

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 27 JULY 2010
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>19 July 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.

MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor 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, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry

Minerals and Waste: VACANT

Compliance: 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 6 July 2010

Members Present:

Chairman – Councillor North

Councillors – Hiller, Serluca, Thacker, Todd, Ash, Winslade and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager
Simon Machen, Head of Planning Services
Jez Tuttle, Senior Engineer (Development)
Ruth Lea, Lawyer (Growth Team)
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Lowndes (Vice Chair) and Councillor Benton.

Councillor Winslade attended as substitute.

2. Declarations of Interest

There were no declarations of interest.

3. Members' Declaration of Intention to make representations as Ward Councillor

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

4. Minutes of the Meeting held on 8 June 2010

The minutes of the meeting held on 8 June 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

The Committee agreed to vary the speaking scheme for item 5.3, 80 Lincoln Road. There were numerous objectors in attendance who had registered to speak and in order to ensure a fair hearing the scheme was varied to allow up to 20 minutes for objectors and 20 minutes for applicants and supporters.

5.1 10/00406/LBC – Moving of existing entrance and rebuilding of stone boundary wall at Granville House, 2 The Green, Glinton, Peterborough

The application sought permission to relocate the existing vehicular access approximately 1.5m to the south. The existing access would be closed off. Damage had been caused to a length of the existing wall due to the positioning of two false Acacia trees which had

been removed and the wall needed to be taken down and rebuilt. The existing hard asphalt surface which formed the existing access would be taken up, kerbs raised and the grass verge extended across the disused entrance.

The application site contained 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 was located close to the historic centre of Glinton and within the Conservation Area boundary and was enclosed by a 1.2m high stone wall which was protected under policy DA9 of the Adopted Peterborough Local Plan (First Replacement). The surrounding area was predominantly residential in character and contained a number of listed properties, the church and church yard lay to the south-east and many of the properties were bounded by continuous stone walls, trees and hedges, all of which contributed to the character and appearance of the Conservation Area. The application site with its boundary wall with trees behind provided a positive 'end stop' when viewed from North Fen Road, west along The Green.

The Planning Officer addressed the Committee and stated that the application was for listed building consent. The Committee was only able to consider the impact the proposal would have on the historic wall, consideration could not be given to other matters such as highway visibility. There had been previous applications for proposals at the site which had made reference to a garage, Members were reminded that the application before the Committee was in relation to the wall only. The applicant also had aspirations to build an additional property, subsequent to any consent that was granted, this matter was also not to be taken into consideration by the Committee.

Members were informed that the view of the Conservation Officer was that the wall formed an important feature within the Conservation Area and if the entrance point was moved to the left it would reduce the impact of the long section of wall. A punctuation of the highway verge would also occur.

Mr David Briggs, the applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The applicant did not wish to do anything to the house which would detract its aesthetics from the village. A new driveway would improve the aesthetics and the existing driveway would be lawned, giving a better outlook to the front of the house
- The two false acacia trees which had been removed had cracked the wall and therefore the wall needed repair
- Along the footpath, which was the only footpath to the Glinton surgery, the roots of the false acacia trees had raised the tarmac therefore creating a hazard. Part of the project would be to take up the tarmac and to remove these roots
- The same materials would be used to re-build the wall
- The project would also enable the applicant to build a new driveway, as the current gravel driveway was no longer suitable for his needs. A bungalow was proposed at the back of the existing property and the new driveway would provide access to this
- The applicant did not wish to spoil the commercial value of his property
- There was a yew tree on one side of the driveway access which consistently had to be cut back every year to prevent the scratching of cars driving past. The visibility coming out of the driveway due to the tree was also poor and there was a real concern for people's safety as the footpath was the only footpath to and from the Glinton surgery

In response to issues raised by the applicant and questions raised by Members, the Planning Officer addressed the Committee and stated that in terms of visibility when leaving the property, given that the property was in a conservation area, you could not expect the standard of visibility to be comparable to that of modern standards. If a modern standard visibility splay was to be provided it would look out of place. With regards to the yew tree

having to be cut back every year to give sufficient headroom for passing vehicles in and out of the driveway, this would raise no objection by the Planning Department as it was simply a matter of day to day maintenance. Members were advised that the condition of the wall had not been a concern for officers. The key concern had been the principle of moving the entrance point.

After debate and questions to the Planning Officer regarding Human Rights issues in relation to planning, the yew tree and the materials which would be utilised when rebuilding the wall, a motion was put forward and seconded to refuse the application. The motion was carried by 5 votes, with 3 against and 1 not voting.

RESOLVED: (5 for, 3 against, 1 not voting) to refuse the application, as per officer recommendation.

Reasons for the decision:

The justification provided by the applicant for the relocation of the access did 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 was therefore contrary to policies CBE3, CBE6, CBE7, DA2 and DA9 (d), of the Adopted Peterborough Local Plan (First Replacement).

The boundary walls of the property and others in the vicinity of The Green made a positive contribution to the special character of the centre of the Glington Conservation Area. The boundary wall to be part demolished, like others in the vicinity of the Green was recognised under policy DA9 (d) of the Adopted Peterborough Local Plan (First Replacement) and the Adopted Glington Conservation Area Appraisal and Management Plan as essential features of village character. The view from Flag Fen Road, west along The Green terminated at the present continuous wall with landscape behind and this was 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 Glington 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).

The meeting was adjourned for five minutes.

5.2 10/00480/FUL – Construction of two storey side and front extension, 5 Wyndham Park, Orton Wistow, Peterborough, PE2 6YD

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

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

The Planning Officer addressed the Committee and stated that there would be no issues with overlooking as the two windows which faced the adjacent property were at first floor level

and were obscured glazed. Revised drawings showing the windows as obscured glazed had been submitted therefore the submission element of condition number 3, as detailed in the committee report, could be removed.

Members were advised that Councillor Stokes had referred the item to the Committee and not Councillor Allen as stated in the committee report.

There were no speakers on the item and after a brief debate a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C4 as detailed in the committee report
2. The update to condition numbered C3 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 proposal was similar in extent to other extensions within Wyndham Park and would not result in unacceptable levels of overshadowing or overbearing to the occupiers of neighbouring dwellings and would not result in a significant adverse impact on the street scene; in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

Councillor Lane left the meeting.

Councillor Thacker declared that she knew Mr Jeremy Roberts, a speaker on the next item, but this would in no way affect her decision.

**5.3 10/00502/FUL – Construction of 34 dwellings, together with access, car parking and landscaping and;
10/00510/CON – Demolition of all buildings on site including offices and garages**

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

Twenty seven flats were 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 would front onto Lincoln Road and its design would reflect the large terrace of houses opposite. Block B was the second of the two three storey blocks and would be set eighteen metres to the rear of Block A. Each flat would have one car parking space. Twenty one of these spaces would be sited to the rear of block A, the remaining six spaces were to be sited to the front of block B.

Five dwellings were to be accommodated in Blocks D (a row of three terrace properties) and E (a pair of semi detached properties) and would all be two storey in height. Two dwellings would be 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 would be set aside for these seven dwellings.

All of the residential units would be affordable. A total of twenty secure cycle parking spaces were to be provided for the flats and each of the dwellings would have cycle storage. The site would be accessed from Lincoln Road.

The site was located within the city centre boundary and Park Conservation Area as defined by the Local Plan. The site was located on the west side of Lincoln Road. It was positioned to the south of St Mark's Church and the 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 were the rear gardens of the two storey residential houses on Craig Street.

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

The Planning Officer addressed the Committee and stated that the application was a resubmission, following refusal at a previous Planning Committee meeting of a scheme which had included forty dwellings and a recognition centre.

Members were advised that the key issues for determination of the application were whether the loss of the existing building on the site, which was within the conservation area, was justified, whether the appearance of the new development within the conservation area was acceptable and whether the proposal was acceptable in terms of access, parking and its relationship with adjacent developments etc.

The application highlighted a significant improvement on the previous scheme which had been refused. Block A was set back from the road enabling the preservation of existing vegetation and uninterrupted views of the church from Lincoln Road. There would be one parking space allocated to each property, this was considered acceptable to the local authority given the proximity of the development to the city centre, the major bus routes and the provision of cycle parking facilities. The appearance of the block which would front Lincoln Road, would be of a more traditional appearance and key aspects such as materials and key features of other buildings in the locality of the conservation area had been picked up and incorporated.

Members were further advised that as the existing building lay within the Park Conservation Area, conservation consent would be required to remove the building prior to any new developments on site. A viability assessment had been undertaken by the applicant to assess whether the existing building could be realistically used for modern office developments or converted into flats. The viability assessment was identified as having weak points, however the main points of the document alluded to the fact that the cost of developing the existing building into modern offices or a flat development would be far more than the return on the investment. Therefore, the redevelopment of the existing building was not a viable option.

Members' attention was drawn to additional information contained within the update report. A late representation had been received from a local resident which highlighted concerns regarding drugs and prostitution in the area. It was stated that new residents would be placed at an unacceptable risk of exploitation by the criminal gangs that operated locally. This would further increase the risk of poverty and crime in the area.

A further condition had also been proposed by Highways should Members be minded to approve the application.

Comments had also been received from the applicants in response to the comments received from English Heritage, which stated that “the demolition of Thurston House had not been substantiated in accordance with PPS5 guidance”. The applicant’s had stated in response that “PPS5 was clear, that where retention was not viable, then a well designed new building which recognizes the setting and enhances the area, should be granted planning permission”.

Councillor Mohammed Jamil, Ward Councillor, addressed the Committee on behalf of all of the Central Ward Councillors. In summary the concerns highlighted to the Committee included:

- The majority of local residents whom the Central Ward Councillors had spoken to were in objection to the application. This also included Beeches school
- The Beeches school had a conservation area which backed on to the proposal site. The demolition of Thurston House and the building of new houses went against everything the children were being taught with regards to conservation
- The loss of Thurston House would be detrimental to the area, it enhanced the local area and was in keeping with the surrounding buildings
- The congestion along Lincoln Road at peak times of the day would be exacerbated by the proposed development. The allocation of one car parking space was inadequate
- By demolishing Thurston House, a part of the heritage of Peterborough would be lost
- The surrounding area was already densely populated and the introduction of more flats would be of no benefit to the area

Mr Stewart Jackson MP, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The lack of proper public consultation with local residents, undertaken by the housing association
- The proposal was over intensive and was not in keeping with the quality of the surrounding properties
- The proposal was inappropriate for the site, not least because it was in a conservation area
- Once a building with architectural value had been destroyed, you could not get it back
- Several people with skills and knowledge appertaining to old buildings had opposed the demolition
- Sixteen letters from neighbours had been received against the application. English Heritage had also stated that there was a breach in guidance in the proposal, Peterborough Civic Society, the Design Review Panel and MANERP had also objected to the application
- The Planning Committee report was contradictory to the Planning Officers recommendation as were the comments which had been stated by the Planning Officer with regards to the viability assessment that had been undertaken. The applicants had not definitively proven that it was not financially viable to keep Thurston House
- The proposal was for 100% socially rented affordable housing, which would take people off the housing waiting list on choice based lettings who may have no connection with the area, this went against the housing principles of the authority
- The Committee could recommend that the applicants go away and look once again at the viability of keeping Thurston House and then come back with a more respective scheme towards the conservation area, the opposition of local people and the expertise of people from organisations such as the Peterborough Civic Society
- The area was a conservation area next door to a historic church in an established residential area

Councillor Pam Kreling, a Park Ward Councillor addressed the Committee on behalf of Councillor John Peach, a Park Ward Councillor and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The scheme proposed was not much different to the previous scheme which had been refused
- The Park Conservation Area had been designated to preserve the character of the area, unique to Peterborough
- The approval of the Park Conservation Area Appraisal Report and Management Plan had enforced the conservation of the area. Councillors had committed themselves to manage change and new development, to avoid harming the key elements and appearance of the Park Conservation Area
- The proposal was poor and would take up the majority of the green space on the site
- The proposal was contrary to planning policy CBE3
- The Management Plan which had been adopted, included a number of points which supported the fact that the development did not fit in with the plan. These included,
 - The proposal for the demolition of the whole or part of any building, or to intensify the use of plots in any way would not be supported
 - Any new development must enhance the character of appearance of the conservation area and must respect the scale, massing and materials of the traditional buildings within the conservation area and vicinity
 - The city council would not support proposals for widening existing entrances or creating new accesses that require the removal of boundary walls or hedges
- The application did not accord with local plan policy or national planning guidance

Four objectors, Mr Jeremy Roberts, Mr Henry Duckett, Mrs Margaret Randall and Mr Daniel Deja, who was representing the residents of Craig Street, addressed the Committee individually and responded to questions from Members. In summary the concerns from the objectors which were highlighted to the Committee included:

- The building should be maintained and kept as it was. It was an important conservation area and there were so few buildings of this nature left in Peterborough
- New housing was important and was required, but it was also important to keep Thurston House
- It did not make sense to build so close to St Mark's Church, when the Corn Exchange had recently been demolished because of how it impacted on St John's Church
- It was important to keep an open aspect and the character of Lincoln Road
- The plans could be looked at again and to incorporate Thurston House
- There was no adequate case for the loss of Thurston House
- Representations against the application had been summarised within the committee report instead of being appended. Therefore, inevitably, portions of representations had been missed out
- Gayhurst had been proposed by the Civic Society for inclusion in the revised local list, which was, at that point, under consideration by the council
- The area was overrun with crime which had been going on for ten years
- Policy DA11 stated that the consideration had to be given to the vulnerability of crime
- There were drug gangs and prostitutes along Lincoln Road who preyed on vulnerable people in the area
- If Thurston House was not a viable option for the developer, then it could be advertised for sale
- The developer had run the place down for many years and now wished to develop the site
- The developer had not demonstrated convincingly that the existing house could not be kept in some form or another
- Policy HE9.1 stated that there should be a presumption in the favour of conservation for a designated heritage asset

- The proposal was contrary to PPS5

Mr John Walton, from Accent Nene, Mr David Shaw, the agent, Mr John Blair, the architect and Mr Simon Wicken, the cost consultant addressed the Committee jointly in support of the application and responded to questions from Members. The Committee was informed that:

- There had been considerable changes to the scheme since its refusal at a previous Planning Committee meeting
- Local Councillors and local residents had been invited to meet with the applicant and agent throughout the consultation process but no replies had been received
- The NHS facility had been removed, there was a considerably lower residential density, all trees worthy of retaining had been retained including all of the trees along the Lincoln Road frontage, the frontage had been set back so as not to obscure the views of the church, the height of the buildings had been reduced and a traditional appearance to the frontage of the building had been put in place
- The block had been discussed in detail with the Council's planning officers and conservation officers as well as the design panel. All had a significant input into the final design
- There had been no objections received from the adjoining church
- Policy PPS5 and CBE4 of the local plan gave two forms of justification for demolition in a conservation area. The first was when the loss was necessary to deliver public benefits and the second was where no viable use could be found in the medium term that would enable the retention of the building and any harm was outweighed by bringing the site back into use
- The public benefit would be much needed affordable housing, which would help with the long waiting list in Peterborough
- The avoidance of a further vacant site in the city centre, which would be at risk of attracting further anti social behaviour to the area
- The retention of the building had been looked into, however the building was in poor condition and was in a low value location
- Previous planning permissions had been granted for the site but had not been implemented due to viability of the proposals
- Plans had been drawn up which considered the retention of Thurston House alongside a new development, however there were a number of financial and practical issues these proposals generated
- The refurbishment of Thurston House would be very complex and very expensive
- The retention of Thurston House would cause problems with the road location to feed into the other proposed dwellings. It would not be practical for a road to run alongside Thurston House
- Independent advice had been sought from Savills regarding the possibility of Thurston House being sold as a residential property for the private market. The only likely purchasers would be those who would wish to rent the property, thus creating a likely issue of a House in Multiple Occupation (HMO) on the site
- It was likely that the house would fall further into disrepair if it became a HMO
- To refurbish the building would cost in the region of £500,000, and the end value would be in the region of £395,000. A loss of over a £100,000
- Office demand and rents in central Peterborough were generally low
- The existing office space was only occupied on the ground floor and in short term lets, the space was described as being poor
- The availability of office space in Peterborough was high
- Accent Nene believed that they had an obligation to build good quality housing schemes in Peterborough, this scheme was considered to meet this objective
- Peterborough would benefit from new affordable housing in a sustainable location and the risk of a further vacant site in the city centre would be avoided
- The scheme was being targeted to achieve sustainable homes to support Peterborough's environmental capital status

- A range of housing was needed for the city centre to draw in more residents who would, in turn, help to self police the centre
- The scheme was supported by the Peterborough City Council Housing Strategy Group and was likely to be supported by the Homes and Communities Association in terms of grant
- Accent Nene's offices were directly opposite the site and they wished for the site to showcase their management skills
- The site would become a magnet for further anti social behaviour if left empty
- The space around the proposal was not public open space
- The buildings would not be taller than the surrounding trees
- The frontage of the building had been designed to complement the building on the opposite side of the road, at the request of the Conservation Officer
- Schemes had been provided which incorporated Thurston House and these had been fully costed
- A key consultee was the Architectural Liaison Officer and it was highlighted that the scheme would achieve full accreditation of secure by design, which being in a city centre location would be extremely important
- There would be an innovative solution for waste located on the site, these being underground bin stores
- A lot of thought, time and effort had been put into the scheme and it was hoped that all previous concerns had been addressed

Members questioned the speakers regarding the viability of the schemes which had incorporated Thurston House, the type of housing that the new proposal would offer, the special needs facilities incorporated into the proposal, the innovative solution for waste on the site and the security issues surrounding the new proposal.

Further concerns were highlighted by Members with regards to the viability issues and the Head of Planning Services addressed the Committee in response to these concerns. Members were advised that the scheme had been looked at in great detail. The scheme had a long and complicated history, but the ultimate benefits to the area and to the city had outweighed the importance associated with retaining Thurston House. The building was not listed but was situated in a conservation area. If new development took place around the existing building, it was at risk of looking out of place and its main attribute of having open space all around it would no longer be present. The attempts to design a scheme incorporating Thurston House did not work practically or from a planning point of view and would ultimately not work from a financial viability point of view. The area was of low land value and low rental value and if the building was kept in isolation and not as part of regeneration scheme it could have a further negative effect on the area.

After debate, Members expressed further concern regarding viability and the issues surrounding the prospect of placing vulnerable families with social problems and special needs into an area already rife with drugs and anti social behaviour. Members were advised that the gap between money being put in to the scheme in order to keep Thurston House and the money that would be returned would be vast, and therefore not viable. With regards to the future residents, they would not all be vulnerable people and an increase in development would ultimately deter crime in the area.

After further debate, a motion was put forward and seconded to approve the application for the demolition of Thurston House. The motion was carried by 5 votes, with 3 voting against.

10/00510/CON - RESOLVED: (5 for, 3 against) to approve the application for demolition, as per officer recommendation subject to:

1. The conditions C1 and C2 as detailed in the committee report

A motion was put forward and seconded to approve the application for 34 dwellings on the site. The motion was carried by 6 votes, with 2 voting against.

10/00502/FUL - RESOLVED: (6 for, 2 against) to approve the application for 34 dwellings, as per officer recommendation. Subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990.
2. The conditions numbered C1 to C15 as detailed in the committee report
3. The additional Highways condition as detailed in the update report
4. 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 R1 as detailed in the committee 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 weighing against relevant policies of the development plan.

Councillor Serluca left the meeting.

The meeting was adjourned for ten minutes.

5.4 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

Full planning permission was sought for:

- The construction of a new two storey high Academy school building(9713m²); which included the library (524m²), young people’s (124m²), and early year centres (96m²)
- The demolition of the existing school, library and Sheridan buildings (8500m²)
- 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 (93m²), 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 (11m²) 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

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

The surrounding land uses were 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.

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

Members' attention was drawn to additional information contained within the update report. There were a number of additional conditions and informatives which had been requested by the Highways Department. Comments had also been received from Sport England and four additional conditions had been proposed. The Landscape Officer had also provided comments in relation to the proposal, no objections had been raised, and three additional conditions had been proposed. Three further ecology conditions had also been proposed.

Late representations had been received from Anglian Water, the Local Wildlife Trust and CBRE, the owners of the Orton Centre. No objections had been raised, but CBRE had commented that part of the application site involved their land, however, there was no objection to the proposal in principle and CBRE would welcome discussions with the Council in respect of the future of the Orton Centre.

After debate, queries were raised regarding the turning circles for vehicles on site and the point of entrance into the school. The Highways Officer addressed the Committee in response to these queries and stated that work had been undertaken on the turning circles and tracking plots had been done for the largest vehicles. With regards to accessing the school, at that time the Orton Centres' land had to be used. Going forward this was not desirable therefore other points of access were to be looked into.

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

RESOLVED: (unanimously) to approve the application, as per officer recommendation subject to:

1. 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
2. The conditions numbered C1 to C9 as detailed in the committee report
3. If the Unilateral Undertaking (UU) had not been completed within 3 months of the date of the resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report
4. The additional conditions requested by the Highways Authority, numbered 1 to 17, as detailed in the update report
5. The informatives requested by the Highways Authority, numbered 1 to 8, as detailed in the update report
6. The additional conditions requested by Sport England, numbered 1 to 4, as detailed in the update report
7. The additional conditions requested by the Landscape Officer, numbered 1 to 3, as detailed in the committee report
8. The additional conditions relating to ecology, numbered 1 to 3, 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 and layout of the development proposed would be both visually compatible with and enhancing to the surrounding character or appearance of the area. It was 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 were considered to be acceptable. The ecologically enhancements and impacts of the development could be addressed by conditions.

The development was therefore considered to be in accordance with the planning policies of the Peterborough Local Plan (First Replacement) 2005.

6. Revised Enforcement Strategy – For Information

A report was submitted to the Committee which highlighted proposed revisions to the Enforcement Strategy.

Members were advised that an Enforcement Strategy was in place so that all those engaged in the service knew the approach of the service and the standards of service that could be expected to be delivered. The new Enforcement Strategy reflected the new performance targets and revised approach to planning enforcement that had come in to place since the beginning of 2010. The document clearly set out what customers could expect from the in terms of service standards and also gave an overview of the enforcement process.

A query was raised regarding confidentiality. If a member of the public reported an enforcement breach, would this remain confidential? Members were advised that if a member of the public reported a possible breach, the information would be held confidentially, however, there may be occasions when the member of the public would be required to give evidence at court in order to prove the breach.

After further discussion, Members positively commented on the revised strategy, in particular the prioritisation of enforcement cases, and stated that it was a good piece of work and the changes were welcomed.

RESOLVED: to note the revised Enforcement Strategy.

7. Revisions to the Local Validation List – For Information

A report was submitted to the Committee which highlighted proposed revisions to the Local Validation List.

Members were advised that several years ago, the Government had introduced a single planning application form (1App as it was commonly known) and a standard (validation) list of information which had to be submitted alongside an application. The introduction of the single list had been undertaken as each Council had been 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.

After discussion, Members commented that the suggested revisions were good and that the piece of work overall was commendable.

RESOLVED: to note the revised Validation List prior to its submission for public consultation.

1.30pm – 5.00pm
Chairman



LOCATION PLAN 10/00328/FUL

157 - 161 Fletton Avenue, Fletton, Peterborough

Scale 1:1250 Date 15/7/2010 Name MKB Department Planning Services

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PCC GIS



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10/00328/FUL: CONSTRUCTION OF 14 NO. SELF CONTAINED APARTMENTS
CONSISTING OF 8 X 2-BED FLATS AND 6 X 1-BED FLATS IN 3 NO.
BLOCKS WITH ON SITE PARKING AT 157 - 161 FLETTON AVENUE,
FLETTON, PETERBOROUGH, PE2 8DB

VALID: 21.04.2010
APPLICANT: HERITAGE HOMES
AGENT: HA ARCHITECTURAL
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: MEMBERS INVOLVEMENT IN PREVIOUS PLANNING APPLICATIONS
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 impact of the development on the street scene
- The impact of the proposal upon the residential amenities of adjoining occupiers
- Outline planning permission was granted under 05/0149/OUT for 14 flats with siting and access approved. A reserved matters was approved in 2009 under 08/01504/REM but a successful legal challenge was made on the basis that the siting of the blocks in the reserved matters submission was different to that approved under the outline planning permission. The last application 09/01155/FUL was refused due to the positioning of Block A forward of the building line, which was considered detrimental to the appearance of the streetscene. This current application now shows Block A to be in line with the adjacent building.

The Head of Planning Services recommends that the application be APPROVED subject to a S106 legal agreement.

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

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

- LT1** Open space should be provided for new residential development either on site or by way of off-site contribution to existing open space in the locality.
- LT2** Planning obligations should be sought to secure financial contributions for off site open space to meet the needs of the development.
- IMP1** Provision should be secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

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

1. PPS 3 Housing- Advises that good design is fundamental to the development of high quality new housing. (Reiterates advice also set out in PPS 1). (The National PPS3 indicative minimum density of 30 dwellings per hectare was been deleted, 15.06.2010)
2. PPG 13 - Transport
3. ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:
 - i) relevant to planning;;
 - ii) necessary to make the proposed development acceptable in planning terms;
 - iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
 - iv) fairly and reasonably related in scale and kind to the proposed development;
 - v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

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

4. Planning history – see Section 5 below

3 DESCRIPTION OF PROPOSAL

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

4 DESCRIPTION OF SITE AND SURROUNDINGS

Building works have commenced on site, but have now stopped in view of the successful legal challenge to the approval of reserved matters issued under 08/01504/REM, and the refusal of planning permission 09/01155/FUL. The site was previously vacant and before that used as a second hand car sales garage with parking. The area surrounding the site is predominately two storey high residential housing.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/01155/FUL	Construction of 10 two-bed and 4 one-bed apartments in three blocks (part retrospective)	16.12.2009	Refused
08/01504/REM	Construction of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	19.06.2009	Permitted (quashed-legal challenge)
08/00892/REM	Erection of 4 one-bed and 10 two-bed apartments in two blocks (amended elevations rec'd 8/9/2008)	02.10.2008	Refused
08/00070/REM	Erection of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	27.05.2008	Withdrawn
05/01449/OUT	Residential development revised scheme comprising of 14 flats in 3 blocks with associated parking, communal open space including access and sitting	21.02.2006	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

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

Archaeology Services – No objection - The proposed development site was evaluated in 2009. No further archaeological work is deemed necessary.

Landscape Officer – No objection - The site has not changed from the 2009 application and as such I have no objections. The only trees are in the SW corner of the site and they are not worthy of a TPO. The site landscaping could be dealt with by way of condition if required.

Drainage Engineer – No objection - The applicant details the use of soakaways as a means of surface water discharge. Therefore, please ensure Building Control give approval for the use of soakaways at this location prior to installation.

EXTERNAL

None received

NEIGHBOURS

Due to the receipt of revised plans, clarifying inaccuracies, the consultation period is still in progress and expires on the 30th July 2010. Below are the comments received prior to writing the report, and any further comments received before Committee they will be reported to Members at the meeting.

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

- Too close to existing properties
- Loss of privacy and light to the adjoining neighbours
- Agent did not carried out pre-application consultation with community
- The boundary wall to Garrick wall will not provide sufficient security for existing residents
- Overdevelopment of the site – too dense when compared to existing development
- The rooms in the apartments are too cramped
- Insufficient car parking provision
- The development would result in on street parking causing more congestion and road safety issues
- Planning history of refused and quashed planning permissions so this should not be allowed
- Noise pollution

- Buildings too high, overbearing impact
- The development is out of character with the area
- The bay windows project forward of the building line and are too close to the pavement and may cause a hazard
- Insufficient on site amenity space proposed for residents, to allow for clothes drying areas and recreational areas
- Vehicles using the car parking spaces could hit the buildings/obstruct escape windows
- Refuse areas not practical due to their distance from the apartments and as they could block parking spaces and vice versa and could result in problems of smell, vermin and blocking the footpath
- 4 semi-detached houses would be more appropriate than flats
- Loss of open view
- Contrary to planning policies and guidance
- Application 08/00892/REM was refused on grounds of the height and design, harmfully impacting on the streetscene, this proposals footprint is larger so it should be refused.

COUNCILLORS

None received

Due to the receipt of revised plans, clarifying inaccuracies, the consultation period is still in progress and expires on the 30th July 2010. Any further comments received before the Committee will be reported to Members at the meeting.

7 REASONING

a) Introduction

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

b) Planning History

Outline planning permission was granted in 2006 for 14 flats. The siting of the flats and access also formed part of that approval. There followed the withdrawal and refusal of subsequent reserved matters applications in 2008.

There is a discrepancy between the decision notice planning application 08/00892/REM and the minute of the Committee meeting at which the application was decided, 23 September 2008.

Decision Notice:

The development by virtue of the design and height of the proposed buildings would impact harmfully upon the street scene, character of the area and the amenities of the occupiers of neighbouring properties. Furthermore, the layout of the car parking and bin storage areas would create a cramped and awkward environment harmful to the residential amenity of future occupiers.

Hence the proposal is contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan (first Replacement)."

