle Route 53 and are part of the adopted public highway. Therefore in order for the building works to proceed, an application to the government office for the East of England for a stopping up order will need to be made to close the stretch of cycleway affected.

In principle the Local Highway Authority are supportive of these proposals, but their final comments are awaited and will be reported to Members at Committee.

**d) The impact of the development on ecology and trees**

Ecology

A biodiversity, newt impact assessment, and bat survey were submitted in support of the application. The reports identified the Debdale County Wildlife site, which has a medium sized pond with great crested newts to the north east of the construction activity proposed. The Stagsden Pond was also identified however this is located further from the site to the east. It was concluded that it would be possible that newts could migrate across the site and get caught up in construction activity. Therefore to mitigate against any likelihood of killing or injuring newts it is recommended a temporary amphibian fence be erected for the duration of the works, with the construction site being checked for newts, and appropriate relocation of the newts if found. This mitigation will be secured by condition.

The bat report assessed all the buildings on site for their suitability to support roosting bats and any evidence of bat activity. The inspection revealed no evidence of bats, and the building scored as low potential for bat interest. The survey did however show evidence of access to the building by birds. As a precautionary measure a further check for bats should be made prior to demolition in accordance with the method statement of the report. Precautions to avoid adverse impacts on nesting birds should be observed.

The reports concluded that the provision of bat and bird boxes on site would potentially enhance the overall site biodiversity, therefore it is recommended that they be secured by way of a planning condition. An ecology garden is also proposed as part of the school re-development. Whilst exact details of what



this will include are not yet known, consideration should be given to the creation of a pond suitable for the needs of great crested newts with appropriate connecting habitat to the existing newt ponds.

No objections to the application have been raised by the City Council's Wildlife Officer or Natural England, subject to conditions.

### Trees

In total, 14 individual trees, 2 groups & 1 part group plus 1 section of hedgerow are proposed for removal to enable the development to proceed. The tree removal detail provided by the applicant highlights that 13 trees are category A and 1 tree is category B. Specifically the Landscape Officer objects to the loss of a group of trees at the front of the proposed school.

Whilst the loss of some trees of highest landscape value is especially regretted this must be balanced against the outcome of the options appraisal which demonstrates that the proposed siting is the preferred option because it:

- allows for the existing school to remain in situ whilst the current development is being constructed
- allows for the building mass to be more sensitively located on site in relation to adjacent residential areas and the Orton centre
- achieves greatest area of landscaping compared to the alternative options

Notwithstanding the loss of existing trees a new landscape will be created as part of this development and in particular the setting of the academy will be enhanced by the creation of soft landscaping involving the planting of some new trees.

It is concluded that on balance the benefits of this redevelopment outweigh the harm caused by the loss of the trees taking into account: the strategic importance of this development to the city and its future growth; the benefits of the proposed siting of the new development identified through an initial appraisal of options; and the proposal to plant new trees and create a new landscape.

### **e) Unilateral Undertaking Planning Obligation**

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

In this case the development triggers a requirement for:-

- Bus stop improvements
- Travel Plan and monitoring
- S106 monitoring fee

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 and layout of the development proposed would be both visually compatible with and enhancing to the surrounding character or appearance of the area. It is not considered that the development would adversely impact on any surrounding sites. Subject to the final comments of the Highway Officers, the highway implications of the development are considered to be acceptable. The ecologically enhancements and impacts of the development can be addressed by conditions.

The development is therefore considered to be in accordance with the planning policies of the Peterborough Local Plan (First Replacement) 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 travel choice 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 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials to be used in the external surfaces of the development shall be 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 Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all boundary walls/fences, external lighting and CCTV 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 shall be maintained to the satisfaction of the Local Planning Authority.**  
Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**
- (a) A phasing scheme and schedule of the proposed works;**
  - (b) Provisions to control construction noise and vibration emanating from the site;**
  - (c) A scheme for the control of dust arising from building works and site works;**
  - (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
  - (e) A scheme of working hours for construction and other site works**
  - (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
  - (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**
- The development shall be carried out in accordance with the approved construction management plan.**  
Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).
- C5 No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.**

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- C6** a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;
- (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;
- (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;
- (d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

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).

- C7** Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.

