

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 8 NOVEMBER 2011**

**1.30 PM**

**Bourges/Viersen Rooms - Town Hall**

**AGENDA**

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

Councillor North (Chairman), Councillor Serluca (Vice Chairman), Councillor Casey, Councillor Hiller, Councillor Simons, Councillor Stokes, Councillor Todd, Councillor Lane, Councillor Harrington and Councillor Martin

Subs: Councillors Winslade, Ash and Shabbir

### **CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

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, Transport and Engineering 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 11 October 2011

**Members Present:**

Councillors – North (Chairman), Serluca (Vice Chairman), Hiller, Casey, Simons, Stokes, Todd, Harrington, Lane and Martin

**Officers Present:**

Nick Harding, Group Manager, Development Management  
Harj Kumar, Senior Strategic Planning Officer (Item 5)  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

There were no apologies for absence received.

**2. Declarations of Interest**

- 6.3 Councillor Serluca declared that she was a school governor at Orton Longueville School, but that she did not have a personal or prejudicial interest.
- 6.3 Councillor Todd declared that her daughter worked at Orton Longueville School, but this would in no way affect her decision.
- 6.3 Councillor Casey declared that he knew a resident of Longfield Gate but that he did not have a personal or prejudicial interest.

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

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

**4. Minutes of the Meeting held on 6 September 2011**

The minutes of the meeting held on 6 September 2011 were approved as a true and accurate record.

**5. Peterborough Local Development Framework: Peterborough Planning Policies Development Plan Document (Proposed Submission Version)**

The Committee received a report which followed approval of the Consultation Draft version of the Peterborough Planning Policies DPD for the purposes of public participation in February 2012.

The purpose of the report was to seek comments from the Planning Committee on the Planning Policies DPD (Proposed Submission Version) prior to it being presented to Cabinet on 7 November 2011. Cabinet would then be asked to recommend the document for approval by Full Council for the purposes of public consultation and submission to the Secretary of State.

The Committee was informed that the document was of significance to the Committee itself, as the policies contained within would be utilised for the determination of planning applications either for refusal or approval.

The document had been through the evidence gathering, issues and options and consultation draft stages. The consultation draft had been the first stage at which draft policies had been included and this had been through the Committee cycle at the back end of 2010 and had been consulted on during the early part of 2011. Following the comments received from members of the public, as statutory consultees, a proposed submission draft had been produced and was attached at Appendix A to the main committee report.

There had been a number of changes made from the previous version, and these included:

- Policy PP3 – Amenity Provision in New Residential Development. Paragraph 2.3.3 highlighted that a supplementary planning document would be provided giving more detailed information as to how a residential property should look with regards to amenity provision;
- Policy PP7 – Development for Retail and Leisure Uses. Members were advised that this was a new Policy and had been included as a result of representations received and was to enhance the district and local centres;
- Policy PP13 – Nene Valley. This Policy had been revised to enhance the role of the river as it was felt that it was an underused resource within the city.
- Policy PP19 – Flood and Water Management. Numerous attempts had been made to draft this Policy and it had been decided that the Policy was no longer needed, as there was adequate information contained within the adopted Core Strategy (Policy CS22). The Policy would therefore be deleted from the submission version;
- Appendix B (Summary of main issues raised in comments on the Planning Policies DPD (Consultation Draft) and main changes made for the submission version). There had been a couple of amendments made to the village envelopes and paragraphs 4.7 and 4.8 dealt with these changes. One of the changes had been to the Newborough boundary and the others to Thorney boundary.

Members were invited to comment on the document and the following issues and observations were highlighted:

- Highlighted in Appendix B to the main committee report (Chapter 4 – Potential Changes to Village Envelopes) a query was raised as to whether the plot of land in Helpston, which had been requested for inclusion within the village envelope, was detached from the village itself. In response, Members were advised that there was a definite gap between the end of the village envelope and the properties requested for inclusion.
- Clarification was sought as to a statement included in Appendix A to the Planning Policy Document – Parking Standards (Policy PP11). It was stated that minimum parking was not required if parking was in curtilage of dwelling,

otherwise 200 bays or less. In response, Members were advised that this was with regards to disabled parking.

- Highlighted in Appendix B to the main committee report (Policy PP15 – Buildings of Local Importance) a query was raised as to why British Sugar had not been included in the list. Members were advised that a comment had been received by the British Sugar Company in objection to the proposal to make the building a ‘Building of Local Importance’. It was therefore felt, on balance that a valid argument had been put forward for its exclusion.
- Highlighted in Appendix A to the Planning Policy DPD – Parking Standards (Policy PP11), it was stated that houses in multiple occupation would receive one space per bedroom and it was queried whether this was to new builds or new applications. In response, it was advised that it would be for new planning applications going forward.
- Members questioned whether when new houses were being built, the orientation of the roofs were taken into account for the future fitting of solar panels etc. Members were informed that there were a number of factors which influenced the layout of planning applications, and if a developer could take advantage of south facing roof slopes they would do.
- Members sought clarification from the Legal Officer as to how the document would affect the Planning Committee’s decision making going forward. In response the Legal Officer advised that the document should be taken into consideration, however Members were to be mindful of the amount of weight given to a document that was emerging in comparison to a document that was already adopted.

The Committee positively commented on the document stating that it was very well written and easy to understand.

**RESOLVED:** the Committee offered comment on the draft Peterborough Planning Policies DPD (Proposed Submission Version) before its presentation to Cabinet and then to Council, for subsequent approval by Council for the purposes of public consultation and submission to the Secretary of State.

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

### **6.1 11/00885/FUL – Development of 18 dwellings, associated access and parking at land to the north of the Village Hall, Guntons Road, Newborough, Peterborough**

The Chairman addressed the Committee and advised that the item had been withdrawn from the agenda.

### **6.2 11/01105/FUL – Installation of external air source heat pump unit at 10A Back Lane, Eye, Peterborough**

The application had arisen as a result of a Planning Enforcement complaint.

The applicant sought the retention of an air source heat pump unit which had been installed on the north gable end of an outbuilding within the curtilage of 10A Back Lane.

10A Back Lane was a corner plot constructed in 2004. The site fronted onto Back Lane but had its vehicular access on Luke Lane. There were parking spaces for up to three vehicles within the site.

The surrounding area was best characterised as mixed use, with the Red Lion Public House situated to the west, the main High Street to the north, which included four dwellings, the Leeds Meeting Hall, a hairdressers and an MOT test centre. To the east were three more dwellings, one of which appeared to have additional mixed use within its curtilage, the area south of Back Lane was predominantly residential and made up of low density single storey dwellings.

Back Lane itself was a narrow road with parking along one side. Double yellow lines prohibited parking around the application site however there was a small public parking area for up to eight vehicles to the north west of the site.

The site itself was comprised of a dwellinghouse, an ancillary outbuilding and a detached garage. The site also had the benefit of planning permission reference 07/00193/FUL which had granted the use of the outbuilding and one bedroom within the dwellinghouse for class B1 use (Offices). From this site the applicant operated the Peterborough base of CareWatch, a care worker agency, which had a number of bases around the country.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were that the heat pump represented a reduction of the carbon footprint of the development, the visual impact including the siting, design and appearance, the noise and vibration resulting from the use of the equipment and the impact on the character of the conservation area. The recommendation was one of approval and Members were advised that the unit could not be seen from any part of the public realm of the conservation area.

Members' attention was drawn to additional information contained within the update report. A letter had been received from Eye Parish Council objecting to the unit for a number of reasons. In response, the Planning Officer advised that these objections could not be taken into account as they were not relevant to planning considerations. The unit operated quietly, as had been witnessed by Members of the Committee on their recent site visit, the unit was also visually unobtrusive.

The Committee was advised that Councillor Sanders, a provisional speaker, was not in attendance.

Mr Franco Montecalvo, the Agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The heat pump had been fitted in order to provide an energy efficient means of heating the outbuilding to the rear of the property
- The location of the unit was in a small rear yard between the back of the office building and the back of the village hall
- The business was a part time care worker agency, therefore the unit would not be utilised all of the time
- The unit was one of the smallest of its kind available, consequently the noise output was minimal and could be barely heard as background noise
- The objections raised by the Parish Council, taken in turn, were not relevant to planning considerations
- The exterior of the south building was covered with cladding

Members queried a comment included within the committee report which stated that "as of December 2011, permission would not be needed for this development", in

response the Planning Officer advised that the Government was about to introduce relaxed planning rules which would enable certain types of energy generation to take place without the need for planning permission.

It was commented that a 63db output for such a piece of equipment was quite high therefore was there a need for the surface materials on the side of the building to be looked at in order to help reduce the noise levels? In response the Planning Officer advised that the range of noise produced by the equipment was very low, however in the event of a noise complaint being made against the equipment an investigation would take place.

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 condition C1 as detailed in the committee report

**Reasons for decision:**

Continued use of the unit would help to reduce energy consumption on the site and in turn the carbon footprint of the business activity. It was therefore considered that the proposal would contribute to Peterborough City Council's aspiration to become Environment Capital of the UK, as set out in Policy CS10 of the Peterborough Core Strategy Development Plan.

It was considered that there was no detrimental impact on the amenity of the surrounding area in terms of visual impact. As such it was considered that the proposed development was acceptable in respect of Policy CS16 of the Peterborough Core Strategy Development Plan.

It was considered that there was no detrimental impact on the amenity of the surrounding area in terms of noise and vibration. As such it was considered that the proposed development was acceptable in respect of Policy CS16 of the Peterborough Core Strategy Development Plan.

The unit was not visible from the public realm and so it was considered that the proposed development was acceptable in respect of Policy CS17 of the Peterborough Core Strategy Development Plan.

**6.3 11/01287/R3FUL – Construction of replacement school building (Nene Park Academy) and refurbishment of retained buildings with associated external works, new pre-school building with associated external works; demolition of other existing buildings and associated external works to reinstate land including the creation of grass sports pitches at Orton Longueville School, Oundle Road, Orton Longueville, Peterborough**

Full planning permission was sought for:-

- The construction of a new three storey high Academy school building : - (The existing school on site had capacity for and formerly accommodated 1400 pupils. The new school would accommodate 1100 pupils (5 form intake and 200 post 16 pupils) The school currently had 120 members of staff and this was not proposed to change as a result of this proposal.);

- Retention and refurbishment of the Sports Hall, Dining area and kitchen, Blocks C and D;
- The demolition of some of the existing school buildings and pre-school building on site;
- The construction of a new single storey pre-school building: - (The Lakeside pre-school would be relocated on site, to a new purpose built building at the west of the site. It provided early years provision for up to 30 pre-school children (+2years) and had five full time equivalent members of staff);
- The provision of associated external areas, including playing fields and pitches, remodelling the landscape, 143 car parking spaces (including seven disabled spaces), 230 cycle parking spaces, and alterations and additions to the boundary treatments (to include a 2.4 metre high well mesh fence secure line);
- Retention of the existing Scout and Cadet buildings and facilities;
- Widening of the existing access road on site to 5 metre width, with 2 metre wide pedestrian footpath on its southern side;
- Creation of a new 3 metre wide shared pedestrian/cycle route to the east of the new school building;
- The use of Sustainable Urban Drainage Systems;
- The new buildings would be constructed to minimise energy consumption and increase efficiency, to achieve higher standards that are required under current building regulations, equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) Very Good rating.

The site covered an area of approximately 13.66 hectares and was comprised of the existing school buildings, car parking, sports fields and pitches. It also contained the Scout and Cadet buildings, these buildings and their functionality were to be retained, together with the adjacent Multi Use Games Area. The current Lakeside pre-school building would be demolished and this facility relocated in a new purpose built unit on the west of the site. The Peterborough United football club were currently using some of the football pitches on site as a training ground.

The application site was accessed from Oundle Road via a separate in and out circular loop which was shared with the adjacent Primary school site (St Botolphs). The Longfield Gate residential development of 16 houses bounded the site to the north. To the south, east and west the site was bounded by mature tree belts. The Orton Hall Grade II Listed hotel was located beyond the site to the east.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the proposed design and layout of the development, the impact on neighbouring sites, the access to the site and highways issues and the impact of the development on trees and ecology. The recommendation was one of approval.

Members were advised that as part of the application it was intended to improve the two nearest bus stops to the school on Oundle Road and this would include realtime bus information being available.

With regards to car parking on site, the majority of existing car parking for the school was provided at the front of the site, however the application highlighted that the parking would be relocated mostly to the rear and side of the site. There would be an increase in the number of spaces available from 120 to 143. Due to traffic coming into the back of the site, the existing access drive would not be adequate in terms of width and it was therefore proposed to increase the drive to 5 metres width with a 2 metre wide footpath on one side of the road.



A 600mm landscape strip was to be provided in between the access road and the nearest adjacent residential development. Both the driveway and car park were to be lit and lighting impact plans had been received which demonstrated that the residents adjacent and the wildlife residing in the adjacent trees would both remain unaffected by the lighting proposed.

Improvements to the pedestrian access to the school had also been proposed from Oundle Road. An improved more straightforward route was to be provided that would provide for an alternative to the main vehicular access route into the site.

There was an existing vehicular access to the pitches on site, which was currently utilised by Peterborough United Football Club for training purposes, and Highways Officers had expressed concerns with regards to a section of the designs which highlighted that pedestrians would meet at the same point as the vehicular access. Revisions were therefore being sought to the proposal in order to avoid this conflict between the two user groups.

The secure fence line would need to be altered in a number of places due to the new buildings being erected and others being demolished. This fence would be in the form of a 2.4 metre mesh welded fence. One area of concern highlighted with regards to this proposal was in relation to one section originally directly adjacent to a ha-ha feature associated with the next door listed hall. It was therefore proposed to offset the secure fence line and this was to the satisfaction of the Conservation Officer and Sport England.

Members' attention was drawn to additional information contained within the update report. There had been one letter of support received for the application and five further objections. The objections were in relation to the lack of faith offered in relation to the management of the landscaping proposals given past performance of landscape maintenance of the school and also the observation that the proposed planting down the side of the improved access drive adjacent to Longfield Gate would be ineffective in providing a buffer.

Members were further advised that as previously mentioned, Sport England had no objection to the shifting of the fence line with it being offset from the ha-ha feature, the Wildlife Officer was also happy with the proposals. The Police had no objections and the Fire Service had requested a planning condition requiring the provision of fire hydrants. The Landscape Officer had also requested an additional condition to be added requiring an arboricultural assessment and method statement. Highways Officers had also requested a series of additional conditions and a revision to the condition numbered C21 in the committee report.

The Planning Officer further advised Members that an error had been noted in the committee report. In condition C18 a piece of text had been omitted making reference to Zone E2 in relation to the threshold allowed for lighting levels on that part of the site.

With regards to Policy CS10, it was highlighted that the development would be built to a high level of thermal efficiency and the application also made satisfactory compensatory pitch provision in respect of the Bushfield Academy.