Minutes:

The committee rejected the application on the basis of the submitted proposals and in particular the lack of detailed regarding survey and as a result (It is thought that this should perhaps have been worded 'lack of a detailed survey to show the resulting') height and relationship to adjoining dwellings in the street scene the Local Planning authority are unconvinced that the dwellings can be developed without causing harm to that street scene and the character of the area.

The committee agreed to add a note to the application requesting that future applications should be based on single bedroom dwellings."

The difference between the minute and the decision notice is of considerable concern however, the minute has been agreed and the decision notice has been issued and as such there is no remedy to amend the two separate documents and both are now beyond the period for legal challenge, with no challenge being made. With regard to the note not being added to the bottom of the decision notice, it is commented that such notes are for information purposes only and cannot prejudice the full and proper consideration of alternative development proposals and that the term 'single family dwellings' could be interpreted in a number of ways.

A third application for the reserved matters, planning reference 08/01504/REM, was approved by Planning Committee in 2009. This decision was challenged by way of an application for leave to have the decision judicially reviewed and this leave was granted. The Council has accepted the grounds for legal challenge put forward and the outcome of this has had the effect of quashing this planning permission.

A full planning application 09/01155/FUL, which was very similar in nature to the previous reserved matters application reference 08/01504/REM, and was based upon similar footprints to those approved at the outline application, was refused by Members in December 2009. The reason for refusal was as follows;

The proposal stands significantly forward of the building line set by adjacent dwellings on Fletton Avenue to the extent that it would be harmful to the appearance of the street scene. The proposal is therefore contrary to Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) Adopted 2005 which state:

DA1 Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and*
- (b) creates or reinforces a sense of place; and*
- (c) does not create an adverse visual impact.*

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and*
- (b) would not adversely affect the character of the area; and*
- (c) would have no adverse impact on the amenities of occupiers of nearby properties*

This current full application similar to the previous application 09/01155/FUL “stands alone” and the Local Planning Authority (LPA) are entitled to consider matters afresh. This being said, the previous reason for refusal for 09/01155/FUL in December 2009 and the granting of the outline planning permission in February 2006 with siting and access being approved are significant material considerations to the determination of this application and the LPA should consider what material differences may have occurred with regard to the proposal, planning policy and the physical site and surroundings since these previous decisions. Given the short time since the refusal of 09/01155/FUL and the reason for refusal as set out above, it is reasonable to suggest that should the issue about the positioning of the front blocks be overcome by the new scheme, it should be considered favourably.

c) Design and layout

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

Design

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

The design and visual appearance of these two blocks in the street scene would be similar to a pair of semi-detached properties rather than flat blocks, which is characteristic of the surrounding area. Amendments have been made to this proposal to address the previous reason for refusal of planning application 09/01155/FUL, that the proposal was positioned significantly further forward of the adjacent properties building line, which would be harmful to the appearance of the streetscene. It is now proposed that Block A would be reduced in size, so that its principal wall moves further into the site so

that it aligns with the principal wall of No.156 Fletton Avenue and that its bay window aligns with the single storey front element of No.156. The reduced footprint of Block A has the effect of giving it a slightly steeper pitch compared to Block B. The difference in pitches between Block A and Block B will not be so significant so as to be visually detrimental to the street scene. Block B remains as previously proposed, with its principal wall approximately 0.3m beyond the principal wall of the adjacent property No.163 Fletton Avenue, and its bay window projecting beyond that, it is not considered that this block would be considered as being significantly forward of the adjacent property or visually harmful to the appearance of the streetscene.

Bay window detailing has been introduced, the shape of the bay in Block A has been changed under this application to be rectangular in shape, the differing shapes of the bays in blocks A and B is not considered to be visually unacceptable and bay windows are a feature of some of the surrounding properties. The heights of these frontage Blocks would be around 1m higher than the adjacent two storey residential properties. The design and appearance of these two blocks of accommodation was improved during the three previous reserved matters applications, to make them more in keeping with the character of the surrounding area. The additional height of these new buildings and the proposed velux windows are not characteristic of the surrounding area. However, on balance, these differences are not in this instance considered to be sufficiently harmful to justify refusal of the proposal.

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

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

Car and cycle Parking

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

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

Open Space

Small areas of grass are to be provided on site for the use of residents. These areas could be used by residents to sit outside in summer or to hang their washing outside. As only one and two bedroom apartments are proposed on site, the small provision of on site amenity space is not considered to be unacceptable, as it is unlikely to be required to serve the needs of families. It is recognised that the areas of open space are not sufficient in themselves to meet the open space needs generated by this development. Additionally, some of this space will be taken by the provision of cycle stands. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision in order to meet the needs of future residents.

d) Residential Amenity

This application proposes the same number of residential units, contained within the same general configuration of three blocks of accommodation on site, as the previously approved outline and reserved matter applications. The change in this proposal from the previously refused application 09/01155/FUL is that 8 of the apartments are now 2 bedroomed, whereas previously there were 10, and 6 of the apartments are now 1 bedroomed, whereas previously there were 4.

Impact on light levels

Blocks A and B are positioned between the two storey properties of No.163 and No.155 Fletton Avenue. Both of these neighbouring properties have window/door openings on their side elevation facing the sides of blocks A and B. Whilst there will be a reduction in light reaching these side windows and doors from the proposed development, the impact is not considered to be so harmful as to warrant refusal of the proposal, particularly as the windows affected do not appear to serve any main habitable rooms. The positioning and heights of Blocks A and B on the site frontage and their relationship with the adjacent properties would not significantly reduce the light levels previously enjoyed by these properties.

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

The proposed blocks do not adversely affect sunlight and daylight levels to existing neighbouring properties, however the distance between the opposing blocks is less than ideal to achieve optimum solar gain. The distance between the blocks being approximately 16 metres. To achieve the optimum solar gain to block C in the winter, this separation distance should be greater however achieving maximum daylight and sunlight levels, should not be at the exclusion of other planning considerations e.g. achieving the best layout in terms of street scene and the relationship of the buildings to neighbouring properties. In this instance therefore, it is considered that the separation distance between the proposed blocks is acceptable.

Where possible, living room windows of new developments should face south or near to south. The living room windows in the proposed blocks face north. However, as this helps to preserve privacy to neighbouring properties as living room windows facing south would result in potentially greater overlooking to neighbouring gardens, it is considered to be acceptable.

Privacy

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

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

The window to window distances between the front and rear blocks on site, is 16 metres. This is less than would generally be permissible in developments where the relationship is one of rear gardens to housing backing on to the rear garden of other housing i.e. a back to back relationship. This proposal however involves habitable windows facing each other, so there is no issue of overlooking into private garden as the internal facing windows overlook the parking and communal areas. It is accepted that flatted development usually cannot provide the same levels of privacy where internal relationship is concerned as can "traditional" housing development. Increasing the window to window distances would result in the loss of the proposed front garden areas and the moving the two front blocks closer to the road. This would not be desirable and would have a negative visual impact on the street scene.

In view of this, and as previously accepted by the previous permissions, the sub-standard window to window distances between the blocks of accommodation on site would on balance be considered to be acceptable and would be a matter for future occupiers to consider whether they were willing to accept.

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

Noise disturbance

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

Bin storage

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

e) **S106**

It is recognised that the areas of open space proposed on site are not sufficient to meet the open space needs generated by this development. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision to meet the needs of future residents. The amount will be £30,114 which is the same as the amount agreed to in the previous outline. As this amount has been sought previously and would have been sought had 09/01155/FUL been permitted, the LPA are of the opinion that it would be unreasonable to seek additional contributions. This is in accordance with Policies LT1 and LT2 of the Local Plan.

This requirement 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.

f) **Miscellaneous**

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

- The bay windows are located sufficiently set back from the public highway so as not to cause any hazard. The Local Highway Authority (LHA) has not raised objections in this regard.
- The history of the site has been taken account of when considering the application.
- Loss of open view is expressly not a material planning consideration.
- Carrying out public consultation on a scheme of this size prior to submission of an application is desirable but not mandatory.
- Minimum internal room sizes are not a matter to be controlled through the planning system.
- Vehicles in any development could accidentally hit buildings or restrict the use of escape windows - the space on site for vehicles is considered to be acceptable and is not dissimilar to may housing developments.
- The reason for refusal of 08/00892/REM has been considered and it not concluded that as a result of that decision this proposal is also unacceptable.

8 CONCLUSIONS

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

The 14 apartments are considered to be compatible with their surroundings with no significant adverse impact on the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policies DA1, DA2, LNE9, T1, T9, T10 and LNE9 of the Peterborough Local Plan 2005 (First Replacement). There is some conflict with policies H7, H15 and H16 in that the density of the development is higher than the immediate surrounding residential densities. However, this is considered acceptable because the application provides for a front elevation design to Fletton Avenue that is in keeping with the character of nearby properties and the density of the development does not significantly adversely affect neighbouring residents with regard to loss of sunlight, daylight and privacy. Additionally, the Local Planning Authority has taken into account the fact that outline planning permission was granted for 14 flats in 2006. There is some conflict with policy H16 in that the amount of private amenity space is substandard but this is being off set by provision of a contribution via a Section 106 agreement towards off site provision. The alterations to Block A, to bring its building lines in line with the building lines of the adjacent residential property is considered overcomes the previous reason for refusal of 09/01155/FUL, so that the development can now be considered to be in keeping with the appearance of the streetscene.

The Local Planning Authority considers that taking all material considerations into account and by the imposition of conditions where necessary, the proposal as a whole is acceptable. Despite the deletion of the national indicative minimum density of 30 dwellings per hectare of PPS3 (June 2010), the density proposed is still considered to be acceptable.

9 RECOMMENDATION

The Head of Planning Services be authorised to grant planning permission subject to no objections being received by the close of the consultation period that introduce new material planning considerations that have not previously been considered by the Planning Committee, the signing of Section 106 or unilateral agreement and the following conditions:

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

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

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

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

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

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

- C4** Prior to the occupation of the first apartment, or within other such period as may be agreed in writing with the Local Planning Authority, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These lights shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.
Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).
- C5** The apartments shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C6** The vehicular access hereby approved shall be un gated.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C7** Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.
Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C8** Notwithstanding the details shown on the approved plans, prior to the commencement of construction of the car parking areas, detail of the proposed parking arrangements (including the spaces for the 6 'blue badge' bays) shall be submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the parking and turning areas have been drained and surfaced or other steps as may be specified in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the apartments. The blue badge bays shall be allocated to the accessible dwellings and shall be marked out as blue badge bays by the management company as they become required.
Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).
- C9** The access road/driveway shall be of a minimum width of 5m for a distance of 10m from the edge of the existing carriageway.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C10** The height of any front boundary enclosure shall not exceed 600mm above existing footway level.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C11** Prior to the access being brought into use, the vehicle visibility splays of the following dimensions 2.4m x 90m shall be provided at the junction of the access road with the public highway in accordance with the approved plans.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C12** Before the new access is brought into use, pedestrian visibility splays shall be provided on both sides of the access in accordance with approved plan (439:4H) and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the footway.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).

C13 No apartment shall be occupied until space has been laid out within the site for a minimum of 14 bicycle to be parked, and that area shall not thereafter be used for any purpose other than the parking of cycles.

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

C14 Prior to the occupation of any of the flats a scheme to provide communal access for each flat to satellite and/or television reception will be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in full and retained as such thereafter.

Reason: In order to prevent a proliferation of such equipment to the detriment of the visual appearance of the development, in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

C15 The dwellings shall not be occupied until the turning area shown on plan 489:4H has been drained and surfaced, and that area shall not thereafter be used for any purpose other than the turning of vehicles, in connection with the use of the dwellings.

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

C16 Prior to the construction of the roofs, details of the roofing materials to be used in the external roof surfaces of the apartments 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.

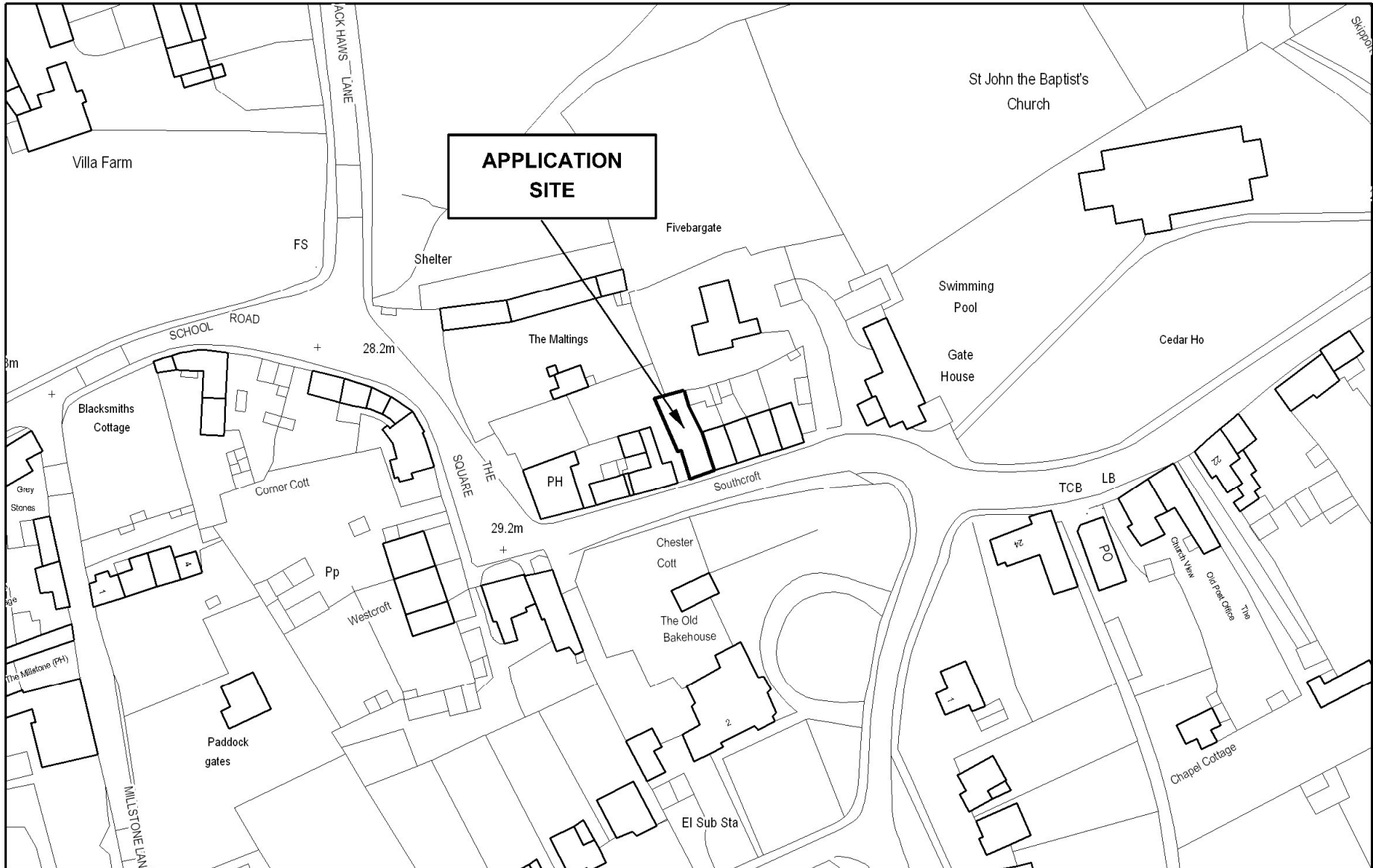
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

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

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

Copy to Councillors: Cereste, Rush and Walsh

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LOCATION PLAN 10/00385/FUL

Land Adjacent to Southcroft, Main Street, Barnack, Stamford

Scale 1:1250 Date 15/7/2010 Name MKB Department Planning Services

PCC GIS



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10/00385/FUL: CONSTRUCTION OF TWO BED DWELLING AT LAND ADJACENT TO
SOUTHCROFT, MAIN STREET, BARNACK.