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

- C8** Notwithstanding the Framework Travel Plan hereby approved, a final Travel Plan shall be submitted for the approval of the Local Planning Authority no less than three months prior to the first occupation of the development. The approved Plan shall be implemented within the timetable contained therein.

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement) and Planning Policy Guidance (PPG13 Planning and Transport).

- C9** All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance for smell, grease or smoke to persons in neighbouring nearby properties. Details of the nature and location of such filtration equipment shall be submitted to and agreed in writing by the Local Planning Authority before installation and shall be installed before the use hereby approved commences.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG23) 'Planning and Pollution Control' 2004 and policies DA2 and DA13 of the Peterborough Local Plan (First Replacement) 2005.

If the Unilateral Undertaking (UU) 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 bus stop improvements, Travel Plan and monitoring, and S106 monitoring fee however, no UU 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 Allen, Elsey, and Stokes

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

Contact Officer(s):	Nick Harding, Planning Delivery Manager	Tel. 454441
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## REVISED ENFORCEMENT STRATEGY – FOR INFORMATION

RECOMMENDATIONS	
<b>FROM :</b> Head of Planning Services	<b>Deadline date :</b> N/A
It is recommended that the Planning Committee notes the revised Enforcement Strategy.	

### 1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to inform Committee of the revisions to the Enforcement Strategy.
- 1.2 The Enforcement Strategy is available on the Council's web site at: <http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=Revised%20Enforcement%20Strategy&ID=325&RPID=146005&sch=doc&cat=12992&path=12992> and copies have been placed in the Members group rooms.

### 2. BACKGROUND

- 2.1 An Enforcement Strategy is in place so that all those that are engaged in the service know the approach of the service and the standards of service that can be expected to be delivered. The new Enforcement Strategy reflects the new performance targets and revised approach to planning enforcement that has come in to place since the beginning of 2010. The document clearly sets out what our customers can expect from our service in terms of service standards and also gives an overview of the enforcement process.

- 2.2 The key elements of the Strategy are as follows:

#### a) Strategy Objectives:

- To remedy the undesirable effects of unauthorised development
- To strike a balance between protecting amenity and other interests of acknowledged importance throughout the Authority's area, and enabling acceptable development to take place, even though it may initially have been unauthorised.
- To ensure that the credibility of the planning system is not undermined.
- To carry out all enforcement duties in accordance with the principles of the Enforcement Concordat, particularly with respect to openness, helpfulness, proportionality and consistency.
- To be both reactive and pro-active in the investigation of complaints, particularly to ensure the compliance with Conditions imposed on planning permissions

#### b) Prioritisation of Enforcement Cases

- Each case is to be assigned to one of 4 priority levels (this being determined by the seriousness of the case)
- Each priority level has a target timescale for investigation assigned to it (very urgent cases = immediate response, urgent cases = 15 working days, non urgent = 25 working days, pro-active cases = investigated as required)

c) Performance Targets

- To provide an excellent enforcement service to the local community.
- To provide a decision making process that is open, transparent and is seen to be fair and just.
- To provide a service that is accessible and meets the needs of users.
- To have effective and efficient enforcement of planning objectives

2.3 The Strategy has been audited and has been found not to be prejudicial in terms of equality or diversity.

**3. ANTICIPATED OUTCOMES**

3.1 They are as follows:

- More efficient and effective delivery of service
- Clearly set priorities and standards of service
- Improved customer understanding of service

**4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 The alternative is not to update the Strategy. This is not recommended as a poorer use of resources and a low level of customer understanding would arise.

**5. FINANCIAL IMPLICATIONS**

5.1 The cost of the document and its implementation can be met from within existing resources.

**6. LEGAL IMPLICATIONS**

6.1 The Strategy accords with Government enforcement advice and legislation.

**7. BACKGROUND DOCUMENTS**

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

7.1 None

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 7
<b>6 JULY 2010</b>	<b>PUBLIC REPORT</b>

Contact Officer:	Nick Harding, Planning Delivery Manager	Tel. 454441
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**REVISIONS TO THE LOCAL VALIDATION LIST – FOR INFORMATION**

R E C O M M E N D A T I O N S	
<b>FROM :</b> Head of Planning Services	<b>Deadline date :</b> N/A
It is recommended that the Committee notes and comments on the Local Validation List prior to its submission for public consultation.	