There were no speakers present therefore Members proceeded to debate the application. Questions were posed to the Planning Officer and Highways Officer and responses were provided as follows:

- There was a planning condition which identified the need for some traffic calming provision along the main access road into the site, however care would have to be taken when designing the scheme so as not to result in a level of noise which would cause disturbance to the nearby residents
- Because the school had a lower school role proposed than that already in place, there was no planning basis for requiring junction improvements along Oundle Road, however outside of the planning process colleagues in the Education Service had commissioned Atkins to undertake works to look at ways in which the junction with Oundle Road could be improved
- With regards to having PV panels on the roof of the school building, this was being dealt with as a separate Council project which would address all Council properties individually, including schools
- A planting scheme for the 600mm strip of land, to be provided in between the access road and the nearest adjacent residential development, would be submitted prior to approval being given
- With regards to the issues highlighted in relation to longevity of the landscaping, condition C6, as detailed in the committee report requesting a landscape management plan, addressed these concerns
- The residents in the near vicinity had moved in after the construction of the school
- The replacement pitches located at the Bushfield Academy were not all weather pitches; however there was some all weather provision already located at the school

Following debate, Members commented that the school was a much needed educational facility and a motion was put forward and seconded to approve the application, subject to the additional conditions requested by the Landscape Officer, Highways Officers and Fire Service as detailed in the update report and the amendment to condition C18 as highlighted previously by the Planning Officer. The motion was carried unanimously.

Members further commented that an Informative was to be included with regards to wheel cleaning machinery being on site and actively being used each time construction vehicles egress onto Oundle Road.

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

1. The conditions numbered C1 to C26 as detailed in the committee report
2. A revision to condition C18 to include reference to Zone E2 in relation to the threshold allowed for lighting levels on that part of the site
3. A revision to condition C21 to state 'in accordance with details to be submitted to and approved in writing by the Local Planning Authority' instead of 'in accordance with approved plans'
4. An additional condition as requested by the Landscape Officer in relation to the provision of an arboricultural assessment and method statement, as detailed in the update report
5. The additional Highways conditions numbered 1 to 6 as detailed in the update report
6. An additional condition as requested by the Fire Service in relation to the provision of fire hydrants on the site
7. The provision of an informative outlining wheel cleaning provisions and procedures to be adopted by all construction vehicles coming out of the site onto Oundle Road

### **Reasons for decision:**

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

- The siting, scale and design of the new buildings was considered to be appropriate and a visual enhancement to the site. This was in accordance with Policy CS16 of the Core Strategy DPD 2011);
- The proposed buildings and layout of the site, including the new access road and relocated car parking, were not considered to unacceptably impact on the amenities of neighbouring sites. This was in accordance with Policy CS16 of the Core Strategy DPD;
- The proposed car parking and access arrangements were considered to be sufficient for this reduced capacity replacement school, and there was a commitment from the applicant to work with both schools to find an improved access solution to address existing issues. The increased cycle parking and bus stop improvements were acceptable to encourage the increased use of more sustainable travel modes. This was in accordance with Policy CS14 of the Core Strategy DPD 2011;
- The impact on existing trees and ecology was considered to be acceptable, and replacement trees and biodiversity/landscaping improvements were proposed. This was in accordance with Policies LNE9 and LNE10 of the adopted Peterborough Local Plan (First Replacement) 2005 and Policy CS21 of the Core Strategy DPD 2011.

#### **6.4 11/01345/FUL – Demolition of existing dwelling and the construction of 6 x 2 bed flats each with own garage and parking space at Pier Head, Peterborough Road, Wansford**

The proposal was to erect two, three storey buildings to create six, two bedroom flats. The site would be accessed off Peterborough Road and proposed six car ports with spaces in front (12 spaces in total) and storage areas at rear with dedicated and shared amenity spaces.

There currently existed a 1970's two storey detached dwelling (Pier Head) of little to no architectural merit. Levels fell north from Peterborough Road South to the River Nene. A large hedgerow ran along the north and east of the site, with a mix of boundary treatments to the west.

There were residential properties on a similar building line to the house that were to be demolished, to the east and west, of varying roof heights, design and construction. No.23 to the immediate west had facing secondary windows.

There were trees on site that contributed to the street scene, some of which were highlighted as being lost.

The Planning Officer addressed the Committee and gave an overview of the main issues for consideration, those being the policy context and principle of development, the design and visual amenity, the impact on neighbouring residents, the amenity of future occupiers and highways implications. The recommendation was one of approval.

Members were advised that the application was a resubmission of a previously refused scheme. The concerns previously highlighted had been addressed and were outlined to the Committee.

Due to the site changing level abruptly, the development was 'dug' into the hillside and therefore the 'basement' portion of the proposal was only visible from the back giving a two storey appearance from the front and a three storey appearance from the rear.

The proposal was located outside of the floodrisk area therefore there were no concerns highlighted by the Environment Agency.

The design of the proposal was in accordance with the streetscene and would not result in the loss of light or privacy of neighbouring properties and would provide open garden space and parking for the proposed residents.

As a verbal update to the report, the Tree Officer had requested the addition of a condition to secure an appropriate method of construction of the access in relation to the trees at the front of the site.

Mr Barry Nicholls, the Planning Consultant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The application which had originally been submitted in consultation with the Conservation Officer and the Parish Council, of which neither had objections, had been substantially larger and had subsequently been rejected by the Planning Officer
- A smaller scheme had therefore been submitted and the Parish Council now had objections
- The roof pitch had not changed from the original design

Members sought clarification from the Planning Officer as to whether the roof pitch had been revised. Members were advised that looking at the scale of the drawings there did not appear to be much of a difference.

Following further brief comments, a motion was put forward and seconded to approve the application, subject to an additional condition as requested by the Tree Officer. The motion was carried unanimously.

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

1. The signing of the Section 106 agreement
2. The conditions numbered C1 to C15 as detailed in the committee report
3. An additional condition as requested by the Tree Officer in relation to secure an appropriate method of construction of the access in relation to the trees at the front of the site
4. The informatives numbered INF1 to IN10 as detailed in the committee report

**Reasons for the decision:**

By virtue of size, scale, design and layout the proposal was not considered to detract from the character or appearance of the street scene, nor was it considered to create an overbearing form of development that would detract neighbouring amenity by way of loss of light, outlook or privacy. Further, the proposal could accommodate sufficient private amenity space for the proposed development and satisfactory off street parking. The proposal was considered to be in accordance with the Policies CS1, CS2, CS8, CS13, CS14, CS16 and CS17 of the Peterborough Core Strategy DPD (2011)

and Policies H16, and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2010) and Planning Policy Statement 5 (2010).

**6.5 11/01384/DISCHG – Discharge of conditions C2, C6 and C7 of planning permission 10/00990/FUL – Construction of 5 bedroom house (plot 5) at Huntly Lodge, The Village, Orton Longueville, Peterborough**

Under application reference 10/00990/FUL, planning permission was granted by Members for the construction of a detached 5 bedroom dwelling on Plot 5 of the Huntly Lodge Development, Orton Longueville. The permission was subject to a number of conditions and three were the subject of the current application:

**C2 Unless otherwise agreed in writing by the Local Planning Authority, no development (other than foundation works) shall take place until samples of the following materials to be used in the construction of the dwelling have been submitted to and approved in writing by the Local Planning Authority:**

- a) Walling and roofing materials
- b) Windows and external doors
- c) Rainwater goods
- d) Fencing and other boundary treatments
- e) Driveway surfacing

**Development shall be carried out in strict 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).

**C6 If the dwelling has not been constructed to slab level by 2 November 2011 then development shall cease until a revised Ecological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority, and the approved Strategy has been implemented.**

Reason: To ensure survival and protection of important species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with policies LNE17 and LNE19 of the Peterborough Local Plan (First Replacement).

**C7 Prior to first [*sic – the condition should read ‘The dwelling shall not be occupied’*] until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include the following detail (select those appropriate):**

1. Means of enclosure (boundary treatment – fences, hedges etc).
2. Planting plans - written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment). Full details of every tree, to be planted (including its proposed location, species, size, proposed numbers/densities and approximate date of planting). All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursey Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.
3. An implementation programme.

**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 Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

The application before the Committee was to partially discharge condition C2 in so far as the roofing and window materials; fully discharge condition C6; and partially discharge condition C7 in so far as approval was sought for the landscaping scheme which could then go on to be implemented.

The elements relating to walling materials, external doors, rainwater goods, boundary treatments and driveway surfacing (within the plot boundary) had already been discharged under application reference 10/00488/DISCHG.

The application site was formerly a Peterborough City Council education facility accessed from The Village through the neighbouring woodland. The site was enclosed by the Grade II listed wall which surrounded the 'kitchen garden' to Orton Hall, situated to the north east of the application site. There were a number of mature trees contained within the site and to the south was situated a woodland County Wildlife Site managed by the Woodland Trust.

Development had already commenced on Plots 2, 3 and 4 and these dwellings were nearing completion. At present, Plot 5 was currently under construction.

The Planning Officer addressed the Committee and gave an overview of the application. The main issue for consideration was the impact of the proposed roof tiles on the character and appearance of the surrounding area and the setting of a listed building. The recommendation was that condition C2 be partially discharged.

Members were advised that the case was broken down into a number of parts, the first being the materials. The applicant wished to use a power coated metal window frame and there were no concerns highlighted by Officers in terms of that material being used. In terms of the roofing material, the applicant wished to use a replica slate. Members were advised that in terms of the original planning approval given for the entire development at Huntly Lodge a materials scheme had been drawn up which specified that the houses should be made of stone with replica Collyweston slate being used. The plot under consideration had been constructed of brick, as per a previous Planning Committee decision.

Members were advised that Planning Officers were not happy with the replica slate as it had a shiny appearance to it and given the expanse of roof and the slender profile of the slate it would make it look very singular in appearance. Therefore it was recommended that the replica slate not be used as a material.

With regards to landscaping, this was broken down into two parts, the first being the shared areas for which a landscaping scheme had been submitted which was satisfactory and also for the on plot scheme, whilst the plan was acceptable, it was missing information with regards to the size of the plants to be put in and the number to be put in. Members were advised that that information had subsequently been received

and was satisfactory. The on plot scheme could now be approved and condition C7 could be fully discharged.

The final condition for consideration was in relation to ecology. There was a condition which stated that the development of plot 5 had to be completed to slab level before November 2011 and this had been achieved, therefore this condition could be discharged.

The Planning Officer summarised that the only issue that Officers were not content with was the issue of the use of the replica slate.

Mr Paul Sharman, the Agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- With regards to the impact of using replica slate on the building and its impact on the listed building, there were other buildings in the area with slate roofs adjoining properties using Collyweston in close proximity to the hotel
- The two materials sat comfortably together
- The two materials being in close proximity occurred near the care home at the bottom of Orton Longueville
- The use of replica slate would provide a unique and individual character to the building;
- There was a mix of roofs in Orton Longueville creating a pleasing environment and individuality
- The use of brick, and not stone, gave the option to create a more contemporary, individual and sharper feel than those adjacent
- The roof was large, but not complicated and was not overbearing from the front view
- Plot 3 was covered to the front with plain tiles and not Collyweston
- Over a number of years, the shiny appearance of the replica slate would become more in keeping with natural slate

Following questions to the Agent, Members commented both for and against the use of the replica slate. It was stated that the property was impressive and the nature of its build would mean that the use of mock Collyweston would look slightly out of place. However it was further commented that the slate would not look natural given its shiny lustre and the manufactured edges.

Following further debate, a motion was put forward and seconded to refuse officers recommendation in relation to the partial discharge of condition C2 (Materials), thus relieving the developer of their obligation to roof the development in faux Collyweston, in favour of the faux slate and therefore allowing condition C2 (Materials) to be fully discharged. The motion was carried by 7 votes, with 3 voting against.

**RESOLVED:** (7 for, 3 against) to refuse the partial discharge of condition C2, against officer recommendation, and to fully discharge the condition with the use of replica slate.

A further motion was put forward and seconded to approve officers recommendation in relation to the full discharge of conditions C6 (Ecology Mitigation) and C7 (Landscape Scheme) following the subsequent receipt of information relating to the on plot scheme. The Motion was carried unanimously.

**RESOLVED:** (Unanimously) to approve the discharge of condition C6 (Ecology Mitigation) and condition C7 (Landscape Scheme), as per officer recommendation. and:

**Reasons for decision:**

**a) Condition C2 (Materials)**

The proposed window materials (Velfac powder coated to RAL colour 7015 Grey) were acceptable and although the proposed roofing material was considered wholly inappropriate by Officers, the Committee felt that the proposed roofing material would best suit the nature of the property. The applicant had proposed the use of Marley Eternit Rivendale faux slate which had previously been refused by Officers under delegated powers as part of application reference 11/00488/DISCHG.

**b) Condition C6 (Ecological Mitigation Strategy)**

It was accepted that the dwelling had been constructed to slab level and as such, the full discharge of the condition was supported.

**c) Condition C7 (Landscaping Scheme)**

Two separate drawings had been received in respect of the landscaping scheme for the approved dwelling as part of this application – one showing the communal turning head and access areas, and one showing the access to the individual dwelling. From the outset it had been critical that the landscaping to the communal areas of this development was cohesive to ensure that the development appeared whole and integrated into its sensitive setting. The planting for the communal and access areas had been informally agreed by Officers and all applicants on the Huntly Lodge site had agreed to use this as a basis on which to form the individual planting within their plots up to the boundary walls to the front. The second drawing which showed the planting proposed to the access of Plot 5, had originally failed to meet the criteria required under the details of Condition C7. The applicant had failed to specify a number of details, such as which fruit trees were to be planted, species size and planting density. This information had subsequently been provided and as such the full discharge of the condition was supported.

13.30 – 15.12  
Chairman



<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 5
<b>8 NOVEMBER 2011</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen - Head of Planning, Transport and Engineering Services	Tel. 453475
	Emma Latimer, Strategic Planning Officer	Tel. 863801
	Julia Chatterton, Flood and Water Management Officer	Tel. 452620

**DRAFT FLOOD AND WATER MANAGEMENT SUPPLEMENTARY PLANNING DOCUMENT**

R E C O M M E N D A T I O N S	
<b>FROM:</b> Head of Planning, Transport and Engineering Services.	<b>Deadline date:</b> Cabinet 12 December 2011
<p>The Committee is requested to offer any comments on the draft Flood and Water Management Supplementary Planning Document (attached at <b>Appendix 1</b>), in accordance with the committee's delegations under paragraph 2.5.1.5 of the Council's Constitution, before it is presented to Cabinet for approval for the purposes of public consultation.</p>	

**1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Planning and Environmental Protection Committee following recent and forthcoming changes in legislation around flood and water management, the adoption of the Core Strategy and the preparation of the proposed submission version of the Planning Policies Development Plan Document.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to obtain the Committee's views and comments on the attached report which is being presented to Cabinet on 12<sup>th</sup> December 2011 for approval for the purposes of public consultation. The Committee's views and comments will be taken into account and reported to Cabinet at the meeting on the 12<sup>th</sup> December 2011.
- 2.2 Officers are preparing a Supplementary Planning Document (SPD) that will provide guidance to developers on flood and water management in Peterborough. It will expand on overarching headline policy contained in the Council's adopted Core Strategy. Officers propose to consult with the public and stakeholders on a draft of the SPD in January/February 2012.
- 2.3 This report is for the Committee to consider under its Terms of Reference No. 2.6.1.5 "To be consulted by, and comment on, the Executive's draft proposals for Local Development Documents within the Local Development Framework at each formal stage in preparation".