VALID: 16 APRIL 2010

APPLICANT: MRS JOAN DEVANEY

AGENT: MR COLAN BARTRAM

REFERRED BY: BARNACK PARISH COUNCIL

REASON: THE PLOT IS TOO SMALL FOR THE DEVELOPMENT

DEPARTURE: NO

CASE OFFICER: MISS ASTRID HAWLEY

TELEPHONE: 01733 - 454418

E-MAIL: astrid.hawley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Design and impact on the character and appearance of the Barnack Conservation Area.
- Residential amenity.
- Impact of the development on neighbour amenity.
- Highway implications.

The Head of Planning Services recommends that the application is APPROVED

2 PLANNING POLICY

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

Development Plan Policies

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.

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.

DA6 Tandem, Backland and Piecemeal Development – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.

H16 Residential Design and Amenity – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.

T1: Transport implications of New Development – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

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

Material Planning Considerations

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

National Planning Policy Statements

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

Planning Policy Guidance (PPG) 13 ‘Transport’ April 2011

Barnack Conservation Area and Village Appraisal March 2008

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

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

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

Permission is sought for the construction of one, two bedroom dwelling on land between Southcroft and Pasque Cottage. The proposal is one and a half storeys in height and incorporates a dormer window to Main Street with a single storey wing to the rear.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located to the core of the Barnack Conservation Area on a parcel of land between Pasque Cottage and Southcroft, Main Street. All the buildings to this part of the street are listed with the exception of Southcroft. The application site previously formed part of Southcroft’s garden area. The land is presently overgrown and flanked by a brick wall of approximately 1.4m high.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
99/00479/FUL	Erection of two storey dwelling.	14.09.99	Permitted
03/01839/FUL	Renewal of planning permission 99/00476/FUL	18.02.04	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Conservation Officer – No objection. Recommends the imposition of conditions relating to materials and finish of the development. (See Section 7c)

Head of Transport and Engineering – No objection subject to a condition which prevents doors and windows opening outwards onto the highway.

Environmental Health – No objections

Archaeology – No objection - Given the location of the development a programme of archaeological work should be required by condition.

NEIGHBOURS

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

- Concerns regarding the design and height of the building in relation to the size of the plot and the adjacent dwelling, Pasque Cottage.
- Impact on the character of the Conservation Area and adjacent listed buildings.
- Need to retain the existing stone wall boundaries.
- Concerned regarding the storage and management of waste collection given that no rear access into the garden can be provided.
- Increased on street parking.
- Concerns about the noise and general disruption whilst development takes place.
- Concerns regarding the potential for damage to the adjacent Pasque Cottage arising from the building works.

PARISH COUNCIL

The Parish Council objects to the application as it considers that the site is too small for the development proposed. In addition it is noted that access to the rear of the property is through the house only and the Parish would not wish to see refuse bins left on the public highway following collection.

7 REASONING

a) **Introduction**

The principle of the development has been established under planning applications reference: 99/00479/FUL and 03/01839/FUL which granted approval for the construction of a two bedroom dwelling on the application site. The latter approval granted conditional consent for a five year period, which expired on 18 February 2009.

It should be noted that foundations were laid on site in January 2009. However, the applicant failed to discharge all the pre-commencement relating to the 03/01839/FUL application prior to its expiration on the 18 February 2009. The Local Planning Authority took the view that this permission had not therefore been implemented within the five year period of consent and advised that a new application would be necessary before continuing to build out the development.

It should be noted that the design of the dwelling is the same as that approved under 03/01839/FUL except for a reduced pitch of the roof and the height of the ridge and eaves so that they align with the adjacent Pasque Cottage. This is considered to be an improvement.

b) **Residential amenity**

The proposal results in a small dwelling that is consistent with the scale and form of the neighbouring property. A small area of private rear amenity space can be provided. No independent access can be provided. Future residents will therefore be required to pull their bins through the house to the public highway on collection days. Whilst it is noted that this situation is not ideal the constraints of the plot do not allow for any alternative and given that the principle of the development has been established and this arrangement previously accepted the Local Planning Authority would be unable to resist the application on these grounds. Ultimately these matters are for consideration by the future occupiers and it should be noted that Policy H20 of the Adopted Peterborough Local Plan encourages the provision of a range in housing scale and tenure mix in order to meet the varying needs of the housing market. On balance therefore it is considered that the proposal is in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

c) **Design and impact on the character and appearance of the Barnack Conservation Area**

The Conservation Officer does not object to the proposal.

Main Street has a distinct character of enclosure due to an almost unbroken facade of buildings set at the back edge to the footway and the high stone boundary wall of Kingsley House to the south of the application site. All these buildings are listed with the exception of the adjacent dwelling to the west, Southcroft, which has a large two storey rear extension. The only gap within the street scene therefore is the application site, which is presently flanked by an unattractive and modern brick wall. It is considered that the development would reinforce the enclosed character of this part of the Conservation Area which would be a positive feature.

The design of the proposal adopts a traditional form which is considered of an appropriate composition, scale and form for this part of the Conservation Area. The dwelling sits to the rear of the footpath, is one and a half storeys high, has a ridge parallel to the road and incorporates a dormer which is identical to Pasque Cottage, the adjacent listed building. In addition the proposal has been amended so that the pitch of the roof and the height of the ridge and eaves align with the adjacent Pasque Cottage. The applicant has also revised the front elevation to include a false window within the front elevation, to the left side of the front door. These modifications are all supported by the Conservation Officer. The proposed materials are appropriate to the local vernacular and it is recommended that conditions are imposed on the decision to secure all the details.

It is therefore considered that the development is of an appropriate design, scale and height and would not result in a significantly detrimental impact on the character or appearance of the Barnack Conservation Area. In terms of design and spatial impact, the proposal is consistent with the adopted Barnack Conservation Area and Village Appraisal March 2008. The proposal is therefore in accordance with Policies DA1, DA2 and CBE3 of the Adopted Peterborough Local Plan (First Replacement).

d) **Impact of the development on neighbour amenity**

The proposal aligns with the footprint of the adjacent Pasque Cottage and the single storey element is well set back from the common boundary. No windows are proposed to the side gable. It is recommended that a condition is imposed on the decision to secure the details of suitable boundary treatments.

Taking into account the position of the dwelling within the plot, the site orientation, arrangement of fenestration and separation distances the proposal will not result in any significant harm to the amenities of the occupiers of any nearby neighbouring dwellings.

The proposal is therefore in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

e) **Highway Implications**

The Local Highway Authority does not object to the proposal.

The development cannot provide any off road parking contrary to the Local Plan parking standards. Notwithstanding this it is not considered that in this location this situation would be sufficiently detrimental to warrant the refusal of the application. On street parking is available to the front of the application site and is not known to be oversubscribed in this area. In addition Planning Policy Guidance 13 encourages the Local Highway Authority to take a more pragmatic view of car parking provision in relation to the merits and context of the site. As there is no front garden, the Local Highway Authority has requested a condition be attached to any permission requiring that all doors and windows to the front of the property open inwards.

The proposal is therefore considered compliant with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

f) **Planning Obligation**

It should be noted that a S106 contribution of £4000 plus monitoring fee is required for the development in accordance with the Planning Obligation Implementation Strategy (POIS). The applicant has agreed to enter into S106 Obligation and the process is currently ongoing.

8 CONCLUSIONS

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

- The principle of the development has been established under planning applications 99/00479/FUL and 03/01839/FUL.
- The amended design results in an improved composition that is appropriate in scale and form and will reinforce the enclosed character of Main Street. The proposal will not therefore result in a significantly detrimental impact on the character or appearance of the Barnack Conservation Area.
- The proposal by reason of its design, scale and height will not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development is consistent with the character of the area and will provide adequate living conditions for residents.
- The proposal will not result in a detrimental impact on Highway Safety.

The proposal is therefore in accordance with Policies DA1, DA2, DA6, CBE3, H16 and T1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

C1 Works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C3 No development shall commence until details of the type, design and external finish of all windows and rooflights (including sill and lintel details), external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted in respect of windows and doors facing the highway shall demonstrate that no window or door will be capable of opening out onto the public highway. The development shall be carried out in accordance with the approved details and retained as such thereafter.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**

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

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any elevation of the building hereby permitted other than those expressly authorised by this permission.**

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

- C6 All pointing shall be done using a lime-based mortar and carried out in accordance with Cambridgeshire Conservation Note 4-Pointing.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C7 Windows shall be set back a minimum of 50mm in the reveals of their openings unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C8 Prior to the commencement of development a scheme for the hard landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwelling.**

The scheme shall include the following details:

- 1) Proposed finished levels or contours.**
- 2) Boundary treatments.**

Reason: In the interests of the visual amenity of the area in accordance with Policies CBE3 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

Informatives

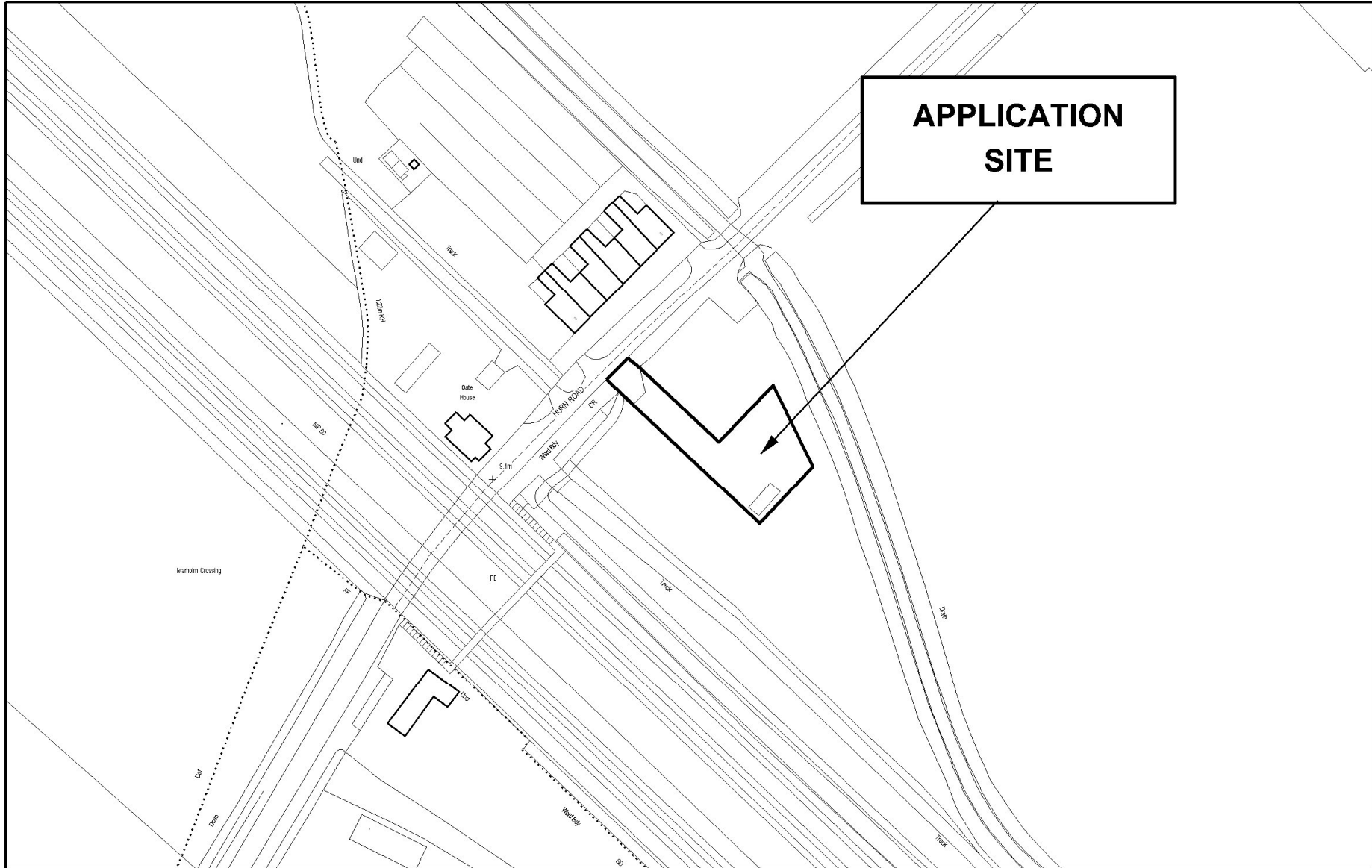
- 1) Pursuant to condition 3 the applicant is advised that windows shall be timber framed with discreet trickle vents. All doors and joinery should also be timber. Rainwater goods shall be black painted half round either cast iron or cast aluminium on rise-and-fall brackets.
- 2) Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email buildingcontrol@peterborough.gov.uk.
- 3) Highways Act 1980 - Section 148, Sub-Section C
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 4) Highways Act 1980 - Section 149
If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 5) Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email buildingcontrol@peterborough.gov.uk.
- 6) The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works. Normal and reasonable working hours for building sites are considered to be from 8.00 a.m. to 6.00 p.m. Monday to Friday, from 8.00 a.m. to 1.00 p.m. on Saturday and not at all on Sunday. If any activities take place on the site beyond these times, which give rise to noise audible outside the site, the Council is likely to take action requiring these activities to cease. For further information contact the Environmental and Public Protection Services Division on 01733 453571 or email eppsadmin@peterborough.gov.uk.
- 7) This consent does not give any authority or permission to carry out any works on adjoining land. If there is the possibility that any part of the approved development including foundations, guttering, services, etc. will need to encroach on adjoining land, then the permission of the neighbouring owner will also be required before any works commence. You should refer to the Party Wall Act 1996, or alternatively guidance can be found on the following website <http://www.peterborough.gov.uk/page-102>, or by telephoning 01733 453422 or email buildingcontrol@peterborough.co.uk.
- 8) This permission should be read in conjunction with, and the development is subject to, the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and associated legislation between Mrs Joan Devaney and Peterborough City Council dated - currently under preparation.