**1. PURPOSE AND REASON FOR REPORT**

1.1 The purpose of this report is to inform the Committee of draft revisions to the local validation list prior to the changes being issued for public consultation.

**2. BACKGROUND**

2.1 The revisions to the local validation list are attached at Appendix 1. Several years ago, the Government introduced a single planning application form (1App as it is commonly known) and a standard (validation) list of what information had to be submitted with an application (if any information required by the list is not provide by an applicant then the Council can refuse to process the application). This was done because up until then, each Council was designing its own form with different requirements to be satisfied by applicants. This was making it difficult for applicants to submit applications in different parts of the country with the confidence that the Council would accept and start to process the application. In order to ensure that Councils were able to reflect local circumstances, the Government allowed Councils to amend the standard list (to make it a local validation list) with the recommendation that any such revisions be the subject of public consultation.

2.2 At the time the Planning Service at Peterborough City Council took the opportunity to produce such a local validation list but over time there have been changes in planning policy and gaps have been identified in the existing list. It is proposed to deal with these through a revision of the local validation list.

2.3 The main changes are as follows:

- a) Para 10 - It is now made clear when neighbouring buildings have to be shown in addition to the proposed development.
- b) Part 16 – Barn conversion proposals must make clear how much of the structure has to be rebuilt. This is because normally barn conversions should be based on a sound structure and not one that has to be comprehensively rebuilt
- c) Part 21 – It is considered that the day light / shadowing implications can be readily assessed by the planning case officer and that the applicant does not need to supply this information
- d) Part 22 - Draft Section 106 / Unilateral agreements etc will be required on receipt of the application. This will encourage applicants to get pre-application advice and help us determine applications in a timely way
- e) Part 32 - As there are not the resources available to assess and monitor compliance with waste management plans coupled with the fact that there are controls under other

legislation dealing with the recycling of building waste, the requirement for the submission of such plans should be deleted.

- f) Part 35 – Revisions required to keep pace with plan policy and new national advice on the sequential testing of retail development.

2.4 The consultation on the revisions shall be undertaken in accordance with the adopted statement of community involvement and will include an email shot to agents and developers operating in the area receiving, a news item on our web site and a press release.

2.5 The revisions have been audited and there is no adverse impact on matters relating to equality or diversity.

### **3. ANTICIPATED OUTCOMES**

3.1 The revisions will mean that more planning applications will be supported by the right information and that we will be able to deal with applications more quickly as a result.

### **4. ALTERNATIVE OPTIONS CONSIDERED**

4.1 The alternative is to not make any revisions. This will mean that some applications will not be submitted with the right information and that they will be slower to process as a result.

### **5. FINANCIAL IMPLICATIONS**

5.1 The cost of the consultation can be met with existing resources.

### **6. LEGAL IMPLICATIONS**

6.1 Government advises that changes to schemes of validation should be the subject of public consultation.

### **7. BACKGROUND DOCUMENTS**

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

7.1 The existing scheme of validation.



## REVISIONS TO THE SCHEME OF VALIDATION

**Changes shown in bold type with deleted text being struck through**

**(Please note that web links are not active in this version)**

### 1. Design & Access Statement

Required in all circumstances except for domestic householder applications (unless property is within a Conservation Area), engineering or mining works, or a change of use (where there are no other elements to the application such as alterations to elevations or extensions, etc). Refer to [Design and Access Statements](#) web page for separate advice on what the statement should include.

### 2. A Supporting Planning Statement

This is not an essential requirement, but can be a helpful document when submitted with most applications.

A supporting Statement is an opportunity for the applicant to provide an introduction to the proposal, identify the supporting documentation, set out the key issues and explain anything that may not be self evident from the other submitted documents. It can also set out the applicants view on the context and need for the proposed development and include an overview of how the proposal accords with relevant national, regional and local planning policies. It can also include details of consultations with the local planning authority and wider community/statutory consultees undertaken prior to submission. However, a separate Statement on Community Involvement may also be appropriate for larger scale proposals (see No. 27. below).

### 3. Lighting Assessment

Required in all cases where **floodlighting is proposed** ~~illuminated advertisements are proposed~~. Technical details should be submitted including a layout plan with beam orientation and spread (**including light spill beyond the site**), a schedule of the equipment in the design (with trade diagrams, if appropriate) and the proposed hours of illumination. **Normally illuminated adverts (i.e. not floodlit) will have to indicate the proposed illumination levels and hours of operation.**

### 4. Photographs and Photomontages

**May be** required if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building.

In other cases photographs can provide useful background information and can help show how developments relate to the existing landscape and/or street scene.