**3. TIMESCALE** (If this is not a Major Policy item, answer **NO** and delete second line of boxes).

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	
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**4. BACKGROUND**

4.1 The SPD forms part of a package of work arising following the Flood and Water Management Act (FWMA) 2010, which made Peterborough City Council a 'Lead Local Flood Authority'. The Council is responsible for co-ordinating surface water management.

4.2 Flood risk management is high on the agenda in Peterborough. Ensuring that the drainage network and watercourses are managed well, that sites are designed and constructed to drain well and that development is located in a safe environment are all key to reducing the likelihood and consequences of flooding in Peterborough.

4.3 It is predicted that climate change will bring more frequent short duration, high intensity rainfall and more frequent periods of long-duration rainfall, meaning both river and surface water flooding are likely to be an increasing problem. Around two-thirds of the flooding across the country in summer 2007 was due to surface water (Environment Agency, 2007).

4.4 The Council's adopted Core Strategy proposes a high level of growth in Peterborough up to 2026. The aims of the Flood and Water Management SPD are: to make sure that new development does not increase the risk of flooding from main rivers and surface water but also actively reduces it; and to expand on adopted policy in the Core Strategy relating to flood risk management and water quality.

- 4.5 The objective of the SPD is to provide guidance to applicants and decision makers on:
- a. How to assess whether or not a site is suitable for development based on flood risk grounds. This element supports the main river flood risk requirements of policy CS22 in the Core Strategy Development Plan Document (DPD).
  - b. The use of different sustainable drainage measures within Peterborough. This element supports the surface water requirements of policy CS22 in the Core Strategy DPD.
  - c. How development can ensure it protects aquatic environments. This element supports policy PP14 of the Planning Policies DPD.

4.6 Once adopted, this SPD will form part of Peterborough City Council's Local Development Framework (LDF).

**5. CONSULTATION**

5.1 The draft SPD has been written in consultation with the Environment Agency, Anglian Water and Council officers. The Peterborough Flood Risk Partnership is being consulted on the draft.

5.2 Comments received to the Planning Policies Development Plan Document Consultation Draft have informed the draft SPD.

**6. ANTICIPATED OUTCOMES**

6.1 It is anticipated that the Committee will comment on the SPD before it goes to Cabinet to be approved for public consultation.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 There is no statutory duty to prepare this SPD. However, without it, developers could be confused or misinformed as to how they can deliver fit-for-purpose development schemes in Peterborough that meet flood and water management requirements. This could have an impact on development coming forward as additional time would need to be spent on applications where flood or water management issues occur.
- 7.2 The existence of policy and guidance that all of Peterborough's water management partners support will improve current and future service delivery through the more efficient processing of planning applications and future drainage approval applications.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Option 1 (Recommended) – Proceed to consultation on this draft SPD so that developers and water management partners can see the intended direction of the Council in producing guidance to assist development with national and European flood and water management requirements. This is the recommended option.
- 8.2 Option 2 – The Council could decide not to produce an SPD on this topic even after Schedule 3 (Sustainable Drainage) of the Flood and Water Management Act is enacted. Forthcoming national guidance on drainage is expected to leave some elements to local consideration. Therefore, without this SPD, it is likely to be difficult for officers and developers to know what is acceptable in Peterborough and how local considerations (e.g. soil type, watercourse capacity) can be taken into account in meeting national flood and drainage legislation.
- 8.2 Option 3 - The Council could decide to delay consultation on this draft until Defra enacts Schedule 3 (Sustainable Drainage) of the Flood and Water Management Act 2010. This would mean that development in this interim period will continue to struggle to understand what is expected of it by Peterborough City Council. Once Schedule 3 is enacted there would also be a longer delay than necessary before local guidance is available for developers.

## **9. IMPLICATIONS**

- 9.1 The Flood and Water Management SPD is relevant to the whole unitary authority area and is aimed predominantly at developers and their agents.
- 9.2 This matter is directly linked to the Priorities of the Sustainable Community Strategy (SCS), especially Growth and Environment Capital.
- 9.3 The Council must follow statutory regulations in preparing and consulting on the Flood and Water Management SPD. After the statutory process concludes the final document will be adopted, as such the document will be used as a material planning consideration in the determination of planning applications.
- 9.4 The SPD is not intended to introduce financial or legal implications for the Council or developers, but instead to provide guidance to assist with the new obligations both parties have under national and European legislation such as the Flood and Water and Management Act 2010 and the Water Framework Directive.

## **10. BACKGROUND DOCUMENTS**

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

- Peterborough City Council, The Peterborough Core Strategy Development Plan Document, adopted 23 February 2011.
- Peterborough City Council, The Peterborough Planning Policies Development Plan Document Proposed Submission Version (Draft -October 2011)
- Legislation.gov.uk, Flood and Water Management Act 2010

- Department of Communities and Local Government, Draft National Planning Policy Framework (October 2011)
- Environment Agency, River Basin Management Guide to Hydromorphology no.6,

# Flood and Water Management Supplementary Planning Document Draft for Public Consultation

October 2011



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# 1. Introduction

- 1.0.1 Flood risk management is high on the agenda in Peterborough. In order to reduce the likelihood and consequences of flooding in Peterborough, it is necessary that the drainage network and watercourses are managed well, that sites are designed and constructed to drain well and that development is located in a safe environment. The city council takes these issues very seriously, and is now a Lead Local Flood Authority under the Flood and Water Management Act (2010).
- 1.0.2 It is predicted that climate change will bring more frequent short duration, high intensity rainfall and more frequent periods of long-duration rainfall, meaning both river and surface water flooding are likely to be an increasing problem. Around two-thirds of the flooding across the country in summer 2007 was due to surface water (Environment Agency, 2007).
- 1.0.3 The council's adopted Core Strategy proposes a high level of growth in Peterborough up to 2026. The aims of this Supplementary Planning Document (SPD) are: to make sure that new development does not increase the risk of flooding from main rivers and surface water but also actively reduces it; and to expand on adopted policy in the Core Strategy (Policy CS22 - Flood Risk) and emerging policy in the Planning Policies Development Plan Document (Policy PP14 - the Landscaping and Biodiversity Implications of Development) relating to flood risk management and water quality.
- 1.0.4 The objective of the SPD is to provide guidance to applicants and decision makers on:
- (a) what the council will require in terms of sustainable drainage systems (SuDS) and other drainage and flood risk measures as part of a planning application (outline, full and reserved matters);
  - (b) how the provision of water management techniques on site may vary according to different types of development;
  - (c) the measures that will be necessary to satisfy the policies in the Local Development Framework;
  - (d) the way in which flood risk management measures will vary across Peterborough; and
  - (e) how development can assist in meeting the Water Framework Directive (2000), which requires the achievement of 'good ecological status' in all surface freshwater bodies by 2015.
- 1.0.5 This SPD puts forward a range of flood risk management measures including guidance on how to select sites for new development and how to drain water from a proposed development.
- 1.0.6 Once adopted, the SPD will form part of Peterborough City Council's Local Development Framework (LDF).
- 1.0.7 Developers should initially consider the advice provided in this SPD. Thereafter, the council offers a pre-application service for which there will be a charge. Further information can be found at:
- [http://www.peterborough.gov.uk/planning\\_and\\_building/making\\_a\\_planning\\_application/step\\_1\\_pre-application\\_advice.aspx](http://www.peterborough.gov.uk/planning_and_building/making_a_planning_application/step_1_pre-application_advice.aspx).
- 1.0.8 The SPD should be used by:
- developers when selecting sites based on flood risk;

- developers when developing the brief for their design team to ensure drainage schemes are sustainably designed (i.e. does not increase flood risk) to the requirements of the city council;
- design teams responsible for development master plans, landscape and surface water drainage schemes; and
- development management officers when determining delegated planning applications, making recommendations to Committee and drawing up S106 obligations that include contributions for SuDS.

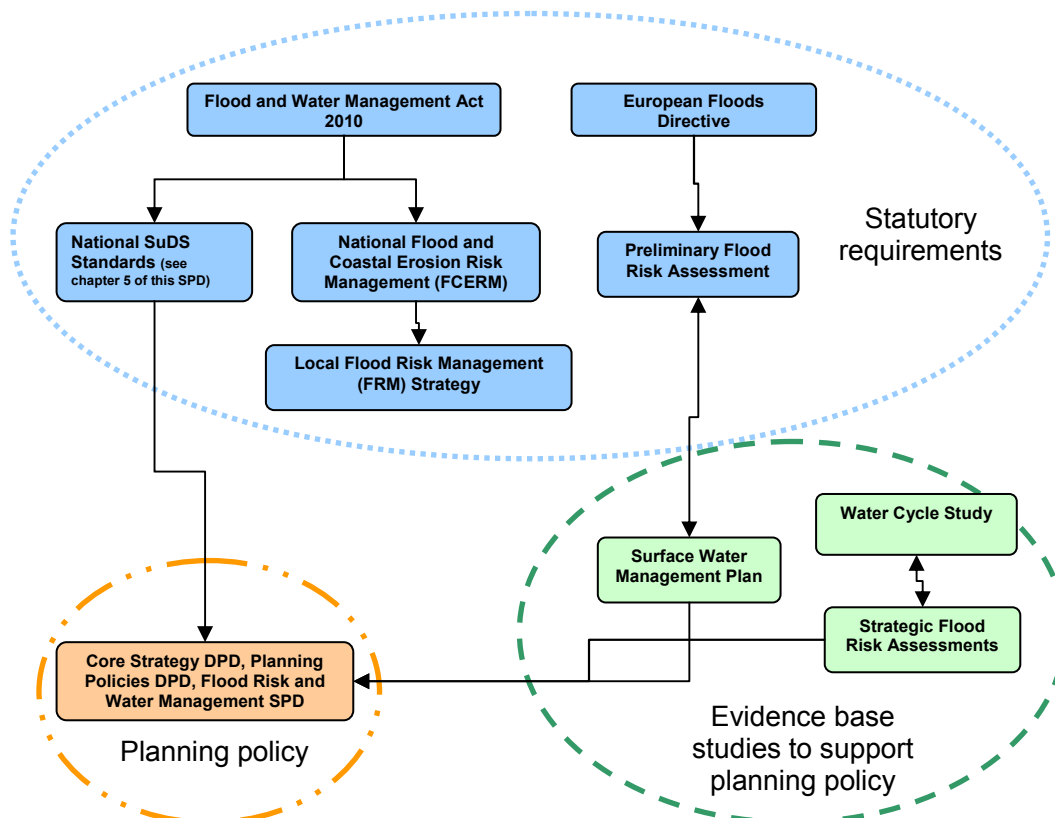
1.0.9 Applicants and all water management related partners should be able to use this guidance to ensure a consistent, locally specific approach to flood risk management.



## 2. Setting the Scene

2.0.1 Flood and water management in Peterborough is influenced by legislation, national policy, local technical studies and local information. This chapter gives the background information on the local, national, statutory and non statutory influences, in Figure 1 below and in the text that follows. Chapter 3 sets out how flood and water management is considered in Peterborough's Local Development Framework.

Figure 1 – Linkages between relevant flood risk management documents and legislation



### 2.1 National Background Information

#### Flood and Water Management Act 2010

2.1.1 The Flood and Water Management Act places the responsibility for co-ordinating 'local flood risk' management on the county or unitary authority, making them a Lead Local Flood Authority (LLFA). In this context, the Act uses the term 'local flood risk' to mean flood risk from:

- (a) surface runoff,
- (b) groundwater and
- (c) ordinary watercourses.

2.1.2 Peterborough City Council is, therefore, officially recognised as a LLFA.

2.1.3 The Act also seeks to encourage the uptake of sustainable drainage systems (SuDS) by agreeing new approaches to the management of drainage systems and providing for LLFAs

to adopt SuDS for new developments and redevelopments. In this regard, the city council intends to establish a SuDS Approving Body, which will review, approve and adopt drainage strategies and systems alongside the current planning approval system.

## **National Planning Policy**

- 2.1.4 Government is reforming the planning system and has produced a draft National Planning Policy Framework (NPPF) that consolidates all of the existing national planning policy statements, national planning policy guidance and some circulars into one document. However, whilst the it is brief, the draft NPPF is consistent with existing guidance being replaced, such as Planning Policy Statement 25: Development and Flood Risk, Planning Policy Statement 1: Delivering Sustainable Development and the supplement to PPS1: Planning and Climate Change.
- 2.1.5 However, through the Localism agenda, Local Authorities should take steps to define their own locally appropriate standards. An assumption is made that forthcoming national SuDS standards issued by Defra will also require this local detail.
- 2.1.6 This SPD should be read alongside the policy in the final version of the NPPF, which is due in early 2012.

## **Code for Sustainable Homes**

- 2.1.7 The Code for Sustainable Homes was launched in December 2006 and sets a national standard for the sustainable design and construction of new homes. It is predominantly a 'building control' requirement rather than a 'planning' requirement. Attenuation (reduction) of surface water through SuDS is included in the Code. For example, if SuDS are provided to attenuate runoff from both hard surfaces and roofs, 1 point can be awarded towards the overall sustainability rating.
- 2.1.8 In addition, it is mandatory for all levels of the Code that run-off rates and annual volumes of run-off post-development will be no greater than the previous conditions for the site. Further information can be found here:

<http://www.planningportal.gov.uk/buildingregulations/greenerbuildings/sustainablehomes>

## **2.2 Local Background Information**

### **Local Flood Risk**

- 2.2.1 Flood risk in Peterborough exists from a variety of sources. These include:
- The sea
  - Main rivers (Peterborough has 18 rivers, of a variety of sizes, which have been classified as main river and are managed by the Environment Agency)
  - Ordinary watercourses (see glossary)
  - Surface run off
  - Groundwater (high water table)
  - Reservoirs
  - The sewerage network – sewers, rising mains and pumping stations
  - The mains water supply
- 2.2.2 The frequency of flooding is likely to increase in the future as a result of climate change, and particular care must be taken to ensure that new development is neither at risk of flooding, nor increases the risk of flooding elsewhere.

2.2.3 Peterborough City Council is now a Lead Local Flood Authority, but it also maintains its previous role in managing highway drainage and a number of ordinary watercourses. The council wishes to ensure that appropriate planning policy is in place to assist with its new larger role in co-ordinating local flood risk management and ensuring sites of new development are appropriately drained.