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

R1 A request has been made by the Local Planning Authority to secure a contribution towards the infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillor David Over

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LOCATION PLAN 10/00412/FUL

Land Opposite 3 Hurn Road, Werrington, Peterborough

Scale 1:1250 **Date** 15/7/2010 **Name** MKB **Department** Planning Services

PCC GIS



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10/00412/FUL: USE OF LAND FOR ONE EXTENDED GYPSY FAMILY COMPRISING TWO RESIDENTIAL CARAVANS AND ONE FAMILY ROOM CARAVAN AT LAND OPPOSITE 3 HURN ROAD, WERRINGTON, PETERBOROUGH

VALID: 19 OCTOBER 2009

APPLICANT: MR BROWN

AGENT: BARRY NICHOLLS

REFERRED BY: CLLR LANE

REASON: HEALTH AND SAFETY OF PERSONS ON THE SITE

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

TELEPHONE: 01733 454410

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology
- Noise
- Access to local services

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

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- U1 Water supply, sewage disposal and surface water drainage
- U9 Pollution of Watercourses and Groundwater
- CBE2 Other areas of archaeological potential or importance
- T1 New development should provide safe and convenient access to and from the site
- H16 Residential design and amenity

Material Planning Considerations

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

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

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

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

- Policy H3 – Provision for Gypsies and Travellers

Peterborough Core Strategy – Preferred Options May 2008

- Policy CS7 – Gypsies and Travellers

PPG24 Planning and Noise

3 DESCRIPTION OF PROPOSAL

The proposal is seeking planning permission for the erection of two static caravans for residential occupation, both to have a length of 5.50m and a width of 2.29m and a third caravan to be used as a family room. All three caravans are to be used by one extended family. A foul water treatment plant is also proposed with the surface of the site being of permeable materials. The site area is approximately 0.07 hectares and is 'L' shaped in plan form. The vehicular access is proposed directly opposite no.3 Hurn Road and is shown with a width of 8m. Entrance gates are to be set approximately 10m from the edge of Hurn Road, allowing vehicles to stand off the highway when entering/leaving the site. The two 'living' caravans are to be located approximately 27m from Hurn Road to the rear of a grass field. They are to be positioned end to end immediately adjacent to each other. The family room caravan is to be located at the very rear of the site approximately 48m from Hurn Road. The underground water treatment plant is to be located towards the south east corner of the site. The surface water drainage of the site is to be via a soakaway. The 'living' caravans are proposed at a distance of 46m from the nearest line of the London to Edinburgh mainline railway.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The sole vehicular approach to the site is via Hurn Road which is of a single carriageway width and does not benefit from passing bays along its immediate length up to the access to the application site. The road has a mature hedge along its northern side whereas to the south there are clear views into the open countryside. The application site is located within a triangular shaped area of land that is owned by the applicant. This land is generally overgrown with various vegetation including scrub type land, shrubs, hedging and small trees. Immediately to the north of the application site is a row of 6 modest sized terrace houses the frontages of which are set back 9m from the vehicle carriageway. A detached dwelling is located very close to the railway line to the west of the terraced row. To the east/south east of the site is arable farmland. The nearest line of the East Coast mainline railway is approximately 37m from the western boundary of the application site. In total there are three mainline tracks with two further to the west that connects Peterborough with Leicester.

5 PLANNING HISTORY

None Relevant

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Section 106 Officer – No financial contributions would be required from the development

Head of Building Control – Building Regulation approval would not be required.

Archaeology Team – No objection - The site is surrounded by crop marks of uncertain interpretation, whilst some of these have in the past been found to represent geological features others could be of archaeological origin. Suitable archaeological mitigation should be attained through, should planning permission be granted, a condition requiring an archaeological investigation of the site prior to the commencement of the development.

Head of Transport and Engineering – No highway objections

Senior Housing Enforcement Officer – Strongly advises that an environmental impact assessment be undertaken. Waste collection and disposal statement from the applicant should be required advising that waste collection and disposal would not cause a detrimental impact to the neighbourhood. The site will provide for only 3 proposed units and therefore no site licence would be required. There could be an impact on local traffic and access to the site for emergency vehicles. The use of generators for a power supply may give rise to noise complaints.

Education Department – No financial contribution to fund places at local schools would be required.

Wildlife Officer – No objection - The site is close to the Marholm Crossing County Wildlife Site but the proposal would be unlikely to have an impact upon the features for which the site has been designated.

Environmental Health – Pollution Control Team – Objects as it has not been demonstrated that the occupants would not be adversely affected by noise from the railway.

By comparison with other previously considered applications, at broadly similar locations the site would fall within Noise Exposure Category B. The advice for NEC B is that “Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. The World Health Organisation has provided guidance that “general outdoor noise levels of less than 55dB L_{Aeq} are desirable to prevent any significant community annoyance” and that “a level of less than 35dB(A) is recommended to preserve the restorative process of sleep”. These recommendations should be regarded as the maximum noise levels to be permitted within or around the noise sensitive development. The Building Research Establishment document “Sound Control For Homes” (ISBN 0-85125-559-0) provides guidance on scheme design and controlling external and internal noise. It will be necessary for the applicant to demonstrate that appropriate noise levels can be achieved for the proposal with respect to the above guidance. Particular emphasis in the determination of the noise environment is needed with respect to the lightweight building elements involved. For instance, whilst a conventional building may utilise glazing options to achieve suitable sound reduction, this may not be appropriate for the proposed structure. The structure will need specific consideration in determining the appropriateness of the application, in terms of its' sound reduction performance, and in the potential for resonant excitation of the lightweight building elements from passing trains. The use of bunds/fences may result in adequate noise mitigation, but this will need to be sufficiently demonstrated.

Landscape Officer – No objections

Head of Operations (City Services) – No objections

EXTERNAL

Environment Agency – No objections. Any culverting of a watercourse requires approval of the Environment Agency. Consent would be required from the Environment Agency for any works/structures within 9 metres of the Brook Drain that runs close to the eastern boundary of the site.

Network Rail – No objection to the principle of the development but there are requirements that must be met, especially with the close proximity of the site to the electrified railway. Specifically all surface and foul water must be directed away from Network Rail property. Development for residential use adjacent to an operational railway may result in neighbour issues arising. Every endeavour should be made by the developer to provide soundproofing for each dwelling. The worst case scenario could be trains running 24 hours a day and sound proofing should take this into account. This can be secured in such cases by way of a condition to a planning approval.

Werrington Neighbourhood Council – Objection on the grounds that:-

The proposal would result in a significant loss of amenity to the properties overlooking the site, particularly nos.3 to 8 Hurn Road and it would have a significant adverse impact upon the appearance and character of the locality. The surrounding area is rural and notwithstanding the intermittent noise from passing trains the local environment is quiet and secluded. There is concern that as the applicant

has indicated that he also owns adjoining land that these areas would be used for activities that may have an adverse impact upon the amenities of the occupiers of the adjacent residential properties. The site has not been identified by the City Council as one which has the potential to be suitable to accommodate a Gypsy family. ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites advises that Local Planning Authorities should have regard, amongst other considerations to noise and other disturbance from the movement of vehicles to and from a site, the stationing of vehicles on the site and business activities. Residential development in the open countryside should only be permitted where there is an overriding need as stated in policy H13 of the Peterborough Local Plan (First Replacement). The proposal would also not meet the criteria of policy H22 of the Local Plan which relates to sites adjacent to Rural Growth or Limited Rural Growth Settlements. The proposal does not satisfy policy H27 (Development of Gypsy Caravan Sites) of the Local Plan as the development of the site would have a general adverse impact upon the amenity, appearance and character of the location with it being situated directly within the environs of existing residential properties. The proposal also does not satisfy the requirements of policy CS7 of the Peterborough City Council Submitted Core Strategy Document on the grounds the development of the site would have an adverse impact upon the amenities of the occupiers of the close by residential properties and would have a detriment impact upon the appearance and character of the area.

NEIGHBOURS

Objections to the proposal have been received from the occupiers of the terraced row of residential properties immediately to the north of the application site on the grounds that:-

- The occupation of the site would affect the peace and quiet and the general character and appearance of the area
- Hurn Road is only a single lane road and a no through road and cannot accommodate more traffic without it becoming congested at times as there are no passing bays along its length as the site is approached from the east. This could have implications for emergency service vehicles accessing the existing dwellinghouses and the application site.
- The proposed residential use of the site could lead to vehicles associated with the occupation of the having to park in Hurn Road to the detriment of the free flow and safety of traffic/pedestrians
- The occupation of the site would lead to a reduction in property values of the residential properties in Hurn Road.
- The occupation of the site with caravans and ancillary structures would detrimentally impact upon the outlook from the residential properties to the north of the site
- The occupation of the site would increase noise levels within an area that is generally quiet other than the long established noise generated by the passing trains on the East Coast Main Line Railway.
- The occupation of the site would give rise to a loss of privacy currently afforded to the residents of the dwellinghouses to the north of the site.
- The site has no mains water supply or sewerage facility.
- The site is very close to the East Coast Mainline Railway and there are fears that any children on the site could be at risk were they to trespass upon the railway lines.
- The Greenwheel Cycle route passes the site and the presence of caravans and ancillary structures would detract from the enjoyment of the route by cyclists/walkers
- Hurn Road has no footpaths/pavement alongside it and hence no safe pedestrian route from the application site to the services in Werrington
- The large sized vehicles that are commonly owned by Gypsy's for business purposes would be unsuitable for use along Hurn Road due to its narrow width
- The accessibility to everyday services such as shops, medical facilities and schools is poor from the site.
- The proposal has not met the locational requirements in the Government guidance for the location of Gypsy sites
- The proposal has not met the locational requirements in the Peterborough City Council Strategy for the Gypsy and Traveller population.
- There have been sittings of Great Crested Newts on the site which are a protected species that should not be disturbed.
- There is the potential for attacks by the dogs of the occupiers of the site on people walking or cycling past the site.

- No mention has been made on with regards to the drainage of surface water off the site.
- There are more suitable sites within which Gypsy's could be located
- The site is not vacant as stated in the application forms but has been used for agricultural purposes

A petition has been submitted, by the occupiers of 8 residential properties in Hurn Road, Werrington objecting to the proposal on the grounds that:-

- The proposal would set a precedent for similar proposals in the area
- Impact upon the residents of the adjacent dwellinghouses
- The water pressure in the road cannot cope with more residential development
- There are no mains sewerage facilities in Hurn Road
- The proposal would devalue the dwellinghouses opposite the site
- The proposals would be inappropriate in view of the proposals for the larger development of the area
- Hurn Road is a single carriageway and cannot cope with more traffic particularly if other gypsy vehicles are attracted to the site
- Planning permission has previously been refused for the residential development of the site
- Would the Local Authority provide waste bins for the residents of the site
- Should fires be lit on the site the prevailing wind would tend to blow the smoke directly towards the occupiers of the dwellings opposite the site.
- The site is only 32 feet away from the boundary of dwellings opposite the site

Two letters of support have been received from a resident of Werrington and a business in Werrington

Councillors

Cllr John Fox – The site is within a rural area and its use has to be conducive to the local residents. Hurn Road is basically a cul-de-sac with only one way and out. The extra traffic that could reasonably be expected to be generated as a result of the proposed occupancy of the site would cause problems to nearby residents. Any residential development of the site should reflect the established designs of nearby properties i.e. a bungalow in keeping with the existing two bungalows present along the south side of Hurn Road. There is a concern that if planning permission was granted that it would be next to a Mainline Railway and children would be vulnerable in this location.

Cllr Stephen Lane – Principle concern is for the health and safety of any residents on the site. The application does not meet the standards outlined in the CLG Good Practice Guide – Designing Gypsy and Traveller Sites. It is also considered that the proposal would contravene the advice contained within PPG24: Planning and Noise.

7 REASONING

a) Principle of development

The application site is located within the countryside i.e. outside of a village envelope. At the time of compiling this report Policy CS7 of the Core Strategy stated that there would be a minimum of 30 pitches for Gypsy and Traveller caravan accommodation to meet the need for the number of pitches in Peterborough as identified by the Gypsy and Traveller Accommodation Single Issue Review of the Regional Spatial Strategy for the East of England. However, the new Central Government administration has disbanded the Regional Spatial Strategies and as a result a report is being put before the meeting of the Full Council (14 July 10) by Officers for advice on how to proceed with such development given that there would be no planning policy base with which to seek to allocate permanent Gypsy and Travellers sites in the district. Notwithstanding the changing policy background the application site is not one that had been proposed for a specific allocation for Gypsy and Traveller use and therefore the application should be determined on the basis Circular 01/06 (which must be used instead of the superseded Local Plan policy H27) and emerging policy CS7 (a) to (e) of the emerging Core Strategy.

The agent has provided evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers. In terms of location, the proposal is considered to be within a reasonable travelling distance of the built up area of Werrington and that it is not so isolated as to be considered unsustainable. Circular 01/06 states that sites on the outskirts of built-up areas may be appropriate and that sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints are acceptable in principle. The key issues relate to detailed evaluation of the site in question and relationship to immediate surroundings and these are considered below;

b) Landscape Impact

The application site is not located an area of the district that has been identified as having the best landscape value. The caravans and curtilage, with improved boundary planting could, it is considered, be an acceptable addition to this countryside location. This would be assisted by the presence of the mainline railway immediately to the west of the site and the set back of the caravans from Hurn Road. That restricts views of the site from ground level and it is a visually well contained site. Part of the railway line in this location is designated as a Local Nature Reserve (policy LNE16) and it is considered that the proposal will not have an adverse affect upon this.

c) Access to Services

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

The site is within approximately 1.1km from the nearest shops at the Loxley Centre, off Lincoln Road Werrington. The nearest Primary School Is William Law School that is 1.5km away from the site. The Primary School in Glinton is approximately 2.6km away. However, the distances are far greater by car (due to the particular nature of the road connections leading to / from the site) which is considered to be the most likely form of transport used. It is considered that these distances are reasonable travelling distances to these services. Circular 01/06 states that issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Other considerations include the wider benefits of easier access to GP and other health services and children attending school on a regular basis and the provision of a settled base that reduces the need for travel by car. On balance it is considered that the location of the site is not sufficiently sustainable.

d) Highways

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

The Highways team have raised no objection to the proposal on the grounds that the proposal is for only one extended family which would not materially increase the number of vehicle movements along Hurn Road such that there would be minimal interruption in the free flow of traffic. The road also forms a part of the Peterborough Greenwheel Cycle Route the safe use of which should not be affected by the occupation of the site.

e) Drainage

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

The Environment Agency raises no objection to this application. The site could be serviced with mains water and the use of a small sewerage treatment plant would be acceptable. The latter could be secured by a planning condition. The proposed structures on the site would all be at least 9m away from the nearby drains.

f) Impact on surrounding sites

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

It is considered that the proposed development would not adversely impact on the amenities of any occupiers of nearby residential properties. The caravans could in time be screened by vegetation that

could be secured by a planning condition. The amount of traffic movement generated by the occupation of the site, given that the proposal is for one gypsy family, would not be significant to cause harm to residential amenity.

h) Archaeology

The Archaeological Officer has advised that the site may contain remains of interest but would not require an archaeological investigation prior to the determination of the planning application. A planning condition could be imposed that sought archaeological investigation works prior to the commencement of development.

i) The Residential amenities of the future occupiers of the caravans.