### 5. Sworn Affidavit(s)

These may form part of the evidence submitted in support of an application for a Certificate of Lawful Development.

Affidavits should be from people with personal knowledge of the existing use or works carried out or any other relevant evidence, for example, dated invoices/receipts for work carried out, etc.

## 6. Existing and Proposed Site Layout Plans (often referred to as Block Plans)

Required for most applications; may not be required for some change of use proposals. Depending on the proposed development, these should show the buildings and structures, gardens, open spaces and car parking and access in relation to nearby buildings including neighbouring boundaries. The number of parking spaces for cars (including disabled spaces), motorbikes and bicycles should be included. If the application is for a public facility (e.g. shop, leisure centre, or office open to public visitors) these spaces should be separately identified for staff and visitors. A scale of 1:200 or 1:500 and with a scale bar or metric measurements should be included.

## 7. Existing Floor Layout Plans

Required for most applications; may not be required for some change of use proposals. Drawings showing the full existing floor layout plans to an appropriate scale, usually 1:100 and with a scale bar or metric measurements included.

## 8. Existing Elevations

Required where the application relates to an extension or external alterations.

These detailed drawings should indicate the existing elevations (from all sides affected by the proposal) to an appropriate scale, usually 1:100 and with a scale bar or metric measurements included.

## 9. Proposed Floor Layout

Required for most applications; may not be required for some change of use proposals. Drawings showing the full proposed floor layout plans to an appropriate scale, usually 1:100 and with a scale bar or metric measurements included.

## 10. Proposed Elevations

Required for most applications; may not be required for some change of use proposals.

Detailed drawings should indicate the proposed elevations to an appropriate scale, usually 1:100 and with a scale bar or metric measurements included.

**Where the proposal is for a new infill property in a street scene, the drawings should also show the elevation of the adjacent building in relation to the proposed development as it would appear in the street scene .**

## 11. Section Drawings

Required **where**:

- a) ~~for most applications, especially~~ where the floor plans and elevational drawings do not give a full picture of all the relevant details (for example any internal courtyards),
- b) where it is helpful to indicate further internal details, or where there is a significant change in ground levels within the site or on adjoining land. ~~These drawings may not be required for some change of use proposals.~~

The elevational drawings should indicate how the proposal relates to existing ground levels or where ground levels would be modified. The drawings should include a scale bar or metric measurements.

Levels should also be taken into account in the formulation of design and access statements.

## **12. Existing and Proposed Car Parking and Access Arrangements (see No. 6. above).**

## **13. Trees in relation to Construction - Survey/Arboricultural Assessment**

Required where there are existing trees on site or on land adjoining. Impact on trees can be assessed by reference to British Standard 5837: 2005. Refer to [Trees and development guidelines](#) for more detail. A Utilities Statement (No. 30 below) will also be required.

## **14. Landscaping Details**

Required for the submission of Reserved Matters and applications for the approval of details reserved by a landscape condition. May also be required where the application affects a site within a Conservation Area or has an impact on the wider landscape.

## **15. Archaeological Assessment**

Required for any application that proposes works within defined areas of potential archaeological importance. Advice regarding specific sites and evaluation requirements can be obtained from the City Council's Archaeologist Tel 01733 864702 Service at Peterborough Museum on telephone (01733) 343329, or refer to [Archaeology Service](#) web page.

## **16. Structural Information/Structural Survey**

Required for applications involving the conversion of, demolition of, or alteration/extension to, a listed building or building of local historic importance: conversion of a former agricultural building to a new use: or demolition (including any part-demolition) of an agricultural building.

**For barn conversions, the areas that are proposed to be removed and rebuilt shall be clearly marked on elevational drawings.**

The City Council's Historic Environment Team should be contacted on (01733) 453522 for advice on the nature/extent of the required information/survey.

## **17. Biodiversity Survey and Report**

Applications for the following types of development must be accompanied by a completed biodiversity checklist or an ecological phase 1/scoping report produced by a professional ecologist:

- Major development
- Change of use or demolition of traditionally constructed agricultural buildings AND demolition of/or alterations to the roof of a Listed Building
- Wind turbines

Where the Phase 1/scoping survey identifies that further/more detailed survey work is required this should have been undertaken and relevant survey reports should be submitted with the planning application.