### **Peterborough Water Cycle Study (2010)**

2.2.4 The detailed Water Cycle Study for Peterborough (2010) sets out a range of recommendations. Of these, we will provide guidance in this SPD on:

- Removal of surface water from combined sewers;
- Use of SuDS including the incorporation of green roofs, permeable pavements, swales and attenuation schemes;
- Rapid surface water discharge from sites adjacent to the River Nene to avoid peak fluvial levels coinciding with peak surface water run-off volumes. A smaller amount of on-site storage and treatment still may be required for example to remove the pollutants from the first flush, and to account for local constraints on surface water drainage systems and localised storm events.

2.2.5 The specific sewerage network options highlighted in the Study applied predominantly to the foul sewer system although these may have some impact where combined systems or cross connections are present.

2.2.6 The Water Cycle Study and appendices (document reference E079A and E079B) can be downloaded here:

[http://consult.peterborough.gov.uk/portal/planning/peterborough/cs/cssub/cs\\_s?tab=files](http://consult.peterborough.gov.uk/portal/planning/peterborough/cs/cssub/cs_s?tab=files)

### **Peterborough Level 2 Strategic Flood Risk Assessment**

2.2.7 A number of flood risk policies are recommended in the Peterborough Level 2 Strategic Flood Risk Assessment (SFRA) (2009 and amended in 2010), relating to both flood risk and surface water management. Recommendation 11 promotes the use of specific flood risk and surface water management 'policy units' to ensure that the cumulative impact on surface water drainage systems of development across the city is considered holistically by accounting for the local constraints, catchment response, flood risk, strategic opportunities and wider benefits. The SPD explains how the city council, as a planning authority, will apply the concept of 'policy units' to development proposals. It is envisaged that developers and all water management related partners should be able to use this guidance to ensure a consistent approach to flood risk management.

2.2.8 The policy units have evolved since publication of the SFRA through work undertaken on the Surface Water Management Plan for Peterborough.

2.2.9 The Level 2 SFRA and appendices (document reference E062B and E062C) can be downloaded from:

[http://consult.peterborough.gov.uk/portal/planning/peterborough/cs/cssub/cs\\_s?tab=files](http://consult.peterborough.gov.uk/portal/planning/peterborough/cs/cssub/cs_s?tab=files)

### **Peterborough Surface Water Management Plan (2011)**

2.2.10 Peterborough City Council has undertaken a Surface Water Management Plan (SWMP) Strategic and Intermediate Assessment in order to identify areas of surface water flood risk in Peterborough. Identification of risk areas enables appropriate management processes to be implemented to reduce local risk, raise local awareness and improve people's

preparation/preparedness for flooding. The SWMP builds on the Strategic Flood Risk Assessments, providing the vehicle for local water management organisations to work together to develop a shared understanding of local flood risk, including setting out priorities for action and maintenance needs.

### **Peterborough Preliminary Flood Risk Assessment (2011)**

- 2.2.11 The Peterborough Preliminary Flood Risk Assessment (PFRA) is a statutory document completed under the European Floods Directive. The PFRA process is aimed at providing a high level overview of flood risk from local flood sources, including surface runoff, groundwater, ordinary watercourses and public sewers. It is not concerned with flooding from main rivers or the sea.
- 2.2.12 Based on the evidence that was collected, the Peterborough PFRA report of June 2011 supports the national assessment that there is no 'Flood Risk Area' of national significance within Peterborough's administrative area.
- 2.2.13 Historic evidence shows that surface water flood events have not been numerous in Peterborough and are more often related to operational and local issues. On a local scale, however, risk does exist of very localised flooding and the council and its partners will continue to use the gathered information to best manage these risks.

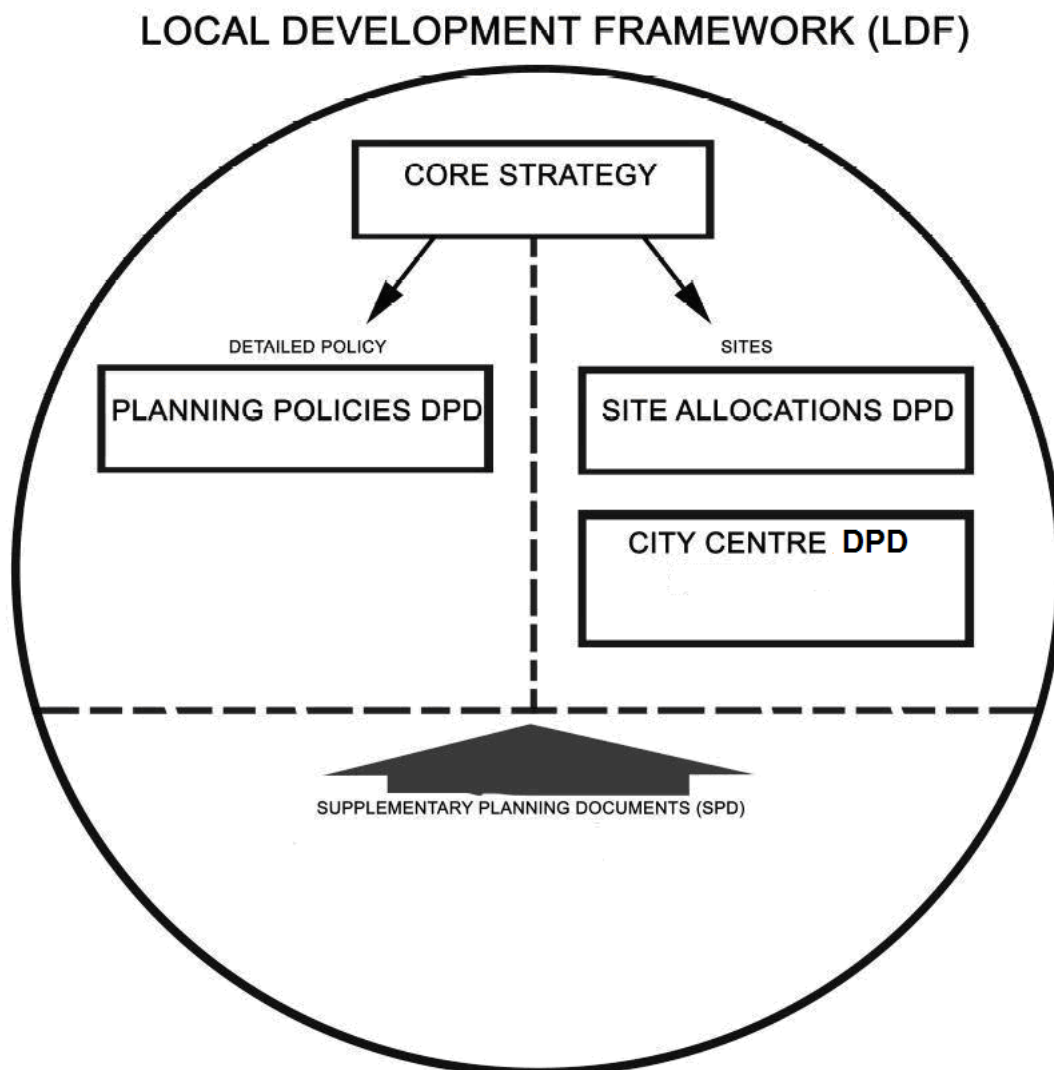
### **Local Flood Risk Management Strategy**

- 2.2.14 Peterborough City Council is starting work on developing its Local Flood Risk Management Strategy (as one of its other duties under the Flood and Water Management Act 2010). The strategy will cover intended management procedures for existing flood risk. It will touch on plans for new development but the detailed planning and development issues will be determined through this SPD. While the Local Flood Risk Management Strategy can be a material consideration in planning terms, the SPD will be a formal part of Peterborough's Local Development Framework governing local planning decisions and will therefore be more important to those involved in planning and development.

### 3. Flood and Water Management in Peterborough's Local Development Framework

- 3.0.1 Peterborough City Council's Local Development Framework (LDF) consists of an adopted Core Strategy Development Plan Document (February 2011) that sets the type and amount of development that will be accommodated in Peterborough up until 2026.
- 3.0.2 An emerging Planning Policies Development Plan Document provides detailed policy to assist in the determination of planning applications. The emerging Site Allocations and the City Centre Development Plan Documents identify sites for development that meet the vision of the Core Strategy.
- 3.0.3 All of the LDF documents can be supported by Supplementary Planning Documents that give detailed guidance on LDF policies, as shown in Figure 2.

Figure 2: Peterborough's Local Development Framework



- 3.0.4 This SPD provides detailed guidance to help implement policy CS22 of the adopted Core Strategy and policy PP14 of the pre submission version of the Planning Policies Development Plan Document. The two policies are as follows:

### **Core Strategy policy CS22 Flood Risk**

*“The allocation of sites for development and the granting or refusal of planning permission on such sites and any other site will be informed by:*

- *the Peterborough Level 1 SFRA (2008)\*;*
- *the Peterborough Level 2 SFRA (2009)\*;*
- *the sequential test and if necessary the exception test; and an appropriately detailed site specific flood risk assessment.*

*(\* Or any equivalent subsequent assessment)*

*Development in Flood Zones 2 and 3 will only be permitted following the successful completion of a sequential test, exception test if necessary, suitable demonstration of meeting an identified need, and through the submission of a site specific flood risk assessment demonstrating appropriate flood risk management measures and a positive approach to reducing flood risk overall.*

*No development will be permitted in rapid inundation zones, or areas not defended to an acceptable standard, other than in exceptional circumstances, unless the proposed development is classified as a water compatible use or essential infrastructure (subject to the exception test). In Zone 3a, residential development will only be permitted where the site consists of previously developed land.*

*All appropriate development should employ sustainable drainage systems (SuDS) to manage surface water run-off where technically feasible and appropriate to that part of the catchment. SuDS will be expected for all developments where run off or flash floods may threaten the integrity of any international or European site of nature conservation importance. Where such a threat exists and SuDS are not feasible, development will not be permitted. Long-term management and maintenance of SuDS should be agreed early on in the process. Economic constraints will not be accepted as a justification for non-inclusion of SuDS.*

*Where appropriate, development should help achieve the flood management goals from the River Nene and River Welland Catchment Flood Management Plans (CFMP).”*

### **Extract from Planning Policies Development Plan Document policy PP14 - The Landscaping and Biodiversity Implications of Development**

*“Planning permission for the development will only be granted if the proposal makes provision for:*

*(d) the protection and, where necessary and feasible, the enhancement of water quality and habitat of any aquatic environment in or adjoining the site. For riverside development, this includes the need to consider options for riverbank naturalisation (see Flood and Water Management SPD for further guidance).”*

## 4. Guidance on Main River Flooding to Assist Delivery of Core Strategy Policy CS22

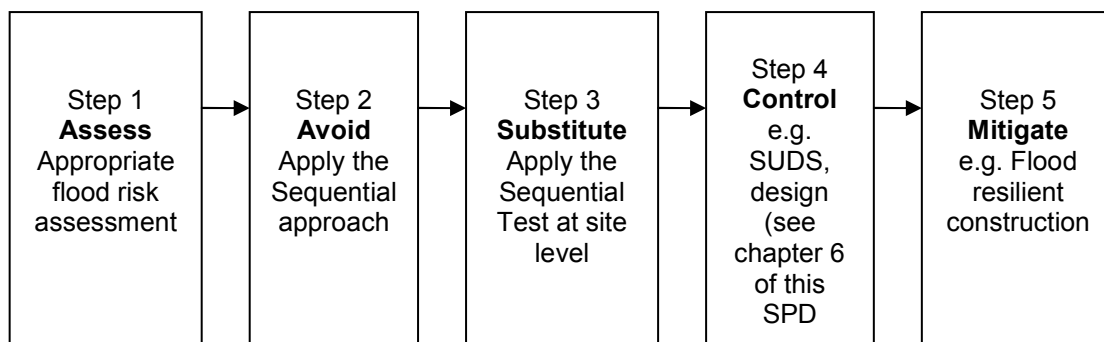
4.0.1 The aim of this chapter is to give advice on how new development in Peterborough can meet national guidance and the first three paragraphs of Core Strategy policy CS22 (see policy text in chapter 3), particularly relating to site selection. Guidance on sustainable drainage systems, which forms the other part of policy CS22, can be found in chapter 5.

4.0.2 The guidance in this chapter should be read in conjunction with national planning policy.

### 4.1 Assessing Flood Risk

4.1.1 Peterborough City Council recognises the importance of flood risk being appropriately assessed at all stages of the planning process including during the selection of development sites. In order to meet the requirements of Core Strategy Policy CS22, the overall management of flood risk in new development should be dealt with in the order shown in the following flood risk management hierarchy flowchart (Figure 3); and in accordance with the guidance set out in this chapter and in national planning policy.

Figure 3: Flood risk management hierarchy



4.1.2 This SPD does not specifically cover mitigation measures (step 5). Developers should discuss designs with the Environment Agency and make use of the following guidance:

- Improving the flood performance of new buildings: flood resilient construction (<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>)
- Flood resilience and resistance for critical infrastructure (<http://www.ciria.org/service/knowledgebase/AM/ContentManagerNet/ContentDisplay.aspx?Section=knowledgebase&ContentID=15520>)

### 4.2 Flood Zones and Vulnerability Classification

4.2.1 Flood zones and vulnerable development classifications are defined below because they should be used for assessing flood risk of all sites. Zones refer to the probability of river and sea flooding, ignoring the presence of defences.

4.2.2 Flood zones are broken down into:

- Zone 1 – Low Probability
- Zone 2 - Medium Probability
- Zone 3a – High Probability

- Zone 3b – The functional flood plain

### **Zone 1 - Low Probability**

- 4.2.3 This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%). All uses of land are appropriate in this zone.
- 4.2.4 In this zone, developers and the council should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage techniques in accordance with Core Strategy policy CS22 (see chapter 5).

### **Zone 2 - Medium Probability**

- 4.2.5 This zone comprises land assessed as having between a 1 in 100 and 1 in 1000 annual probability of river flooding (1% – 0.1%) or between a 1 in 200 and 1 in 1000 annual probability of sea flooding (0.5% – 0.1%) in any year.
- 4.2.6 In this zone, developers and the council should seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development, and the appropriate application of sustainable drainage techniques in accordance with Core Strategy policy CS22 (see chapter 5).

### **Zone 3a - High Probability**

- 4.2.7 This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- 4.2.8 The more vulnerable and essential infrastructure uses identified in Table 1 (and defined in Appendix A) should only be permitted in this zone if the Exception Test is passed. Essential infrastructure permitted in this zone should be designed and constructed to remain operational and safe for users in times of flood.
- 4.2.9 In this zone, developers and the council should seek opportunities to:
- reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage techniques;
  - relocate existing development to land in zones with a lower probability of flooding; and
  - create space for flooding to occur by restoring functional floodplain and flood flow pathways and by identifying, allocating and safeguarding open space for flood storage.