As the application site is located extremely close to the mainline railway connecting London to Edinburgh the noise generated from the passing high speed trains would be very audible within both the application site in general and also within the proposed caravans. The thin metal walls of the proposed static caravans would not shut out the noise from the trains and no sound insulation measures have been proposed to the caravans to seek to provide for a quiet internal residential environment. Similarly, no measures have been proposed to mitigate against the noise from the passing trains within the open areas within the site. On that basis the proposal would not provide for a satisfactory level of amenity for the occupiers of the caravans and therefore the site would not be suitable for residential occupation.

Whilst the use of the site for caravan occupation is not considered appropriate on residential amenity grounds there has been some confusion with regards to the noise readings being used by Environmental Health Pollution Control Team to assess the proposal. Initially historical noise reading data, that monitored noise from the passing trains travelling between Peterborough and Spalding, (a single line railway that only has approximately two trains an hour), was used. This noise data was used as Environmental Health were under the assumption that the application site was that at the existing Foxcovert Road Gypsy Caravan Site just to the north of Werrington. Based on those readings they initially satisfied the addition of three more caravans would be acceptable given the low level of rail movements along the adjoining railway line. This was on condition that rail movements had not significantly changed from the time of the earlier noise readings. On that basis the applicant was advised that it would be unlikely that noise would be an issue and as a result noise readings on the actual application site ceased.

However upon discovering the locational error Environmental Health revised its comments as stated earlier in this report. Noise readings at the site have not been taken by the applicant but it is possible to assess the likely noise environment by comparison with other previously considered applications on sites in broadly similar locations. The advice is that the site is expected to fall with Noise Exposure Category B in accordance with advice in PPG24 – Planning Noise - which means that noise has to be taken into account when determining planning applications and where appropriate conditions could be imposed to ensure protection against noise. The applicant is to be required to demonstrate that appropriate noise levels can be achieved on the site and within the caravans to provide for a satisfactory living environment. Having been advised of this the applicant is somewhat aggrieved that he is now not being given the opportunity to provide noise readings and possible solutions to reduce the noise levels to standards required by the World Health Organisation (WHO) under the current application. Given the time that the taking of readings and any discussions with Network Rail can be expected to take, rather than hold the application in abeyance Officers have suggested to the applicant that the application should be withdrawn and then resubmitted once the noise readings have been taken and analysed. By doing this the applicant would not be required to submit a further application fee.

The applicant is however unwilling to adhere to this suggested approach and as a result officers would advise that the application should proceed to a decision. Therefore given the close proximity of a loud noise source to the site, the lightweight construction of the caravans and the absence of any mitigation measures that would reduce the noise levels within the caravans to WHO standards and also to the external areas of the site the proposal would provide for an unacceptable living environment and would be contrary to the requirements of policy H16 of the Peterborough Local Plan (First Replacement).

j) Miscellaneous

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

- The most likely noise source from the site would be that from a generator. Such noise levels could be controlled by the implementation of attenuation measures which could be secured by condition
- The privacy of the occupiers of the residential properties opposite the application site is already affected by the cyclists/walker on the Green Wheel Route that passes directly to the front of their houses and it is not envisaged that the occupation of the proposed site would compromise their existing privacy levels.
- Concern has been expressed that the safety of children living at the site may be compromised through access to the mainline railway. However, the railway is secured by security fencing along its boundary to restrict access.
- A near neighbour to the site has mentioned that a Great Crested Newt has been seen on the application site although the Wildlife Officer has advised that no such sightings have ever been reported in the past and the environment is not best suited to such newts who tend to inhabit ponds rather than streams that flank the applicants property.
- Policy H22 of the Local Plan refers to rural exceptions sites for affordable housing and is not relevant to gypsy and traveller sites. Policy H27 was the relevant policy but this has not been saved as the relevant policy is contained within Circular 01/06.

8 CONCLUSIONS

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

The level of site occupation will not cause undue disturbance or harm to nearby residents or the character of the area. In this respect the proposal complies with advice in Circular 01/06 and Policy CS7.

Despite the removal of the trees on site, this proposed development, subject to replacement planting, is not considered to unacceptably impact on the surrounding best landscape and Local Nature Reserve designation (that part of the railway line) in accordance with Policies LNE5, LNE9, LNE16 and LT11. There is no unacceptable access or highway safety issues in accordance with Policy T1 of the Local Plan.

However, the issue of noise impact on the occupiers of the site remains and due to the location immediately next to the main railway line, it is considered reasonable that the applicant to demonstrate up front, that the site is suitable for residential occupation. As this has not been sufficiently demonstrated, the application should be refused for this reason. In addition, the site is not in a location which is considered sufficiently sustainable in terms of travel to key services.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is REFUSED for the following reason:

R1 The application site is unsuitable for residential occupation by three residential static caravans as it would, in the absence of suitable noise mitigation measures, provide for a poor living environment for future occupants both within the caravans, due to their lightweight building elements, and also within the general confines of the site, due to the significant high and frequent noise levels resulting from high speed rail movements the close by London to Edinburgh mainline railway. The proposal is therefore contrary to policy H16 of the Peterborough Local Plan (First Replacement) which states:-

H16 Planning permission will only be granted for residential development (including changes of use) if the following amenities are provided to a satisfactory standard:

- a) daylight and sunlight; and
- b) privacy in habitable rooms; and
- c) noise attenuation; and

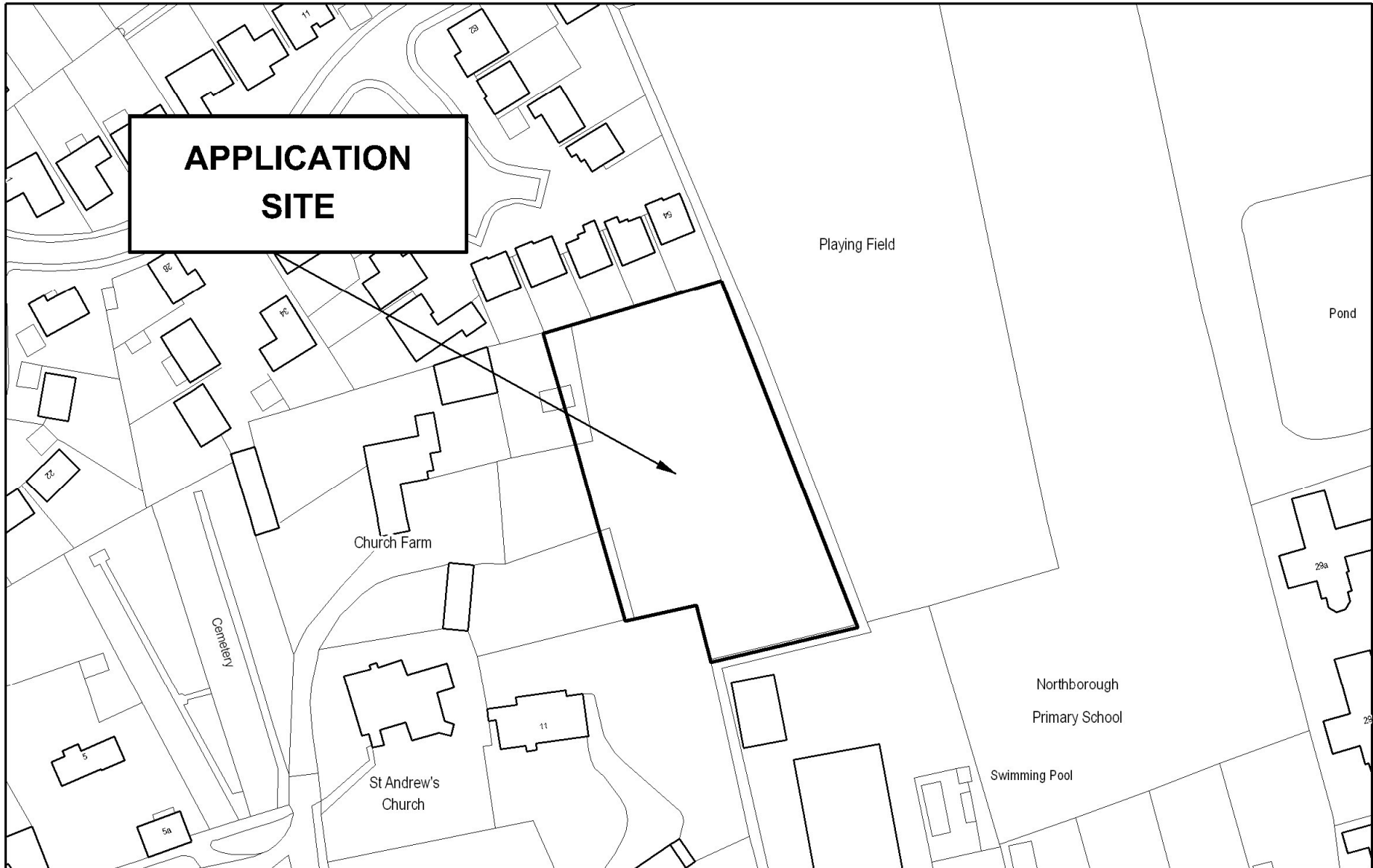
d) a convenient area of private garden or outdoor amenity space with reasonable privacy.

R2 The site is not located in a sufficiently sustainable location in relation to key services and therefore the proposal is contrary to Circular 01/06.

Copy to Councillors: Fower, Burton, Thacker

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**APPLICATION
SITE**



LOCATION PLAN 10/00508/FUL

Church Farm, 7 Church Street, Northborough

Scale 1:1250 Date 15/7/2010 Name MKB Department Planning Services

PCC GIS



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10/00508/FUL: CONSTRUCTION OF 3 X TWO-STOREY 5 BED DETACHED DWELLINGS AND ASSOCIATED GARAGES AT CHURCH FARM, 7 CHURCH STREET NORTHBOROUGH, PETERBOROUGH

VALID: 22 APRIL 2010

APPLICANT: THE HEYES GROUP LTD

AGENT: MRS LYDIA RUSSELL-DEMISSE, ARCTICA

REFERRED BY: NORTHBOROUGH PARISH COUNCIL

REASON: GIVEN THE PROXIMITY TO THE CONSERVATION AREA AND IN LIGHT OF RECENT POLICY CHANGES IMPROVEMENTS COULD BE MADE TO THE HOUSE DESIGNS IN RESPECT OF THE ELEVATIONS, PARTICULARLY FENESTRATION, ROOFLINE AND MATERIALS

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- Impact on the setting of a the Listed Building
- Impact on the character and appearance of the Northborough Conservation Area
- Residential Amenity
- Highway Implications

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

2 PLANNING POLICY

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

Development Plan Policies

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.
- 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.
- 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.

- H10: Limited rural growth settlements** - The villages of Ailsworth, Barnack, Castor, Glinton, Helpston, Newborough, Northborough, Thorney and Wittering are designated as limited rural growth settlements where small estates, housing groups and infill will be permitted.
- H15: Residential Density** - Seeks the Highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.
- H16: Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- 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.
- T1: Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T10: Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

Material planning considerations

Planning Policy Statement (PPS) 3 'Housing'

Planning Policy Statement (PPS) 5 'Planning of the Historic Environment'

Draft Northborough Conservation Area Appraisal and Management Plan

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

The application seeks permission for the erection of three 5-bed two storey detached dwellings and associated garages, in a paddock associated with Church Farm. The application is a resubmission of a previously approved scheme (ref. 05/01772/FUL) and is identical in siting, layout and scale. House C has a two storey element fronting the west of the site with single storey wings running west to east and attached double garage to the west. House D also has a two storey element fronting to the west with a single storey element to the east and detached double garage to the side/rear (east). House E has a two storey elements fronting north with a single storey element to the east and attached double garage

to the west. Changes are proposed to the materials to that of the previous scheme which now proposes reconstituted stone to the principle two storey elements and the number of windows within the elevations fronting the conservation area has been reduced. The site is accessed via a private gravelled driveway off Church Street which currently serves Church Farmhouse and the Barnhouse (formerly used as an office), with extant consent for conversion to dwelling. A gravelled yard is provided to the front of the dwellings as a turning area.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site area is approximately 0.35 ha, currently an area of paddock associated with Church Farm, located within the village settlement boundary of Northborough and just outside the Northborough Conservation Area Boundary to the west. The site is part of the curtilage of the listed building and adjacent to the site to the north-west is Church Farmhouse a Grade II Listed Building with a stone built double garage and to the south west is a curtilage listed barn formerly used as an office with extant planning consent for conversion to a dwelling and consent for the erection of a stone built garage (05/00468/LBC and 05/00469/FUL) which abuts the application site. The surrounding area is predominantly residential in character with a two storey modern development abutting the site to the north, Northborough Primary School is located directly to the south, school playing fields to the east and there is a Public Right of Way to the east and south of the site. The site is bounded to the north with a 1.8m close boarded fence and to the east and in part to the south by post and rail fencing the remainder of the southern boundary formed by 1.8m fencing beyond which is a stone wall with pantile edging. The site is accessed via a private drive approximately 4m in width leading from Church Street adjacent to St Andrews Church which is enclosed by a 1.6m high wall stone wall.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
04/01666/FUL	Single and one and a half storey extensions to Barn House	20.12.2004	WDN
04/01667/LBC	Single and one and a half storey extensions to Barn House	20.12.2004	WDN
05/00468/LBC	One and a half storey extension to Barn House	06.06.2005	PER
05/00469/FUL	Change of use to dwelling, one and a half storey extension and detached double garage to Barn House	06.06.2005	PER
99/00436/FUL	Conservatory	18.06.1999	PER
99/00441/LBC	Conservatory	18.06.1999	PER
05/01772/FUL	Erection of three two-storey detached dwellings and associated garages	28.02.2006	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objection, but makes the following observations: The current visibility at the junction of the private access road with Church Street is not to current standards; however the Church Farm site used to house an office which generated more traffic than that of the total potential number of houses on the site. In addition, the traffic travelling along Church Street appears to travel relatively slowly due to the narrowness and curvature of it. Taking all of this in to account the LHA consider the use of this junction (from an additional 3 dwellings) acceptable. The private access road scales a minimum of 4m wide where it runs between the cemetery and Church. Ideally the whole shared area should be a minimum of 4.5m wide to allow two vehicles to pass one another. However, as there is sufficient space for a vehicle to wait whilst the other takes priority, the LHA do not foresee any particular problems with this. PCC refuse collection vehicles will not consider entering this private drive, so collection must be carried out from within 25m of the back of the public highway meaning that residents have to take their refuse over some distance to the collection point. There is adequate parking and turning for each dwelling, however some of the lengths of driveways to those garages will result in the occupant having to reverse some considerable distance.