### **All other types of application:**

For all other types of development, applicants are encouraged to make use of the biodiversity checklist. Applications (other than those listed above) may be submitted without a completed biodiversity checklist. However, this will not prejudice the planning authority from:

- Invalidating an application if it is clear at the validation stage that the application is likely to impact upon biodiversity, protected species or protected sites

or

- Requiring an applicant to commission ecological survey work and provide reports if it becomes clear that this is required
- Requesting that an application is withdrawn and resubmitted with relevant ecological surveys

Refer to the [Biodiversity checklist and guidance notes](#) for detailed guidance.

Surveys should be undertaken and reports prepared by a professional ecologist.

## **18. Conservation Area Character Appraisal**

Required when development involves a site within a designated Conservation Area.

An assessment of the impact of the proposals on the site and its surroundings should be set out in the 'Design and Access Statement' (No. 1 above) to ensure that the proposal has been assessed by the applicant in relation to the City Council's Conservation Area Appraisal for that area.

**Note:** Conservation Area Character Appraisals are material considerations when making planning decisions. These Character Appraisals are being prepared for all 29 Conservation Areas. The purpose of an appraisal is to identify the key features that define the special interest of a Conservation Area. It is important that all those who have an interest in a Conservation Area are aware of those elements that must be preserved or enhanced. The appraisals will be a useful source of information for applicants. Refer to list of [completed appraisals](#).

## **19. Flood Risk Assessment**

Required where the application site falls within specific Flood Risk Zones as identified by the Environment Agency Flood Risk Standing Advice. Refer to the [Flood Risk](#) web page.

## **20. Noise Impact Assessment**

Required if the development proposals are either likely to cause noise disturbance or are considered to be a noise sensitive development. For further guidance please refer to Planning Policy Guidance note 24: Planning and Noise.

## **21. Sunlight/Daylighting Assessment**

~~Required for all applications for new buildings over 2 storeys where there is a potential impact upon the current levels of sunlight/daylight at adjacent premises and buildings.~~

## 22. Planning Obligations – Draft Head(s) of Terms

Required for most planning applications involving the creation of new dwellings or commercial premises. **Please go to the POIS calculator to see if your development would be subject to a planning obligation. If the proposal is subject to an obligation you must submit:**

**a) a draft agreement / unilateral agreement (click here to access template agreements) together with proof of title and your solicitor's contact details and those of any other party that will be a signatory to the application.**

**AND / OR**

**b) a viability statement (click here for advice) that justifies why a reduced or no obligation is proposed**

A Planning Obligation ("Section 106 Agreement") is a separate legal agreement signed by the Planning Authority and the landowners (i.e. persons with a legal interest in the land, which may also include the developer), prior to the grant of a planning permission. The Agreement will include commitments given by the landowner towards the provision of various community benefits considered necessary to make the proposal acceptable. ~~A schedule of the issues to be addressed (known as the "Draft Head(s) of Terms") should be submitted with any application where an Obligation is required. Refer to the [Planning Obligations](#) web page for further information on the need for, and content of, a Planning Obligation, i.e. the Planning Obligations Briefing Summary, and the Draft Head(s) of Terms Proforma.~~

## 23. Affordable Housing Statement

Required with applications for new dwellings where either Council policy requires that a proportion of the new dwellings are made available as affordable housing or where the application is for affordable housing only.

The Statement should include plans showing the location of affordable units, and provide information (for the affordable housing and any market housing) on the number of residential units and the mix of units. This should include the number of bedrooms and the number of habitable rooms (or the floor space of habitable areas). If different types of tenure are proposed for different units, these should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.

## 24. Draft/Framework Travel Plan

Required for major planning applications.

This is a statement of how non-car modes of transport are to be encouraged and managed, thereby promoting a shift away from single occupancy car journeys to and from the development by staff/residents and visitors. The Draft/Framework should be submitted with the planning application. This will be subject to discussion/negotiations whilst the planning application is being progressed and is then likely to be included in any planning obligation attached to the permission. Further information on the nature and content of Travel Plans can be obtained from "Travel Choice" on (01733) 747474.