### **Zone 3b - The Functional Floodplain**

- 4.2.10 This zone comprises land where water has to flow or be stored in times of flood. The SFRA's identify areas of functional floodplain and its boundaries.
- 4.2.11 In this zone, developers and the council should seek opportunities to:
- reduce the overall level of flood risk in the area through the layout and form of the development and the appropriate application of sustainable drainage techniques; and
  - relocate existing development to land with a lower probability of flooding.
- 4.2.12 Table 1 summarises the types of development that can be compatible in the flood zones in Peterborough. This table does not show the application of the Sequential Test which guides



development to Flood Zone 1 first, then Flood Zone 2, and then Flood Zone 3; FRA requirements; or the policy aims for each Flood Zone.

Table 1: Flood Risk Vulnerability and Flood Zone 'Compatibility'

Flood risk vulnerability classification	Essential infrastructure*	Water compatible*	Highly vulnerable*	More vulnerable*	Less vulnerable*
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception Test required	✓	✓
Zone 3a	Exception Test required	✓	x	Exception Test required	✓
Zone 3b 'functional flood plain'	Exception Test required	✓	x	x	x
Key: ✓= Development is appropriate      x = Development should not be permitted					
* See Appendix A for definitions					

### 4.3 Preparing a Planning Application for Sites in Areas of Flood Risk

4.3.1 Landowners have the primary responsibility for safeguarding their land and other property against natural hazards such as flooding. Individual property owners and users are also responsible for managing the drainage of their land in such a way as to prevent, as far as is reasonably practicable, adverse impacts on neighbouring land. Those proposing development are responsible for:

- demonstrating that it is consistent with Core Strategy CS22 flood risk and national guidance;
- providing a flood risk assessment demonstrating:
  - whether any proposed development is likely to be affected by current or future flooding from any source;
  - that the development will be safe and where possible reduces flood risk overall;
  - whether it will increase flood risk elsewhere; and
  - the measures proposed to deal with these effects and risks. Any necessary flood risk management measures should be sufficiently funded to ensure that the site can be developed and occupied safely throughout its proposed lifetime;
- designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems (see chapter 5) and where necessary, flood resilience measures.
- identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.

4.3.2 These matters can affect the value of land, the cost of developing it and the cost of its future management and use. They should be considered as early as possible in preparing development proposals.

- 4.3.3 The process for completing a planning application with Flood Risk Assessment is illustrated in Appendix B. Applicants will be expected to follow this process to meet the requirements of Core Strategy policy CS22. The process includes application of the sequential test and exception test, where necessary. Please see national planning policy for guidance on what they are and how to apply them.
- 4.3.4 In order to confirm whether your site requires a Flood Risk Assessment, please refer to national guidance or contact the council and/or the Environment Agency.

### **The Sequential Test**

- 4.3.5 The risk based Sequential Test should be applied at all stages of planning. The aim of the Test is to steer development to areas at the lowest probability of flooding. The following advice should be read in conjunction with any national guidance which is in force at the time of applying the Test.
- 4.3.6 The Flood Zones are the starting point for the sequential approach. Zones 2 and 3 are shown on the Environment Agency Flood Map with Flood Zone 1 being all the land falling outside Zones 2 and 3. These Flood Zones refer to the probability of sea and river flooding only, ignoring the presence of existing defences.
- 4.3.7 If your site is within Zone 2 or 3 and not allocated in the Site Allocations Development Plan Document or City Centre Development Plan Document, and therefore has not already been subject to a sequential test, you should follow the process as set out in Environment Agency's Standing Advice available at:  
<http://www.environmentagency.gov.uk/static/documents/Research/SequentialTestProcess.pdf>.

### **The Exception Test**

- 4.3.8 For the Exception Test to be passed:
- (a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared;
  - (b) the development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land; and
  - (c) a flood risk assessment must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

### **The Sequential Approach**

- 4.3.9 If a site is already allocated in the Site Allocations DPD or City Centre DPD or if it 'passes' the Sequential and Exception Tests, then a sequential approach to flood risk should be used in designing the site layout, locating development in the lowest areas of flood risk within the site.

## **4.4 Key Flood Risk Consultees**

- 4.4.1 The council recognises the importance of sharing expertise and information to be able to deliver effective and timely decisions. Flood risk should be factored into the earliest stages of applications and decisions.
- 4.4.2 The Environment Agency (EA) is a statutory consultee for planning applications. At the pre-application stage guidance from the EA will generally involve provision of relevant flood

risk information and advice, as well as comments on the scope of site-specific Flood Risk Assessments (FRA).

4.4.3 The Environment Agency has Standing Advice available on its website (<http://www.environmentagency.gov.uk/research/planning/82584.aspx>) including, which provides advice to developers and their agents on the types of application which will need to be accompanied by a FRA and guidance on householder and other minor extensions.

4.4.4 It is also advised that internal drainage boards (IDBs) are consulted in the process. IDBs have a high level of expertise in their local area and can be a very valuable source of information. Consult the map in appendix C to see the IDB catchment area your site falls within; and appendix D to see who you should consult. It is likely that the internal drainage boards will be consulted on the following (if in doubt, please contact the council's Flood and Water Management Officer):

- major developments in Flood Zone 1 that are within, or will drain into their Internal Drainage District;
- all non-householder developments in Flood Zones 2 and 3; and
- any applications that affect an Internal Drainage Board-controlled watercourse.

## **4.5 What is a Rapid Inundation Zone?**

4.5.1 In Peterborough the eastern part of the unitary authority is currently protected by defences along the River Nene. A rapid inundation zone is an area which is at risk of rapid flooding should a flood defence structure be breached or overtopped. The zones at highest risk of rapid inundation are typically located close behind the defences. For specific detail on whether or not a site is in this zone, please contact the Environment Agency.

4.5.2 When considering whether it is possible to design a new development, which is safe and which does not increase flood risk elsewhere, surface water management must also be considered. Guidance on this is provided in chapter 5.

## 5. Guidance on Surface Water Flooding and Sustainable Drainage Systems to assist delivery of Core Strategy Policy CS22

### 5.1 Introduction

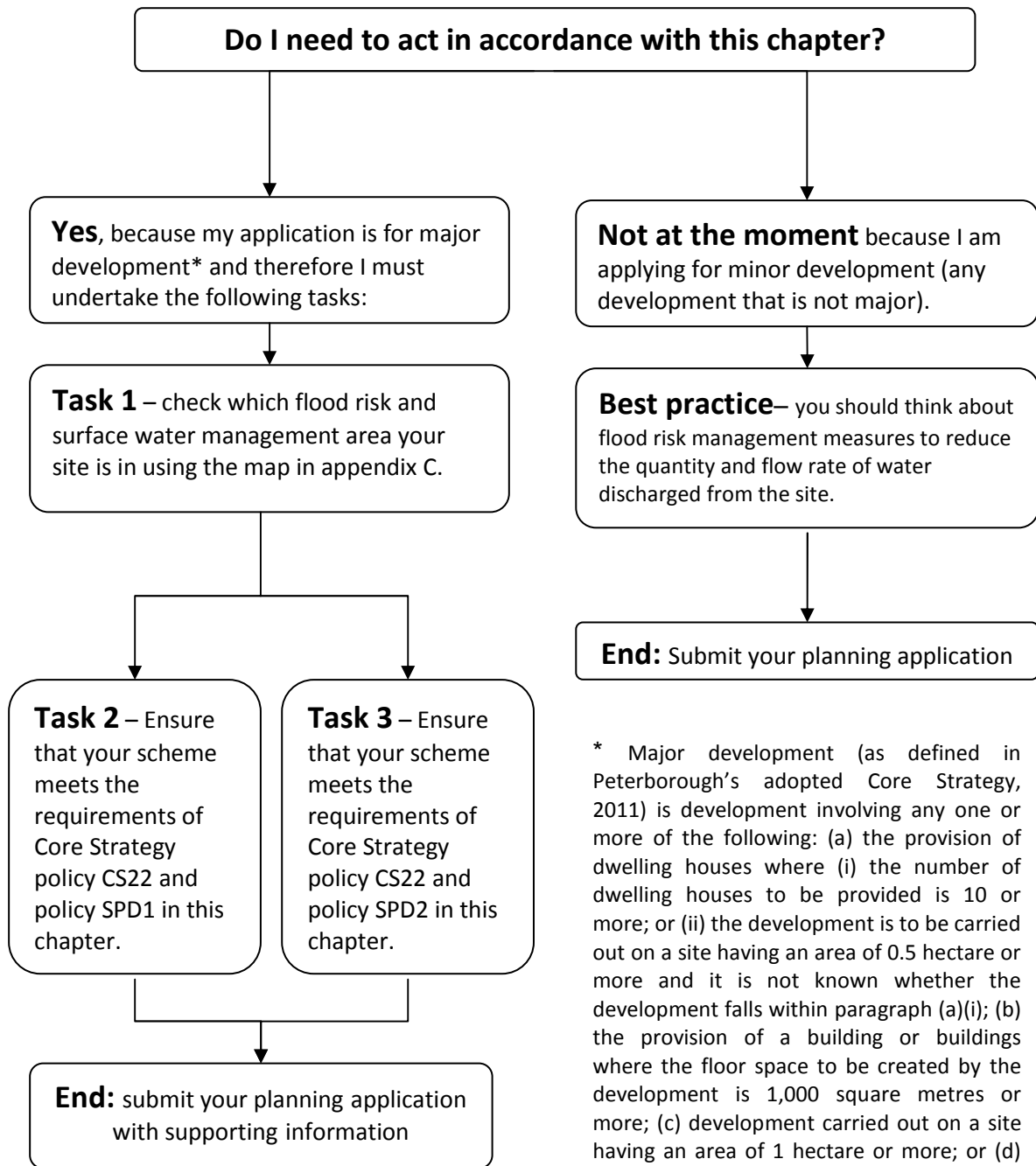
- 5.1.1 The expected increase in intense rainstorms (as a predicted result of climate change) and the nature of traditional drainage systems<sup>1</sup> means that the likelihood of surface water flooding will increase over time in Peterborough, with or without development. Any loss of permeable (porous) ground will potentially increase the risk. Therefore the city council encourages sustainable drainage for all scales of development.
- 5.1.2 The Flood and Water Management Act (2010) will create a significant change in the way that development comes forward. When fully enacted, it will put in place a system that allows developers to build sustainable drainage systems (SuDS) knowing that they can be adopted by the council in the same way that, for example, roads currently are. The Act sets out a system of approval whereby drainage strategies for sites should be submitted for review to a body known as the SuDS Approving Body (in Peterborough this will be the city council). If the system is approved, the council will then vet the construction of the SuDS as they are built, with a view to ultimately adopting a safe and fully functioning system. If approval is not given for the drainage strategy then development is not allowed to start on site, regardless of whether or not the site has planning permission.
- 5.1.3 The relevant sections of the Act are expected to be enacted during 2012 following the release by Defra of National Standards. SuDS Approving Bodies must use these Standards to determine whether drainage strategies meet requirements and, if they do, such systems should be approved. The Standards are expected to leave some design or process elements open to local interpretation. In order to ensure a smoother transition to this new process, it is therefore the city council's intention to use this SPD to explain any relevant local criteria or issues.
- 5.1.4 In the meantime it is acknowledged that there is a gap between the requirements of policy CS22, future Government guidance and council processes which need to be in place to enable an effective adoption system for SuDS. The intention of this chapter is therefore to develop a framework that can be used before the relevant provisions of the Act are brought into effect, but can also be easily supplemented for use afterwards. It is likely that updates will be made to this chapter over the coming years as Defra reveals more information about its intentions for the future of sustainable drainage systems.
- 5.1.5 It is expected that Defra will choose to phase the introduction of the requirement for different types of development to have SuDS approval, starting with larger developments first. In planning for this, the information in the following pages is currently aimed at major developments, as defined in Figure 4 below. The type of development to which the guidance in this chapter applies will change with Defra guidance, to gradually incorporate more and more types and sizes of development. Ultimately the Flood and Water Management Act intends for all development that has drainage implications to require SuDS approval. Construction that has 'drainage implications' is defined in the Flood and Water Management Act as: *"Anything done by way of, in connection with, or in preparation for, the creation of a building or other structure" that "will affect the ability of the land to absorb rainwater"*.

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<sup>1</sup> Public sewers are designed to cater for rainfall events of an annual probability of more than 33.3% (1 in 30). Larger, less common events are likely to result in surface run-off when the rainfall is very intense, as sewers cannot cope with those volumes of water in such a small period of time.

## 5.2 Application of Chapter 5

Figure 4: Application of chapter 5



## 5.3 Sustainable Drainage Systems

- 5.3.1 Sustainable drainage means managing rainwater (including snow and other precipitation) with the aim of<sup>2</sup>:
- (a) reducing damage from flooding;
  - (b) improving water quality;
  - (c) protecting and improving the environment;
  - (d) protecting health and safety; and
  - (e) ensuring the stability and durability of drainage systems.
- 5.3.2 The primary function of SuDS is to provide effective drainage. SuDS replicate as closely as possible the natural drainage of the site before development. This reduces the risk of flooding downstream of the development caused by the increased impermeable area of the new development, helps to replenish ground water and remove pollutants gathered during run-off, benefiting local wildlife. To achieve this, guidance<sup>3</sup> advises the use of a 'management or treatment train' (see Figure 5 below). SuDS schemes should be based on a hierarchy of methods. Different drainage techniques should be used in series to reduce pollution, flow rates and volumes.
- 5.3.3 Guidance recommends that the management of surface water runoff should use a combination of site specific and strategic SuDS measures, encouraging source control where possible to reduce flood risk and improve water quality.
- 5.3.4 The inclusion of green infrastructure in development is of huge benefit with regards to improving on site drainage due to the increased infiltration of water, as well as the possibility of creating flood storage areas. Likewise SuDS can also provide an amenity for the local community when incorporated as part of well designed green infrastructure. SuDS also provide opportunities to create wildlife habitats and improve local biodiversity.

Figure 5 – SuDS treatment train (source: Peterborough Surface Water Management Plan Strategic and Intermediate Assessment Report).



<sup>2</sup> Definition taken from Schedule 3 of the Flood and Water Management Act 2010.

<sup>3</sup> The SuDS Manual, Ciria, London 2007.

5.3.5 The type of provision required throughout the hierarchy of treatment will depend on which surface water management unit(s) the site falls within, as explained in policy SPD 1 in section 5.4 below.

5.3.6 Table 2 sets out types of SuDS and how they fit with the SuDS treatment train; how they store and remove water; their suitability to improve water quality; and the environmental benefits including aesthetics, amenity and ecology.