Rights of Way Officer – No objection, but make the following observations: Any new fencing replacing the 1.3m post and rail fencing should be on the same line. There are reservations with the replacement 1.8m fencing as this would make the path feel more closed in. A more open alternative should be considered (see section 7 (g)).

Waste Management - No objection, but makes the following observations: Currently the bins from the farmhouse are collected from the end of the private drive and our refuse collection vehicle (RCV) does not enter the drive. As the plans stand we would not be able to access the development as there is not sufficient space for a refuse collection vehicle to turn around in the farmyard. The bins will have to be placed at the bottom of the driveway or a turning head in put in and driveway brought up to adoptable standard or a disclaimer provided in which the Council would not be responsible for any damage caused by the RCV using the drive.

Landscape Officer – Requested Tree Survey/Tree Constraints Survey be undertaken. This was carried out and a report has subsequently been submitted. The Landscape Officer has no further objections subject to a landscaping condition. (see section 7 (f)).

Conservation Officer – No objections in principle, recommendations made. (see section 7(b and c)).

Archaeological Officer – No objections. Requests condition. (see section 7 (h))

Environmental Health – Comments awaited.

NEIGHBOURS

There have been 7 letters of objection to the proposal. The main issues are as follows:

- Removes the last remnant of open space in the village centre in the conservation area
- Views of the church from the public footpath and surrounding area will be removed.
- Houses out of keeping with the adjacent historic buildings and village setting.
- Insufficient quality of materials that do not match the existing historic adjacent buildings.
- Design is too dense
- Traffic implications, particularly around Church Triangle and a school times
- Increase in number of refuse bins at end of driveway
- Increase in pressure on drainage systems
- Impact on properties to the rear in Church view, House C will restrict light
- Loss of privacy to the property at 50 Church View due to upper storey windows of House C and large multi-storey window in stairwell.
- Noise impact from construction of dwellings and increase in vehicular movements once occupied
- Inadequate access especially for construction vehicles
- Impact on quality of life through development of paddock area
- Planning consent is to make the sale of the property and land more attractive and is disingenuous
- The land should be used for allotments
- Single storey dwellings would be more acceptable
- Additional children will put pressure on the local school
- Narrow entrance will cause problems for refuse lorries and emergency vehicles
- Proximity to properties in Church View should be a minimum of 25 metres.
- Nuisance caused by car headlights shining into bedroom windows at night
- Views will be spoilt
- Impact on property value
- Garden will be in permanent shade from size of the proposed development
- Drain on electricity supply
- Application to extend garden into paddock refused as the field was to be kept as open space
- Further development would increase risk of accidents along the curved access drive
- The triangle has become increasingly congested since 2005
- The triangle village green is one of the few foci in the village and merits special attention for conservation
- Vehicle users attending the church will cause obstruction to the entrance of Church Farm

- Impact from delivery vehicles
- Construction vehicles will cause disruption to the users of the triangle for parking
- Impact on the setting of the Church from refuse bins parking to the front
- Impact on trees
- Pressure on existing services
- The only direct access to development is across designated conservation area

PARISH COUNCIL

Northborough Parish Council has no objections in principle to the layout, however, given the proximity to the Conservation Area improvements should be made to the house designs in respect of the elevations, particularly fenestration, roofline and materials. The boundary treatment to the east of the site (1.8m fence) which abuts a public footpath should be detailed and landscaped and applicant should be required to bevel the south eastern corner to allow a degree of visibility.

7 REASONING

a) The Principle of Development

The application is a re-submission of a previously approved scheme and is identical in scale, siting and layout (ref. 05/01772/FUL). The consent has now lapsed. The site lies within the village settlement boundary of Northborough where the principle of infill development is supported and the erection of three dwellings on this site has previously been considered acceptable. As the proposal is essentially backland development, it is assessed primarily against policy DA6 of the Adopted Peterborough Local Plan (First Replacement). There have recently been changes to Planning Policy Statement 3 and garden land is no longer classed as Brownfield land. The site however, is a paddock as opposed to a garden, and therefore the proposal is unaffected by the change. The proposal is also assessed against Planning Policy Statement (PPS) 5 'Planning for the Historic Environment' and the Draft Northborough Conservation Area Appraisal.

b) Impact on the setting of the Listed Building

The properties will be set back approximately 18m from Church Farmhouse (Grade II listed) and are separated from the Grade 1 Listed Church by the Barnhouse. This is considered to be of sufficient distance to avoid harm to the setting of the Listed Buildings. The footprint of the dwellings is large although the main part of the footprint is occupied by single storey elements. The density is approximately 10 dph which is considered to be in keeping with the adjacent listed buildings and the surrounding context. The Parish Council has raised concern regarding the use of materials as it was proposed that the dwellings would be constructed with a 'buff' brick and artificial slate, as previously approved. The conservation officer has proposed that the principal buildings should be faced in limestone with Collyweston slate roofs. The Planning Officer has sought to improve the use of materials on the site, however, the previous permission agreed that the two storey elements of the dwellings be constructed in a reconstituted stone and the subservient elements to be constructed in a 'buff' brick as proposed. The samples will be agreed by condition. It is considered that the use of the reconstituted stone will be an enhancement on the appearance of the main bulk of the dwellings and would be an improvement on the use of brick, as previously approved.

The use of Collyweston replica for the two storey elements and pantile for the single storey elements was suggested to the Agent. The suggested changes to materials were resisted and it was argued that these materials were not present on site and their use may result in a cluttered appearance detrimental to the setting due to the variety of the materials. Furthermore, the immediate setting contains buildings roofed in slate including the listed Farmhouse and the Barnhouse. The double garage to the Farmhouse has artificial slate roofing and artificial slate has recently been approved for an extension to the barn and proposed garage abutting the site. On balance, therefore it is considered that a slate material for the roofs of the proposal development is acceptable. The material proposed is 'Redland Cambrian Blue'. Given the amount of artificial slate on approved developments abutting the site and in the Conservation area, it may be unreasonable to insist on the use of natural slate. However, it will need to be demonstrated that the proposed material is a suitable alternative to natural slate and this can be dealt with by condition. It is considered therefore; that the proposed palette of materials is sympathetic to those used within the context of the site and would not be detrimental to the setting of the Listed Buildings. Hence the proposal accords with policy CBE7 of the Adopted Peterborough Local Plan (First Replacement).

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

The Townscape in the vicinity of Church Farm makes a positive contribution to the character and appearance of the Northborough Conservation Area. This is formed primarily by the presence of stone buildings, a continuous stone wall enclosing the church yard and a particular verdant character created by a number of mature trees within the site. The Northborough Conservation Area Appraisal and Management Plan has undergone a public consultation exercise and will be put forward for adoption by the City Council within the next few months. There is therefore sufficient weight to the document for it to be a material consideration in the assessment of the application. The site abuts the conservation area boundary at its western point however; the development will not be directly visible from any public vantage point within the Conservation Area. Notwithstanding this fact, the setting to the entrance to the site is pleasing and should not be harmed by the development.

The Parish Council objects to the proposed materials, the roof designs and the design of the elevations, particularly the number and size of windows. It is acknowledged that the purpose of the Conservation Area Appraisal and Management Plan is to ensure that the special qualities of the Conservation Area are preserved and enhanced. It encourages the use of traditional building materials and the use of replica Collyweston slates as a 'sympathetic alternative in the Conservation Area and the general landscape setting... and that there is insufficient contribution to the character of the conservation area or the village to justify the use of natural or replica Welsh slates within or beyond the conservation area'. This development however, has been previously approved with buff brick and slate materials and while the preferred roof material would be replica Collyweston, it is difficult to justify to what extent the use of slate will harm the character and appearance of the Conservation Area.

The applicant was advised by the planning officer to significantly reduce the number of windows within the elevations of the properties, many of which were considered to be unnecessary. The applicant has agreed to reduce the number of windows in the elevations to the properties which face the courtyard and Conservation Area boundary to the west in order to achieve a design which would be more in keeping with the surrounding character. Amended drawings have been submitted (ref. 42 rev. A, 43, rev A and 44 Rev A). House C: the proportion of window to masonry has been reduced within the west (front) and south elevations and rooflights deleted and House D: the proportion of window to masonry reduced in the west (front) elevation. While the proliferation of windows, particularly the number of roof lights, is not considered appropriate in design terms, the elevations to the rear of the site will not be visible from the conservation area. Furthermore the majority of windows are within the single storey elements and given the proposed boundary treatment comprising a 1.8m high boundary fence they will not be visible from any public realm.

The layout and design of the dwellings have been deliberately designed to be long and narrow in order to fit the character of the existing buildings. The open central area will retain the farm/crew yard feel while allowing vehicles to manoeuvre. It is considered that the reduction in the number of windows, combined with the use of materials, described above, the scheme is acceptable and would preserve the character and appearance of the Conservation Area in accordance with policy CBE3 of the Adopted Peterborough Local Plan (First Replacement).

d) Residential Amenity

There will be sufficient garden amenity space remaining to serve the Farmhouse and Barn and there is a good separation distance to the proposed dwellings avoiding any adverse impact on the amenity of the occupiers of these properties. Objections have been received from the neighbouring properties to the north of the site, in Church View, regarding the proximity of House C to their properties. There is a minimum of 16m separation distance to properties to the rear and as a standard a back to back distance of 21m is considered to be the minimum distance acceptable. However, as with the previous approved scheme, this is not a 'back to back' relationship; the north elevation of House C is a side elevation and the first floor windows which serve a stairwell will be obscured glazed and fixed shut, which is a requirement that shall be secured by condition to be retained as such in perpetuity. Therefore there will be no potential for overlooking from the first floor windows of House C and the separation distance of 16m is considered to be acceptable. All other aspects of the northern elevation of House C are single storey and the separation distance to properties in Church View combined with the boundary treatment are sufficient to avoid any unacceptable impact on the amenities of the occupiers of the neighbouring dwellings, both in terms of privacy, loss of light, noise and glare from headlights entering the site. Concern is also raised by objectors regarding the loss of views, in particular the view of St Andrew's

Church from the public footpath that runs along the rear of the site. Loss of view of the church from a public vantage point is a material consideration although there is no right of view from individual private properties. Any residential development of the site will have some impact on views of the Church from the public footpath. This has been accepted under the previous permission for development on the site. It is not considered that the loss of view from this particular vantage point justifies the refusal of the application. It is considered that the proposal will not unduly harm the amenities of existing neighbouring properties and hence the proposal accords with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

The proposed dwellings would be afforded a good standard of amenity in terms of adequate parking provision, enclosed rear garden areas in excess of 100m², privacy in habitable rooms and the design of the dwellings benefits by natural lighting. Hence the proposal accords with policy H16 of the Adopted Peterborough Local Plan (First Replacement).

e) Highway implications

The site is accessed via an existing gravelled drive off Church Street. There have been a significant number of objections to the proposal with regard the sub-standard access, lack of visibility splays, potential congestion at the 'Triangle' and the increase in traffic likely to result from the new development. The LHA have considered the proposal and although the access is below the required standards the number of cars likely to be using the access post development would be less than could be the case under the current lawful use of the site as home and office. In addition due to the narrowness and curvature of the road, traffic tends to travel slowly along Church Street. It is accepted that the width of the access road should be 4.5m to enable vehicles to pass however, there is sufficient space for a vehicle at the start of the access for vehicle to while the other vehicle passes. The access is sufficient for emergency vehicles/construction vehicles to enter. There is more than ample parking and turning for each dwelling. Therefore the LHA do not raise any objection to the proposal. The proposal accords with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

As the driveway will not be adopted a City Council refuse vehicle will not enter the site, so refuse bins will need to be located within 25m of the back of the public highway. This will be a considerable distance for the occupiers to walk there bins and will result in a number of refuse bins being located at the entrance on collection day. This issue has not been fully resolved at the point of writing this Committee Report and therefore a condition shall be appended to ensure the details are submitted and approved in writing by the Local Planning Authority.

f) Landscaping implication

The only two trees of note and that require consideration are the Horse Chestnuts adjacent to the driveway which are considered to be worthy of a TPO due to the visual amenity value they offer. They can be seen from the church frontage and also from the Public Right of Way at the rear to the paddock. A Tree Survey/Arboricultural Implications Assessment/Tree Protection Plan has been submitted subsequent to the registration of the application. The survey has concluded that both trees are at or virtually at the limit of their extension growth, have been subjected to high levels of soil compaction due to their proximity to the roadway and there is evidence of a good degree of resilience to further compaction. Both trees warrant the maximum recommended circular Root Protection Area (RPA). Neither of the trees concerned will be lost as a result of the proposal. The trees will require the crowns to be lifted to achieve a height clearance of approximately 6 metres over the roadway. Protective fences will be erected. The Landscape Officer raises no objections to the proposal subject to a landscape scheme to be agreed by condition which would include trees to the rear adjacent to the footpath to soften the visual impact on the development. The proposal therefore accords with policy LNE9 of the Adopted Peterborough Local Plan (First Replacement).

g) Public right of way

There is a public right of way to the east and south of the site and concern has been raised regarding the proposed erection of a 1.8m high fence adjacent to the footway which is also enclosed by the boundary fencing to the school playing field, albeit this has an open design. The agent has been advised that that the positioning of the fence should be at least 0.5m from the back of the footpath with appropriate landscaping between and that the 90° angle formed by the dog leg be splayed to allow visibility around the corner to ensure a more open feel for users of the public footway. This detail will be secured by condition.

h) **Archaeology**

The proposed development site is located some 50m to the north-east of the medieval church of St Andrew where a watching brief carried out to monitor groundwork between 2003 and 2004 identified an Anglo-Saxon pit and two undated ditches. Finds included a range of locally produced Early to Middle Saxon pottery. Early medieval and later remains may survive within the proposed development site. In accordance with PPS5 a condition shall be appended to the decision notice to secure the implementation of a programme of archaeological work.

i) **S106**

The development will give rise to a contribution of £27,000 in accordance with the Planning Obligations and Implementation Scheme and the applicant is entering into a S106 agreement with the Local Authority. This requirement accords with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

j) **Miscellaneous**

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

- Removes the last remnant of open space in the village centre in the conservation area – the land is not designated as public open space
- Drainage/Services – Drainage will be assessed under the Building Regulations application.
- Noise impact from construction of dwellings – This is not a planning issue
- Planning consent is to make the sale of the property and land more attractive and is disingenuous – this is not a planning issue
- The land should be used for allotments – The application as presented is for housing
- Application to extend garden into paddock refused as the field was to be kept as open space – there is no history of a planning application for this use
- Impact on property value – This is not a planning issue

8 CONCLUSIONS

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

- the principle of residential development on this site has already been supported under the previous planning consent.
- the site lies within the settlement boundary of Northborough where the principle of windfall sites is supported
- the density, scale, layout, design and use of materials will be in keeping with the adjacent listed buildings and will not harm the character and appearance of the Northborough Conservation Area
- the proposal will not result in an unacceptable impact on the amenity of occupiers of neighbouring dwellings
- given previous use of the site the access is acceptable and will not result in any adverse impact on the adjoining highway.