## 25. Transport Assessment

Please refer to CLG 'Guidance on Transport Assessment' to find out if you need to submit a Transport Assessment or Transport Statement.

~~to and from the site. The Assessment should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.~~

Further guidance can be found in "Guidance on Transport Assessment" published by the Department for Transport (March 2007).

## **26. Environmental Impact Assessment**

This is a process by which information about the likely environmental effects of developments are collected, assessed and taken into account. Usually this will only apply to major projects such as motorways, wind farms, and large developments. If you are proposing any large development you should ask the Local Planning Authority about an Environmental Impact Assessment as part of your pre-application discussion and we can explain what needs to be done.

You can find The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999 No 293) at <http://www.opsi.gov.uk/si/si1999/19990293.htm>.

## **27. Statement of Community Involvement**

Refer to the Council's [Statement of Community Involvement](#) .

In these cases the applicant should submit a statement setting out how they have complied with the requirements for pre-application consultation set out in the City Council's adopted Statement of Community Involvement. It should demonstrate that the views of the local community have been sought and taken into account in the formulation of development proposals.

## **28. Air Quality Assessment**

Required if the development proposals could impact upon air quality or there are potential pollutants.

The assessment should indicate the change in air quality resulting from the development and outlining appropriate mitigation measures as necessary. More information can be found in Planning Policy Statement 23: Planning and Pollution Control.

## **29. Ground Conditions Assessment**

Required where site contamination is known or suspected.

More information can be found in Planning Policy Statement 23: Planning and Pollution Control, or in the Northants Contaminated Land Guide "Contaminated land: A guide for Developers and their Advisors" on web page [Advice Notes](#).

## **30. Utilities Statement**

Required for all applications where a tree survey is required (No. 13 above) **and utilities are proposed in proximity to the trees.**

### **31. Foul Sewerage Assessment**

Required for all applications where

- a) **non mains sewage disposal is proposed**
- b) **there are local capacity / sewer flooding issues**

~~issued new development creates a need for the disposal of foul sewage.~~

### **32. Construction Waste Management Plan**

~~Required for all major applications.~~

~~The application should be supported by waste management plans of the type encouraged by the code of practice published by the Department of Trade and Industry in "Site Waste Management Plans: guidance for construction contractors and clients (2004)".~~

~~**Note:** These do not require formal approval by the Local Planning Authority but are intended to encourage identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.~~

### **33. Minerals and Waste Management**

Required for all applications for minerals and waste management, unless accompanied by an Environmental Impact Assessment.

The following details are required:

1. Archaeological Assessment
2. Ecological Assessment
3. Hydrological/Hydrogeological Assessment
4. Noise Assessment
5. Dust Assessment and mitigation proposals
6. Odour Assessment and mitigation proposals
7. 7. Phasing plans including details of soil movements, stockpiles (height, location and timescales)
8. 8. Landscaping Plan
9. 9. Restoration Plan
10. 10. 5 year Aftercare Plan

### **34. Open Space Assessment**

Required for development within existing open spaces or other outdoor recreational facilities where there would otherwise be a loss of public open space.

Application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. An applicant should demonstrate ~~thorough and independent assessment~~ that any land or buildings to be lost are surplus to local requirements. Except for very special circumstances planning permission is unlikely to be granted for any proposal involving the loss of existing open space and/or associated buildings. For further information please refer to Planning Policy Guidance note 17: Planning for open space, sport and recreation or <http://www.sportengland.org/>.

### **35. Retail (or other) Impact Assessment to accompany applications for retail uses**

**A sequential assessment (under EC15) is required for planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up to date development plan. This requirement applies to extensions to retail or leisure uses only where the gross floor space of the proposed extension exceeds 200 square metres.**

**Developments for new small scale retail outlets outside of established district centres should demonstrate that there are no available and suitable property in or adjacent to an established centre.**

~~Required for all retail or leisure proposals in an edge of centre or out of centre location, and where it is not in accordance with the development plan documents.~~

~~This should be accompanied by an assessment of the need for the proposal. Impact Assessments should also be provided for applications for other main town centre uses when they are in an edge of centre or out of centre location and not in accordance with the development plan. See Planning Policy Statement 6—Planning for Town Centres for further guidance on the application of the Sequential Test.~~