Table 2: Capability of different SuDS techniques (adapted from the CIRIA SUDS manual, table 1.7)

SuDS technique / component <sup>4</sup>	Management train suitability						Water quantity				Water quality	Environmental benefits		
	Prevention	Conveyance	Pre-treatment	Source control	Site control	Regional control	Conveyance	Detention	Infiltration	Water harvesting	Water quality improvements <sup>5</sup> processes	Aesthetics	Amenity	Ecology
Water butts, site layout & management	✓	•		✓			•	•	✓	•	•	•	•	
Permeable pavements	✓			✓	•			✓	✓	•	✓	•	•	•
Filter drain		✓		✓	•		✓	✓			✓			
Filter strips			✓	✓			•	•	•		✓	•	•	•
Swales		✓		✓	✓		✓	✓	•		✓	•	•	•
Ponds					✓	✓		✓	•	✓	✓	✓	✓	✓
Wetlands		•			✓	✓	•	✓		✓	✓	✓	✓	✓
Detention basin					✓	✓		✓			✓	•	•	•
Soakaways				✓					✓		✓			
Infiltration trenches		•		✓	✓		•	✓	✓		✓			
Infiltration basins					✓	✓		✓	✓		✓	•	•	•
Green roofs	✓		✓	✓				✓			✓	✓	•	✓

<sup>4</sup> See Appendix C for description of each type of SuDS component

<sup>5</sup> CIRIA, C697 - The SUDS manual, 2007

SuDS technique / component <sup>4</sup>	Management train suitability						Water quantity				Water quality	Environmental benefits		
	Prevention	Conveyance	Pre-treatment	Source control	Site control	Regional control	Conveyance	Detention	Infiltration	Water harvesting	Water quality improvements processes <sup>5</sup>	Aesthetics	Amenity	Ecology
Bioretention areas				✓	✓			✓	✓		✓	✓	✓	✓
Sand filters			✓		✓	•		✓	•		✓			
Silt removal devices			✓								✓			
Pipes, subsurface storage		✓			✓		✓	✓			•			

✓ = High/primary process    • = Some opportunities subject to design

5.3.7 For more details on water quality and pollutant removal mechanism in SuDS please refer to the CIRIA SUDS manual, section 1.3.4 and table 1.7, which can be downloaded from:

[http://www.ciria.org/service/AM/ContentManagerNet/Default.aspx?template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=19&ContentID=10559&TPPID=4334&AspNetFlag=1&Section=content\\_by\\_themes](http://www.ciria.org/service/AM/ContentManagerNet/Default.aspx?template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=19&ContentID=10559&TPPID=4334&AspNetFlag=1&Section=content_by_themes).

5.3.8 Appendix E provides an overview of what SuDS are and the types available and examples of best practice in Peterborough. In addition, detailed information on SuDS can also be found on the Environment Agency's website:

<http://www.environment-agency.gov.uk/business/sectors/36998.aspx>.



## 5.4 The Policies

### **Policy SPD 1 - Flood and Water Management Measures**

To meet the requirements of policies set out in Peterborough City Council's Local Development Framework, applications for major development should provide the relevant management measures (set out in appendix D) that correspond with the 'policy unit' in which the site falls (see map of policy units in appendix C).

For all sites, soakage tests to BRE365 (BRE [1991] *Digest 365 – Soakaway Design Building Research Establishment*) or equivalent standard must be carried out to help determine the scope for infiltration on site. For large sites, several such tests may be necessary to provide a reasonable understanding of possibilities for infiltration across the whole site. The results of the tests must accompany a planning application or, in the future, the drainage strategy submitted to the SuDS Approving Body.

Drainage strategies must accompany all applications to demonstrate clear consideration (in order) of options for discharge to ground and discharge to watercourse, before discharge to public sewers will be considered by the council (as the Local Planning Authority or, in future, as the SuDS Approving Body).

Where there are site constraints limiting the implementation of recommended management techniques, other SuDS options such as permeable paving, green roofs and rainwater harvesting tanks must be provided. If conventional piped drainage is proposed, adequate justification must be provided to show why no SuDS measures are deemed feasible. However, in accordance with the specific requirements in appendix D, SuDS should be provided on all developments where run-off or flash floods may threaten the integrity of any international or European site of nature conservation importance.

A drainage strategy and SuDS plan should be submitted with planning applications or, in the future, a SuDS application, to assess the implications of proposed development on the receiving environment and identify any infrastructure required to enable development. Applicants should consult the relevant stakeholders identified in the table in appendix B before and during the drainage strategy design process. Applicants with sites requiring a Flood Risk Assessment (FRA) are encouraged to submit their drainage strategy and SuDS designs at the same time as the FRA, preferably in one document.

- 5.4.1 The Checklist at Appendix F provides the basis for the information that needs to be submitted for any SuDS proposal, indicating at which stage information should be provided (Pre-application, Outline, full and reserved matters). Policy SPD 1 requires that the FRA and drainage strategy are submitted as an integrated document, in order to ensure that flood risk and drainage schemes are developed together. Site drainage is a key part of flood risk management.
- 5.4.2 It is important that the cumulative impact on surface water drainage systems of development across the city is considered holistically considering the local constraints, catchment response, flood risk, strategic opportunities and other wider benefits as opposed to assessing each case on a site by site basis.
- 5.4.3 The Surface Water Management Plan (SWMP) process confirms the benefits of clearly setting out the most appropriate approaches to flood risk and surface water management in Peterborough. The SWMP recommends that Peterborough be divided up into specific surface water management units that account for local conditions such as ground conditions, catchment response, proximity to major watercourses and localised drainage issues. The city council, as local planning authority, endorses this approach and gives such an approach a statutory bonus as part of this SPD. The types of measures required vary

across Peterborough, depending on the policy unit that a site is in. Each management unit is defined in Table 3 below. The map in appendix C shows the policy unit areas allowing the public, stakeholders and partners to see clearly which parts of Peterborough fall into which units.

Table 3: Description of the policy units

Policy Unit	Policy Unit Name	Description
1	Undefended Lower Nene Corridor	Fluvial Nene Flood Zone 3b, functional floodplain
2	Stanground Lode System	Surface water sewers catchment draining to the Stanground Lode
3	Padholme Catchment	Catchment to the east of Peterborough's urban area and as defined within the Padholme Catchment Strategy
4	Thorpe Meadows System	Catchment west of the railway line, draining south towards Thorpe Meadows and the River Nene
5	Fletton Spring System	Surface water sewers catchment draining to Fletton Spring
6	Orton Dyke System	Surface water sewers catchment draining to Orton Dyke
7	Peterborough Brooks Catchment	Surface water sewers catchment draining north to the Peterborough Brooks (Marholm Brook, Werrington Brook, Brook Drain) and ultimately into the Welland.
8	City Centre System Draining to the Nene	Combined and surface water sewers catchment in the City Centre and the urban area to the north draining into the River Nene
9	City Centre System Draining to the Car Dyke	Fengate area draining east into the non main Car Dyke
10	Nene South System	Combined and surface water sewers catchment south of the City Centre draining into the River Nene
11	Upper Nene	River Nene rural catchment upstream of Peterborough
12	Welland	Rural area of Wothorpe and Burghley Park
13	North Level District Internal Drainage Board	Catchment drained by the North Level District Internal Drainage Board
14	Welland and Deeping Internal Drainage Board	Catchment drained by the Welland and Deeping Internal Drainage Board
15	Middle Level Commissioners Internal Drainage Board	Catchment drained by the Middle Level Commissioners Internal Drainage Board
16	Whittlesey and District Internal Drainage Board	Catchment drained by the Whittlesey and District Internal Drainage Board

5.4.4 The partners outside the city council that should be consulted for pre-application discussions and which must be consulted for planning applications, are also listed for each unit in appendix D.

5.4.5 The policy units have been designed so that where an IDB catchment area overlaps with another policy area, the policies in the non IDB catchment prevail, on the understanding that the relevant IDB is consulted on any planning proposals falling within their area or impacting on systems which eventually outfall in their network.

- 5.4.6 Where a proposed development site overlaps two or more policy units, the applicant would need to consult the council to determine the best approach to drainage and flood risk management.

### **Padholme Catchment**

- 5.4.7 The Padholme Catchment Strategy (2004) was devised based on Local Plan allocations. The Strategy is currently under review to ensure that a clear and appropriate site discharge solution is agreed by all partners for the development proposed in the Core Strategy, Site Allocations and City Centre DPDs. Developers with non-allocated sites coming forward within the Padholme boundary should contact Peterborough City Council for advice. This SPD is as applicable to development proposed within the Padholme catchment as it is to any other area of the city.
- 5.4.8 The city council encourages all parties wishing to develop within this defined catchment to engage in early discussion with the council.

### ***Policy SPD 2 - Sustainable Drainage Design Principles***

**In addition to the requirements set out in Policy SPD1, the following will also be required to meet Policy CS22 of Peterborough's Core Strategy:**

- (a) The design of all schemes must follow the 'treatment train' approach as illustrated in figure 5 of this SPD; and**
- (b) All schemes must protect and enhance water quality by reducing the risk of diffuse pollution; and**
- (c) If the site is brownfield, options for use of SuDS must be demonstrated ahead of discharge to existing surface water sewer connections; and**
- (d) If the site is brownfield and in an area of combined sewers, it is expected that the site discharge to sewerage system will be at an absolute minimum. Alongside source control measures, sites will be expected to use infiltration measures including green roofs, on-site water re-use and recycling measures and consider discharge to watercourse before any discharge to sewers will be permitted.**
- (e) If the site is greenfield, the design of SuDS must take into account original greenfield drainage patterns and the rate of run-off must be no greater than the greenfield rate; and**
- (f) All SuDS schemes must be designed to ensure that the health and safety of people and animals is not put at risk. The environment created by SuDS must be a safe one. One of the council's key SuDS objectives is to move away from the use of barriers, and for the schemes to be inherently safe due to being shallow with very gradual slopes. A health and safety statement/risk assessment must be submitted with all schemes to demonstrate that this principal has been applied; and**
- (g) All SuDS schemes must create good quality spaces, have a positive impact on the landscape and where possible, provide amenity value for residents; and**
- (h) Biodiversity, wildlife and ecology must be taken into account. PCC recognises that not all types of SuDS provide wildlife and ecological benefits. However, the applicant is required to show that where practicable, the SuDS scheme has been designed to benefit biodiversity, wildlife and ecology; and**

## ***Policy SPD 2 – Sustainable Drainage Design Principles (Continued)***

- (i) Where possible, schemes should allow for connection to the Peterborough Green Grid; and
- (j) Applications for all new development must incorporate permeable areas into the scheme. This applies to all of the surface water management units; and
- (k) If an application site adjoins a watercourse, development must be set back from it to allow for access. It will also be expected that the development will drain to this watercourse subject to approval from the relevant water management authority; and
- (l) If an application site adjoins the River Nene, the council will consider allowing rapid discharge of surface water to the River where it can be demonstrated that this does not increase flood risk from it; and
- (m) Where applicable, previously culverted watercourses should be opened up to create more natural drainage and reduce the likelihood of bottlenecks that can occur and cause flooding in localised areas.

5.4.10 The layout and design of SuDS and other flood risk management measures must be considered at the beginning of the development process using the design principles set out in this document. A key element to successful SuDS is integrating the design into the development master plan/site layout at an early stage, whilst also considering how SuDS will be maintained. Good SuDS design also requires early and effective consultation with all parties that are involved in the approval process including the city council, the Environment Agency and the relevant stakeholders identified in the table in appendix D.

## **5.5 Related Drainage Measures**

### **Rapid Discharge**

5.5.1 Rapid discharge to the River Nene is a method that might be appropriate from riverside sites (as shown in the management measures table in appendix D), although source control is likely to still be required. It is recognised that for riverside sites slowing down the discharge of water to the River Nene through the normally required attenuation measures might not be the best thing for wider flood risk management. In the event of large river flows coming down the River Nene from storms in Northampton, it might be better if Peterborough's surface water is removed from the system before these higher flows arrive. Peterborough City Council is willing to consider this as an option for riverside sites subject to the developer undertaking modelling to justify that flood risk from the River Nene will not be increased under certain rainfall conditions if rapid discharge is allowed. If developers wish to pursue this route they should jointly contact the council's Flood and Water Management Officer and the Environment Agency to allow discussion about modelling work required.

### **Removal of Surface Water from Combined Sewers**

5.5.2 This measure applies to brownfield redevelopment sites where surface water has historically drained into combined surface water and foul sewers. Appendix G provides a map of the location of combined sewers in Peterborough.

5.5.3 Where sewers take rain water as well as foul, this puts significant pressure on the network in the event of heavy downpours. In an environment where urbanisation has increased the

amount of surface run-off entering the sewers, the risk of both foul and surface water flooding is increased as capacity in the system is reduced. The long term aim of the council and the local water company is therefore to reduce, as much as possible, the amount of surface water discharging to combined sewers (leaving these to transport just foul water from existing and future developments).

- 5.5.4 Applicants will be expected to provide SuDS appropriate to the policy unit to ensure that surface water run off from the new development drains as sustainably as possible. Where it can be demonstrated that infiltration to the ground is not possible, green roofs and water recycling measures will be expected in order to reduce the quantity of surface water.

## **5.6 Permeable Paving**

- 5.6.1 If an area of proposed hard standing at the front of a dwelling house exceeds 5 square metres, it is required to be permeable (made of porous materials) or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling (part F of the General Permitted Development Order [http://www.legislation.gov.uk/ukxi/2008/2362/pdfs/ukxi\\_20082362\\_en.pdf](http://www.legislation.gov.uk/ukxi/2008/2362/pdfs/ukxi_20082362_en.pdf))
- 5.6.2 Under Parts 8, 32, 41 and 42 of the 2010 amendments to the General Permitted Development Order, it is possible for Warehouses/Industrial, Schools, Offices and Shops/Retail to implement certain floor areas of hard standing without planning permission. Please refer to the 2010 amendments: <http://www.legislation.gov.uk/ukxi/2010/654/contents/made>.

## **5.7 Current submission requirements in Peterborough<sup>6</sup>**

- 5.7.1 The Council requires planning applications for major development to be accompanied by a drainage strategy following the checklist in appendix F. If a Flood Risk Assessment (FRA) is required, it is encouraged that the drainage strategy be prepared and submitted at the same time. Developers are also strongly encouraged to include the drainage strategy as part of the FRA. Due to the close links between the two, this approach will reduce the time required for partners to review these elements of the application.
- 5.7.2 Major development not requiring a FRA must still submit a drainage strategy.

## **5.8 Adoption**

- 5.8.1 Once the Flood and Water Management Act is enacted Peterborough City Council will adopt SuDS built in accordance with National Standards and approved by the SuDS Approval Body. The council is actively working to put effective systems in place ready for the change in legislation. In the meantime the council recognises the difficult situation developers are in with adoption of SuDS.
- 5.8.2 The responsibility for the future maintenance of drainage systems lies with the developer and hence it is likely that management companies will need to be established. The council is however keen to support developers in finding alternative adoption arrangements. Where site discharge can flow to Internal Drainage Board systems this is supported by the council. The water and sewerage provider in Peterborough will also consider adoption of certain systems and developers may wish to enter discussions on this matter<sup>7</sup>.