Hence the proposal accords with policies CBE3, CBE7, DA1, DA2, DA6, H10, H16, T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork in accordance with Planning Policy Statement 5 (Planning for the Historic Environment) and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- C 3 No development shall commence until details of the type, design and external finish of all windows; external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C 4 In the event that unsuspected areas of contaminated land/materials are discovered during the implementation of the development hereby approved, work in the identified areas shall cease and the Local Planning Authority be informed in order that an assessment can be made of the remedial measures that would be required to either control, remove or negate the potential for harm from the contaminants that may be present. Development shall thereafter only proceed once a scheme for the control or monitoring of such contaminants has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**
Reason: To protect Human Health and Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard, in accordance with Planning Policy Statement 23 (Planning and Pollution Control).
- C 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C 6 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. The scheme shall also include where relevant, details of screen walls and fences, surfacing materials and changes in ground level. 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).
- C 7 The dwellings shall not be occupied until the garages shown on the approved plans have been constructed. The garages shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the dwellings.**
Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies DA2 of the Adopted Peterborough Local Plan (First Replacement).

- C8 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).
- C9 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**
Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policies T1 of the Adopted Peterborough Local Plan (First Replacement).
- C10 Notwithstanding the details hereby approved the boundary treatment to the east and south boundaries shall be set back at least 0.5m from the back of the public footpath. The boundary treatment at the south east corner (House E) of the site shall be splayed to remove the 90° angle. The land between the back of the footway and the fence line shall be landscaped in accordance with details submitted to and agreed in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details and thereafter maintained by the owners of the respective plots abutting the footway.**
Reason: In order to ensure a greater degree of visibility and open aspect for users of the footway, and in accordance with policy T2 of the Adopted Peterborough Local Plan (First Replacement).
- C11 Prior to the first occupation of the development, or its completion, whichever is the sooner, details of the refuse collection procedures shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection procedure shall thereafter be carried out in accordance with the approved details.**
Reason: In order to protect and safeguard the amenity of the area and in accordance with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).
- C12 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling(s) shall be constructed other than as those expressly authorised by this permission.**
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C13 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any elevation of any dwelling other than those expressly authorised by this permission.**
Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C14 The area indicated on the approved plans as "extended farm yard" shall be retained as a shared open area for the use of occupiers of the dwellings hereby permitted.**
Reason: In order to provide space for vehicle manoeuvring in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement); and to preserve the setting of the adjacent Listed Building in accordance with Policy CBE7 of the Adopted Peterborough Local Plan (First Replacement).

C15 Prior to first occupation of the dwelling identified as House C hereby permitted the North facing stairwell window of House C shall be obscure glazed and fixed permanently shut and shall remain as such in perpetuity.

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

Informatives

1. The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Technical Support Team Manager - Highway Infrastructure Group on (01733) 453461 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.
2. The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering – Street Works Co-Ordinator on 01733 453467.
3. The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.
4. The applicant is reminded that Building Regulation approval is required for this development. Please contact the Building Control Section on 01733 453581 for further information.

Copy to Councillor Hiller

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
27 JULY 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Peter Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen	Tel. 453475

PETERBOROUGH PLANNING PERFORMANCE AGREEMENT (PPA) CHARTER

RECOMMENDATIONS	
FROM: Scrutiny Committee 29 April 2009.	Deadline date : Report to next Scrutiny Committee
1. That the P&EP Committee endorse the PPA Charter as the Council's preferred procedural mechanism for dealing with large/complex planning applications	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the report to P & EP Committee on 14 April 2009 and then Scrutiny Committee on 29 April 2009. This Committee approved the setting up of a working group to establish a PPA Charter and that prior to that Charter being "adopted" by the Council, the results of the working group i.e. the draft Charter would be brought back to the P & EP and Scrutiny Committees.

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to present the draft PPA Charter to Committee for their endorsement prior to the Charter being taken to Scrutiny Committee and then being used as guidance for developers.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. BACKGROUND TO THE PPA CHARTER

- 4.1 The Planning Service has now established a protocol and charging system for dealing with Pre-Application Enquiries and this has been running since January 2010. The methods and timescales for dealing with such enquiries is set out on our website and we currently aim to send a response on applications for proposals which will fall within the "major" category within 30 working days.
- 4.2 This approach is appropriate for the majority of pre-application enquiries but for those projects which are very large scale or complex, a more detailed project management approach will be appropriate. The Government advocates that Planning Performance Agreements are an effective tool for enabling collaborative working between local authority planners, other services and developers and to ensure that proposals are progressed in a timely manner. Planning Performance Agreement Charter sets out how we would wish to

see this work. It also re-emphasises the importance of early developer engagement with the local community and compliments the Statement of Community Involvement in this regard.

- 4.3 The Charter below is a product of the working group set up earlier this year and included officers from the main services most often involved in discussions/consultations on planning applications. Members from each main political group were also invited. We carried out some informal consultation with neighbouring authorities, internal and external consultees and house builders. Few responses came in but where possible these have been incorporated.
- 4.4 This report is for information and seeks Members endorsement of using the PPA Charter and planning performance agreements generally as a project management tool to enable partnership working on large and complex proposals. It is intended that the Charter set out below will be properly formatted and added to the Council's website.

5. PLANNING PERFORMANCE AGREEMENT CHARTER

- 5.1 This Charter is primarily aimed at developers and potential planning applicants who are proposing large scale or complex development in Peterborough.

5.2 Our Aims

Peterborough City Council has embraced the growth agenda as an opportunity to bring investment to the City and to improve the lives of people who live and work here. We want to promote good development through the planning process and as part of the move towards a more “development management” approach to dealing with development proposals, this Charter helps to set a framework for collaborative working between developers, public bodies and communities. This can be achieved by the developer and local authority entering into a “Planning Performance Agreement.” A PPA is a tool to effectively manage the planning process from pre-application to post decision. It sets out roles and responsibilities and timetables for both parties and the means of engaging with consultees and the community. We want to ensure that major planning applications are dealt with in a timely and effective way. A PPA is non-binding and is not set within a legal framework; it can only work with collaboration between the parties and is about improving the quality of the decision making process.

This Charter sets out which type of developments would be suitable for a Planning Performance Agreement approach and what the benefits will be for all involved.

For background advice on the government's aims with regard to the development management approach and the use of Planning Performance Agreements, please go to the Advisory Team for Large Applications (ATLAS) and Communities and Local Govt. websites listed below.

5.3 Developments qualifying for the PPA approach

- **Residential** – where the number of residential units is 200 or more. If the number is not known, where the site area is 4 hectares or more
- **Non-residential** – For all other large-scale major applications, where the floor space proposed is 10,000 square metres or more or the site area is over 2 hectares
Where the development requires an Environmental Impact Assessment
Where the development is unusual or complex, is a corporate priority which may have a wider Council involvement or may involve complex land assembly issues
Where the development may have an impact on a small or particular community e.g. residential development of more than 10 houses in a village

5.4 Potential Benefits

We have an approved protocol for dealing with all pre-application enquiries which can be found on our website at www.peterborough.gov.uk/planning. Large major projects require an individual approach which can be achieved through a PPA. We would negotiate fees with you at the start of the process. The benefits include:-

- A PPA inception service day to discuss and agree the project vision and objectives, set out key issues and begin to draw up a project framework and timetable. We would work with ATLAS and ask them to facilitate the Inception Service in line with their guidance which can be found at www.atlasplanning.com/page/ppa.cfm
- Advice on current policy and site history
- Following receipt of draft design and access statement and plans, a full written pre-application response
- Advice on who to consult with in the local community and how this should be carried out, enabling you to more than fulfil your obligations under the Statement of Community Involvement.
- Opportunity for inclusion of third party consultees in the process/discussion and for them to be party to the agreement where appropriate
- Advice on changes to the proposal brought about by the public consultation
- Drawing up a project plan, identifying key team members, timetables for meetings, workshops giving more certainty on the time it may take to deal with the application. Once the process for each party has been properly scoped, setting a target for the determination of the application.
- Advice on what the formal submission must contain which will help with validation of the application
- Advice on likely S106 requirements so that there is early notice of any contributions required
- Less cost and delay later in the process
- Improvements to schemes through collaborative working with us, other bodies and the local community

Whilst entering into a Planning Performance Agreement as part of the pre-application procedures will not guarantee any applicant a favourable decision, it will reduce the likelihood of unforeseen issues arising during the application process, thus reducing the possibility of delays. It will give the developer the opportunity to address any concerns early on. If planning permission is granted it may help reduce the number of conditions attached to the decision thus potentially facilitating a quicker start to the development with less complication. In other words, "front loading" at pre-application stage may save time and money later on.

5.5 Responsibilities under the Charter

Success of a Planning Performance Agreement rests with the Council and the Developer.

5.6 City Council Responsibilities:-

- Where a developer proposes a PPA we will determine whether we feel the project suitable for this approach within 10 working days. Otherwise, we will suggest a PPA approach if the project is suitable and the developer has not proposed a PPA.

- We will agree and arrange an inception meeting with the developer and ensure that the appropriate likely project team members from the Council are invited and can attend.
- We will provide you with a written pre-application response to your submitted proposals within 30 working days of receipt of all the necessary information (or as agreed with you).
- We will agree a project plan and timetable with you and we will let you know who the key members of the Council's project team will be; they will include the Project Manager who will normally be the planning case officer.
- We will advise on the appropriate consultations that must be carried out prior to an application being submitted.
- Provide you with details of all that needs to be submitted to make the application valid.
- Advice on likely Section 106 requirements.
- Provide the opportunity for you to take your proposals to our Design Review Panel.
- Ensure that we keep the relevant Council Members briefed on your proposals.
- Ensure that the relevant Senior Officers, including the Head of Service are aware of your proposal and agree with the written pre-application response we shall provide.

5.7 Developer Responsibilities:-

- Agree to a project plan, including the key stages and milestones which take into account the need for review and discussion to take place.
- Appoint a Project Manager to provide a single point of contact and to act as co-ordinator from the developer side.
- Pay the required pre-application fee (as negotiated) – this is already set out in our Pre-application advice (available on our website).
- Provide good quality and adequate information, including a draft Design and Access Statement up front, to enable the Council to provide considered feedback to you.
- Engage in meaningful pre-application discussions/consultations with the local community, allowing enough time for community feedback and for plans and documents to be drawn up taking account of the views of the community.
- Respond positively to requests for further information.
- Attend project meetings with the relevant persons.
- Keep the Council informed of progress at all key stages of the project.
- Submit a complete planning application with all the relevant information as agreed with the Council, including draft Section 106 Agreement or Unilateral Undertaking where appropriate, solicitor details and evidence of title.

If you would like an initial discussion with us as to whether your proposal may be suitable for a PPA, please contact Nick Harding on 01733 454441

The following websites and documents provide useful advice:-

Peterborough City Council websites-

Peterborough Statement of Community Involvement February 2008 (link to web)

Sustainable Community Strategy 2008 – 21 (link to web)

Pre-Application advice service (link to web)

Planning Obligations Implementation Scheme (POIS) (link to web)

For all current and emerging development plan policy, go to our website via the following link (link to web)

Other websites-

Implementing Planning Performance Agreements – Advisory Team for Large Applications, in particular Section T3 within the Topic Zone of the ATLAS website

www.atlasplanning.com

Communities and Local Government

6. CONSULTATION

- 6.1 Informal consultation was carried out by email on 26 May 2010. The draft PPA Charter was sent to neighbouring local authorities, key external consultees (e.g. Environment Agency, Highways Agency), some local house builders and agents and internal Directors. Two comments were received from local agents.

7. ANTICIPATED OUTCOMES

- 7.1 The anticipated outcome is that better partnership working will be facilitated by the use of Planning Performance Agreements and that this Charter will advise developers and other interested parties that PCC has the intent to properly manage the development process from pre-application stage through the planning application stage to ensure that the best outcome is achieved on the ground for the developer and the local community.

8. REASONS FOR RECOMMENDATIONS

- 8.1 This approach has been recommended by the Planning Advisory Service, the Advisory Team for Large Applications (ATLAS) which is under the umbrella of the Homes and Communities Agency. The PPA approach is recognised nationally as an effective project management tool for dealing with complex applications thus facilitating the potential to deliver good development in a timely way.

9. ALTERNATIVE OPTIONS CONSIDERED

- 9.1 The alternative is to continue with the status quo. Currently, there is no internal project management system for dealing with large scale development. Developers often talk to different services and Managers as often they are not sure who they should be talking to. Sometimes schemes are progressed without adequate input, early on from the Planning Service. The PPA Charter and subsequent agreements will clarify that normally the planning case officer is the project manager once a development proposal is submitted and that person will co-ordinate and consult with other stakeholders. Thus a clear framework is set out at the beginning. The status quo is often open ended in terms of time scales and expectations and whilst the use of a PPA cannot guarantee a positive decision it allows the developer to plan to an agreed timescale. It also enables the public to see what can be expected and what progress is being made on development proposals.

10. IMPLICATIONS

- 10.1 There are no financial implications. The adoption of the Charter will involve a level of commitment from internal consultees to work within agreed timescales but that is currently the case when internal colleagues are consulted on applications.

11. BACKGROUND DOCUMENTS

- 11.1 The background documents are set out in the main body of the report above.

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