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<sup>6</sup> These will be updated once the SuDS Approval Body (SAB) process becomes law as the SuDS approval process will run alongside but effectively be separate from the planning process.

<sup>7</sup> <http://www.anglianwater.co.uk/developers/sewer-connection/suds.aspx>

5.8.3 The council and all of Peterborough's flood risk management partners encourage early discussion, preferably at pre-application stage, with any potential drainage partners. This will ensure that a suitable drainage system is agreed without abortive work or avoidable delays to the planning process.

## 6. Guidance on Water Quality, Aquatic Habitats and River Naturalisation to assist delivery of Policy PP14

6.0.1 This section provides guidance to assist implementation of point (d) of policy PP14 -The Landscaping and Biodiversity Implications of Development (see chapter 3 for the policy text).

### 6.1 The Water Framework Directive in Peterborough

6.1.1 Part d) of policy PP14 is effectively driven by the Water Framework Directive (WFD). This European Directive came into force in December 2000 and was enacted into UK law in December 2003. The WFD uses river basin districts as a base for managing the water environment and its ecological potential. Different water bodies, defined as groups of watercourses within each river basin, are categorised based on four elements which together determine the overall ecological potential of the specific water environment:

- Biology
- Chemical water quality
- Physical structure
- Water quantity

6.1.2 The WFD requires Member States to achieve 'good ecological status' in all surface freshwater bodies by 2015. **The Directive therefore also sets out the need for there to be 'no deterioration' in the ecological potential of the water environment.** Any modifications or measures which would put a water body at risk of failure to meet WFD are unlikely to be permitted.

6.1.3 The majority of watercourses in Peterborough are not in their natural state. Modifications such as channel straightening or dredging have taken place over centuries for reasons such as transport, urbanisation, land drainage and flood defence. These have resulted in reductions in the ecological potential of the region's watercourses.

6.1.4 Where rivers still serve these important purposes, channels cannot just be returned to a more natural state. There are, however, actions that can be taken to mitigate against the detrimental impacts that these changes have on the ecology of the watercourses.

6.1.5 Table 4 shows the 2009 status of the local water bodies.

6.1.6 Most development near a river or watercourse will have the potential to impact on the water quality and, in turn, on the biodiversity of the water body.

*Table 4 A summary of the classification of water bodies within Peterborough.*

Water Body Group	Status	2009 Ecological Quality	2009 Chemical Quality	2015 Predicted Ecological Quality	2015 Predicted Chemical Quality
Folly River	Heavily Modified	Moderate Potential	Does Not Require Assessment	Moderate Potential	Does Not Require Assessment
Maxeys Cut	Heavily Modified	Moderate Potential	Does Not Require Assessment	Moderate Potential	Does Not Require Assessment

<b>Water Body Group</b>	<b>Status</b>	<b>2009 Ecological Quality</b>	<b>2009 Chemical Quality</b>	<b>2015 Predicted Ecological Quality</b>	<b>2015 Predicted Chemical Quality</b>
Nene	Heavily Modified	Moderate Potential	Fail	Moderate Potential	Fail
Stanground Lode	Heavily Modified	Moderate Potential	Good	Moderate Potential	Good
Old River Nene	Heavily Modified	Good Potential	Does Not Require Assessment	Good Potential	Does Not Require Assessment
Welland	Artificial	Moderate Potential	Good	Moderate Potential	Good
Brook Drain	Heavily Modified	Moderate Potential	Does Not Require Assessment	Moderate Potential	Does Not Require Assessment

## **6.2 What Factors Influence the WFD Status of Rivers?**

6.2.1 The following factors can influence the WFD status of rivers:

- **New development (housing, employment, retail etc.)** – for example through factors such as water supply, demand, abstraction; wastewater discharge; site drainage; and location of development.
- **Highway provision** – in considering how highways interact with the water bodies. Can pollutants enter the river where roads cross watercourses, and do the highways eventually drain to a watercourse, for example?
- **Minerals and waste planning** - contamination from works and restoration of land.
- **Tourism, recreation and navigation** – for example, the effects of uses on the river and whether changes have been made to the river for these uses; potential for contamination; how aesthetically pleasing the environment is.
- **Community engagement** – how people and businesses interact with their rivers and voluntary action to improve habitats.

6.2.2 The council is keen that local policy supports the implementation of the European Directive and that development in Peterborough does not compromise (but in fact aids) achievement of WFD requirements. The following section gives further guidance on how new development can do this.

## **6.3 How does new development influence the WFD status of rivers in Peterborough?**

### **Water supply, demand, abstraction & wastewater discharge**

6.3.1 Issues of water supply, demand, abstraction and wastewater discharge are normally dealt with by the Environment Agency dealing directly with the local water company or industrial



organisations. However, should the water supply or wastewater discharge needs of any future development be likely to cause deterioration in WFD status, local authorities and developers will need to take this into consideration.

### **Site drainage and sustainable drainage systems**

- 6.3.2 Improving the quality of discharge from sites is one of the key aims of sustainable drainage systems. There are known surface water sewer outfalls to the following main rivers in Peterborough; the Brook Drain; Werrington Brook; River Nene; and Stanground Lode. Consequently any changes to contributions to the network upstream of these outfalls should take due account of the WFD targets. In the long term, drainage related issues will be dealt with by the SuDs Approving Body (SAB) as part of Defra's intended SuDS approval process which will run alongside the planning process. This may therefore become a SAB issue in future, rather than strictly a planning issue.

### **Development location**

- 6.3.3 Riverside development is likely to want to make the most of the river to enhance the aesthetics of the location. When landscaping measures are carried out these should be co-ordinated with the Environment Agency so that methods also provide ecological benefits or to help facilitate a locally desired partner project. Part d) of policy PP14 in the Planning Policies DPD seeks to encourage river naturalisation using measures such as those listed in Appendix H. These methods are examples of those currently used (where appropriate to individual sites) by the Environment Agency to improve the ecological potential of Main Rivers.

## 7. Implementation and Monitoring

7.0.1 Those that will help to deliver this SPD and put flood risk and water management policies into action are:

- Peterborough City Council
- Applicants and their agents
- The Environment Agency
- Anglian Water
- North Level District Internal Drainage Board
- Middle Level Commissioners
- Welland and Deeping Internal Drainage Board
- Whittlesey and District Internal Drainage Board

7.0.2 Appropriate indicators and targets have been identified to monitor the effectiveness of Core Strategy policy CS22 and Planning Policies policy PP14, which are set out in Table 5 below. An additional indicator has been developed on surface water flows into sewers. The results of annual monitoring will identify which policies are succeeding, and which need revising or replacing because they are not achieving the intended effect.

*Table 5: Indicators and targets for policies CS22 and PP14*

Indicator	Target
Number of brownfield development reducing surface water flows into sewers.	All developments should seek a reduction of surface water discharge into public sewer and incorporate SuDS.
Number of planning permissions granted contrary to the advice of the Environment Agency on flood risk and water quality grounds.	No planning permissions granted contrary to the advice of the Environment Agency.
Percentage of new dwellings in flood risk zones 2, 3a and 3b.	None in 3b.
The number of new dwellings on Greenfield sites in flood risk zones 3a and 3b.	None.
Number of permissions that are contrary to the SuDS guidance contained in this SPD.	None.

## 8. Glossary

**Amenity** - a general term used to describe the tangible and intangible benefits or features associated with a property or location that contribute to its character, comfort, convenience or attractiveness.

**Biodiversity** – all species of life on earth including plants and animals and the ecosystem of which they are all part.

**Defra** – Department for Environment, Food and Rural Affairs

**Greenfield land** – land which has not been developed before, other than for agriculture or forestry buildings or buildings associated with parks, recreation grounds and allotments.

**Green Infrastructure** – a network of protected sites, nature reserves, green spaces, waterways and greenway linkages (including parks, sports grounds, cemeteries, school grounds, allotments, commons, historic parks and gardens and woodland). It offers opportunities to provide for a number of functions, including recreation and wildlife as well as landscape enhancement.

**Local Development Framework** - the collective term for the whole package of planning documents which are produced by a local planning authority to provide the planning framework for its area.

**Ordinary Water Course** - An Ordinary Watercourse is defined as any watercourse not identified as a Main River on maps held by the Environment Agency and Defra. Main Rivers are watercourses designated as such on Main River maps (held by the Environment Agency) and are generally the larger arterial watercourses.

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## Appendix A - Flood Risk Vulnerability Classification

<b>Essential Infrastructure</b>	<ul style="list-style-type: none"> <li>• Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.</li> <li>• Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.</li> <li>• Wind turbines.</li> </ul>
<b>Highly Vulnerable</b>	<ul style="list-style-type: none"> <li>• Police stations, Ambulance stations and Fire stations and</li> <li>• Command Centres and telecommunications installations required to be operational during flooding.</li> <li>• Emergency dispersal points.</li> <li>• Basement dwellings.</li> <li>• Caravans, mobile homes and park homes intended for permanent residential use.</li> <li>• Installations requiring hazardous substances consent.19 (Where</li> <li>• there is a demonstrable need to locate such installations for bulk</li> <li>• storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as ‘Essential Infrastructure’).</li> </ul>
<b>More Vulnerable</b>	<ul style="list-style-type: none"> <li>• Hospitals.</li> <li>• Residential institutions such as residential care homes, children’s homes, social services homes, prisons and hostels.</li> <li>• Buildings used for: dwelling houses; student halls of residence; drinking establishments; nightclubs; and hotels.</li> <li>• Non–residential uses for health services, nurseries and educational establishments.</li> <li>• Landfill and sites used for waste management facilities for</li> <li>• hazardous waste.</li> <li>• Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.</li> </ul>

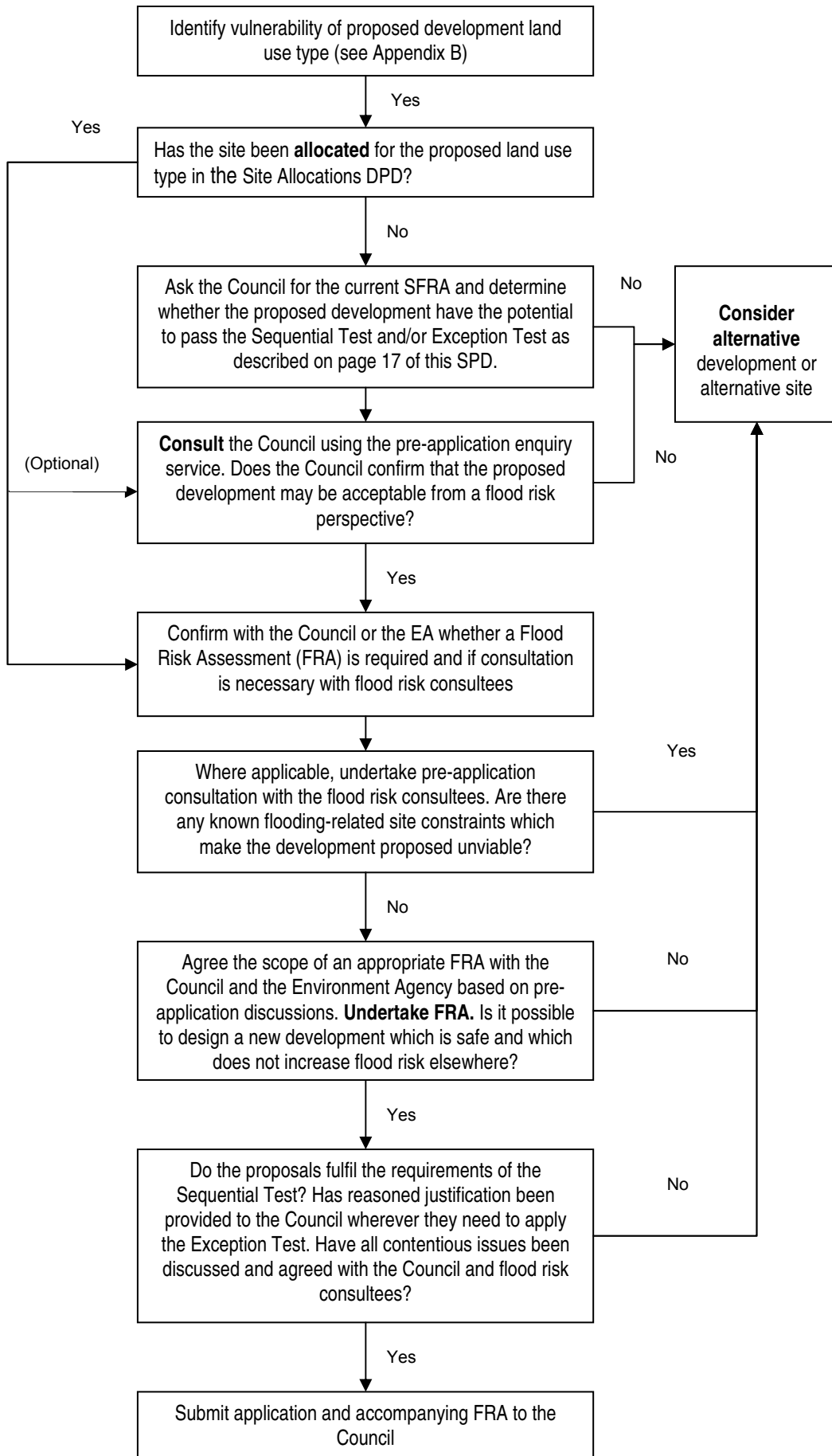
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## **Appendix B**

**The process to submission of a planning application and FRA assessment for those developments which are potentially vulnerable to flooding.**

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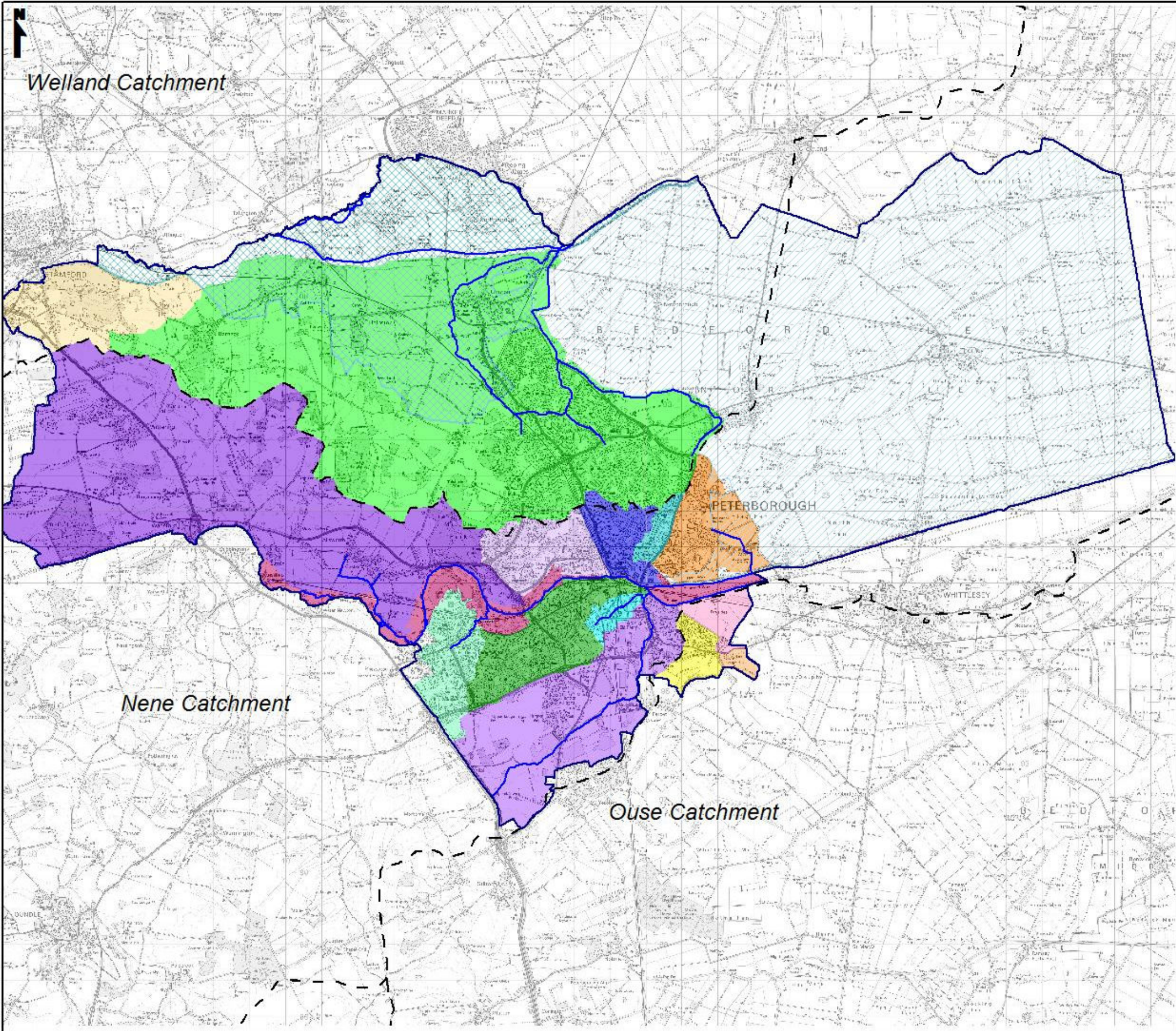




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## **Appendix C – Map of Policy Areas in Peterborough**

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- Legend**
-  Peterborough Unitary Authority Boundary
  -  Peterborough Brooks System
  -  Thorpe Meadows System
  -  City Centre System Draining to the Nene
  -  City Centre System Draining to Car Dyke
  -  Padholme Strategy Catchment
  -  Lower Nene Undefended Corridor
  -  Orton Dyke System
  -  Nene South System
  -  Fletton Spring System
  -  Stanground Lode System
  -  Upper Nene
  -  Welland
  -  Middle Level Commissioners
  -  } Whittlesey and District IDB \*
  -  }
  -  North Level District IDB
  -  Welland and Deepings IDB
  -  Main Rivers
  -  Main Catchment Boundaries

\* Whittlesey Internal Drainage Board (IDB) and Drysides IDB have amalgamated to become Whittlesey and District IDB. The diagram will be updated before Cabinet.

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## Appendix D – Flood and Water Management Measures

The table below shows the management measures that must be considered within each management area.

**R = required**

**P = potential for – must be discussed with the relevant water management partners**

Unit #	Policy Unit	Source control	Attenuation	Removal or significant reduction of surface water draining to combined sewers	Rapid discharge to the Nene (subject to evidence)	Discharge point	Partners that must be consulted on proposals.
		The control of the quality and, where appropriate, quantity of run-off at or close to its source, through site layout and management.	Attenuation reduces the rate and quantity of run-off reaching water courses. By providing passive treatment, these SuDS techniques can also improve water quality.	This measure applies to brownfield redevelopment sites where surface water has historically drained into combined sewers. Applicant will be expected to use SuDS and water reuse techniques to ensure that surface water runoff from the new development does not drain into the existing sewerage system, if at all possible. See appendix E for map of combined sewer locations.  * = where the drainage pathway would be into a combined sewer.	Evidence must be submitted to demonstrate that there will be no negative impacts, especially during flood events, of the site's discharge going into the Nene without attenuation (but with source control for water quality).	In order to reduce the amount of surface water flowing to sewer systems, sites along the edge of either the urban area or village envelopes are encouraged to work with the local drainage boards to consider discharge into the IDB system as a more sustainable alternative to discharging into sewers.	
1	Undefended Lower Nene Corridor	R	P	R*	P	-	Peterborough City Council, The Environment Agency, North Level Internal Drainage Board, Anglian Water.
2	Upper Nene	R	R	-	-	-	Peterborough City Council, The Environment Agency, Anglian Water.
3	Welland	R	R	-	-	P	Peterborough City Council, The Environment Agency, Anglian Water.
4	Peterborough Brooks Catchment	R	R	-	-	P	Peterborough City Council, The Environment Agency, Welland and Deeping IDB; North Level IDB, Anglian Water.
5	Welland and Deeping IDB area	R	P	-	-	P	Peterborough City Council, The Environment Agency, Welland and Deepings Internal Drainage Board, Anglian Water.
6	Thorpe Meadows system	R	R	R*	-	-	Peterborough City Council, The Environment Agency, Anglian Water.
7	City Centre System	R	R	R*	-	-	Peterborough City Council, The Environment Agency,

		Source control	Attenuation	Removal or significant reduction of surface water draining to combined sewers	Rapid discharge to the Nene (subject to evidence)	Discharge point	
Unit #	Policy Unit	The control of the quality and, where appropriate, quantity of run-off at or close to its source, through site layout and management.	Attenuation reduces the rate and quantity of run-off reaching water courses. By providing passive treatment, these SuDS techniques can also improve water quality.	This measure applies to brownfield redevelopment sites where surface water has historically drained into combined sewers. Applicant will be expected to use SuDS and water reuse techniques to ensure that surface water runoff from the new development does not drain into the existing sewerage system, if at all possible. See appendix E for map of combined sewer locations.  * = where the drainage pathway would be into a combined sewer.	Evidence must be submitted to demonstrate that there will be no negative impacts, especially during flood events, of the site's discharge going into the Nene without attenuation (but with source control for water quality).	In order to reduce the amount of surface water flowing to sewer systems, sites along the edge of either the urban area or village envelopes are encouraged to work with the local drainage boards to consider discharge into the IDB system as a more sustainable alternative to discharging into sewers.	<b>Partners that must be consulted on proposals.</b>
	draining to the Nene						Anglian Water.



Unit #	Policy Unit	Source control	Attenuation	Removal or significant reduction of surface water draining to combined sewers	Rapid discharge to the Nene (subject to evidence)	Discharge point	Partners that must be consulted on proposals.
		The control of the quality and, where appropriate, quantity of run-off at or close to its source, through site layout and management.	Attenuation reduces the rate and quantity of run-off reaching water courses. By providing passive treatment, these SuDS techniques can also improve water quality.	This measure applies to brownfield redevelopment sites where surface water has historically drained into combined sewers. Applicant will be expected to use SuDS and water reuse techniques to ensure that surface water runoff from the new development does not drain into the existing sewerage system, if at all possible. See appendix E for map of combined sewer locations.  * = where the drainage pathway would be into a combined sewer.	Evidence must be submitted to demonstrate that there will be no negative impacts, especially during flood events, of the site's discharge going into the Nene without attenuation (but with source control for water quality).	In order to reduce the amount of surface water flowing to sewer systems, sites along the edge of either the urban area or village envelopes are encouraged to work with the local drainage boards to consider discharge into the IDB system as a more sustainable alternative to discharging into sewers.	
8	City Centre System draining to the Car Dyke	R	R	R*	-	-	Peterborough City Council, The Environment Agency, Anglian Water.
9	Padholme Strategy Catchment	R	R	-	-	P	Peterborough City Council, The Environment Agency, North Level Internal Drainage Board, Anglian Water.
10	North Level District IDB area	R	P	-	-	P	Peterborough City Council, The Environment Agency, North Level Internal Drainage Board, Anglian Water.
11	Whittlesey and District IDB area	R	P	-	-	P	Peterborough City Council, The Environment Agency, Middle Level Commissioners, Whittlesey and District IDB, Anglian Water.
12	Middle Level Commissioners area	R	P	-	-	P	Peterborough City Council, The Environment Agency, Middle Level Commissioners,

Unit #	Policy Unit	Source control	Attenuation	Removal or significant reduction of surface water draining to combined sewers	Rapid discharge to the Nene (subject to evidence)	Discharge point	Partners that must be consulted on proposals.
		The control of the quality and, where appropriate, quantity of run-off at or close to its source, through site layout and management.	Attenuation reduces the rate and quantity of run-off reaching water courses. By providing passive treatment, these SuDS techniques can also improve water quality.	This measure applies to brownfield redevelopment sites where surface water has historically drained into combined sewers. Applicant will be expected to use SuDS and water reuse techniques to ensure that surface water runoff from the new development does not drain into the existing sewerage system, if at all possible. See appendix E for map of combined sewer locations.  * = where the drainage pathway would be into a combined sewer.	Evidence must be submitted to demonstrate that there will be no negative impacts, especially during flood events, of the site's discharge going into the Nene without attenuation (but with source control for water quality).	In order to reduce the amount of surface water flowing to sewer systems, sites along the edge of either the urban area or village envelopes are encouraged to work with the local drainage boards to consider discharge into the IDB system as a more sustainable alternative to discharging into sewers.	
							Anglian Water.
13	Stanground Lode System	R	R	R*	-	P	Peterborough City Council, The Environment Agency, Middle Level Commissioners, Anglian Water.
14	Fletton Spring System	R	R	R*	-	-	Peterborough City Council, The Environment Agency, Anglian Water.
15	Orton Dyke System	R	R	-	-	-	Peterborough City Council, The Environment Agency, Anglian Water.
16	Nene South System	R	R	R*	-	-	Peterborough City Council, The Environment Agency, Anglian Water.

## Appendix E – SuDS Information

A wide range of different SuDS approaches exist which can be used in combination or individually to suit the circumstances of different development sites. They can be split into several broad categories:

Approach to SuDS	Description
Prevention	This involves the prevention of run-off through the sensitive design and management of development sites. Preventative measures include limiting the extent of hard surfaces, rainwater harvesting and sweeping roads and car parks to remove pollutants.
Source Control	The control of run-off at or close to its source, through the use of SuDS including permeable paving or green roofs, can limit negative impacts associated with run-off.
Site Control	SuDS approaches can be development at a site scale, for example for an industrial estate, where run off from the entire site is directed into basins, soakaways, filter strips and filter drains allowing infiltration and passive treatment of the contaminated run-off.
Regional Control	Run-off from several sites, for example an industrial estate, retail park and housing development, can be directed into a pond or wetland site where it can filter into the ground which also enables its pollution load to be lessened. (NB the term 'regional' should not be confused with administrative regions, which are much larger).

Source: National SuDS Working Group (2004) Interim Code of Practice for Sustainable Drainage Systems.

The table above indicates that SuDS can be used in individual developments or as part of a strategic network involving a range of different SuDS techniques across a larger area. SuDS techniques perform one or more of four key functions which help to address water resource challenges and problems associated with conventional drainage in a different way (British Water, 2005):

1. Infiltration: Examples of infiltration SuDS techniques include permeable surfaces and soakaways such as trenches. By allowing water to drain into the soil, the quantity of run-off reaching water courses is reduced, and contaminated run-off can be treated.
2. Storage and attenuation: Examples of storage and attenuation SuDS techniques include green roofs and permeable pavements. They reduce the quantity of run-off reaching water courses, and also lessen the speed at which the water is transferred to water courses. By providing passive treatment, these SuDS techniques can also improve water quality.
3. Flow Control: Examples of flow control SuDS techniques include filter strips and swales. These help to slow the velocity of run-off water and

therefore reduce the risk of flash flooding. Moreover, they can encourage infiltration and the settlement of pollutants.

4. Treatment: Examples of treatment SuDS techniques include filter drains and wetlands that include reed beds. These work by improving water quality through promoting sedimentation, filtration, biodegradation and the absorption of pollutants by plants.

SuDS techniques, which often perform several of the four SuDS function, include:

<b>Technique</b>	<b>Description</b>
Basins, ponds and wetlands	These devices, which are a key technique for site and regional control, receive and store surface run-off from other SuDS schemes within the surrounding area. They offer the benefits of attenuating the flow of surface water, providing a storage function, and improving water quality through filtration, sedimentation and biodegradation (for example, through the use of reed beds). Ponds and wetland, which usually retain water (in contrast to basins which are usually dry), can act as a wildlife habitat (for pollution tolerant species) and a focus for recreation activities.
Filter drains	Often linear drains filled with permeable material, these are a form of source control that can be used to improve the quality of water directed into them. They can also help to attenuate flow of run-off before it reaches a sewer or watercourse.
Filter strips	These are generally sloping areas of land, planted with grass and /or shrubs, and usually lie between a hard surface and a water body such as a stream or lake. Surface run-off is directed through the filter strip, thereby attenuating the flow, allowing for infiltration and the removal of pollutants. Filter strips and drains can be used in individual developments or as an element of a SuDS approach covering a larger site.
Green roofs	Roofs covered by turf can intercept rainwater at source, thus reducing run-off rates. They can also provide a treatment function by absorbing pollutants. Moreover, green roofs can encourage biodiversity.
Infiltration trenches and soakways	Where ground conditions are suitable, infiltration devices such as trenches or soakaways in urban parks can be used to facilitate the absorption of run-off generated across a development site. In doing so, they also improve water quality via filtration and by encouraging the breakdown of organic matter.
Permeable surfaces	Permeable surfaces act as a form of source control and can be used in urban areas for car parks and pavements. They are made from materials that allow infiltration, and also help to filter out pollutants and aid the biodegradation of organic matter.
Rainwater harvesting	Rainwater harvesting, such as collecting run-off from roofs in water butts, can provide water for non-potable uses such as flushing toilets and watering vegetated areas. It is a preventative measure as run-off volumes are directly reduced.
Swales	Swales are a form of source control. They consist of grass verges or channels designed to convey rainwater run-off allowing for infiltration, attenuation of flow and a reduction in sediment load and pollution levels.

## Appendix F – Information required to support an application

For outline applications, the information required is set out in criteria 1 to 3. The information required in criteria 4 to 9 must be submitted for reserved matters applications. For full applications, all of the information detailed in the checklist must be submitted.

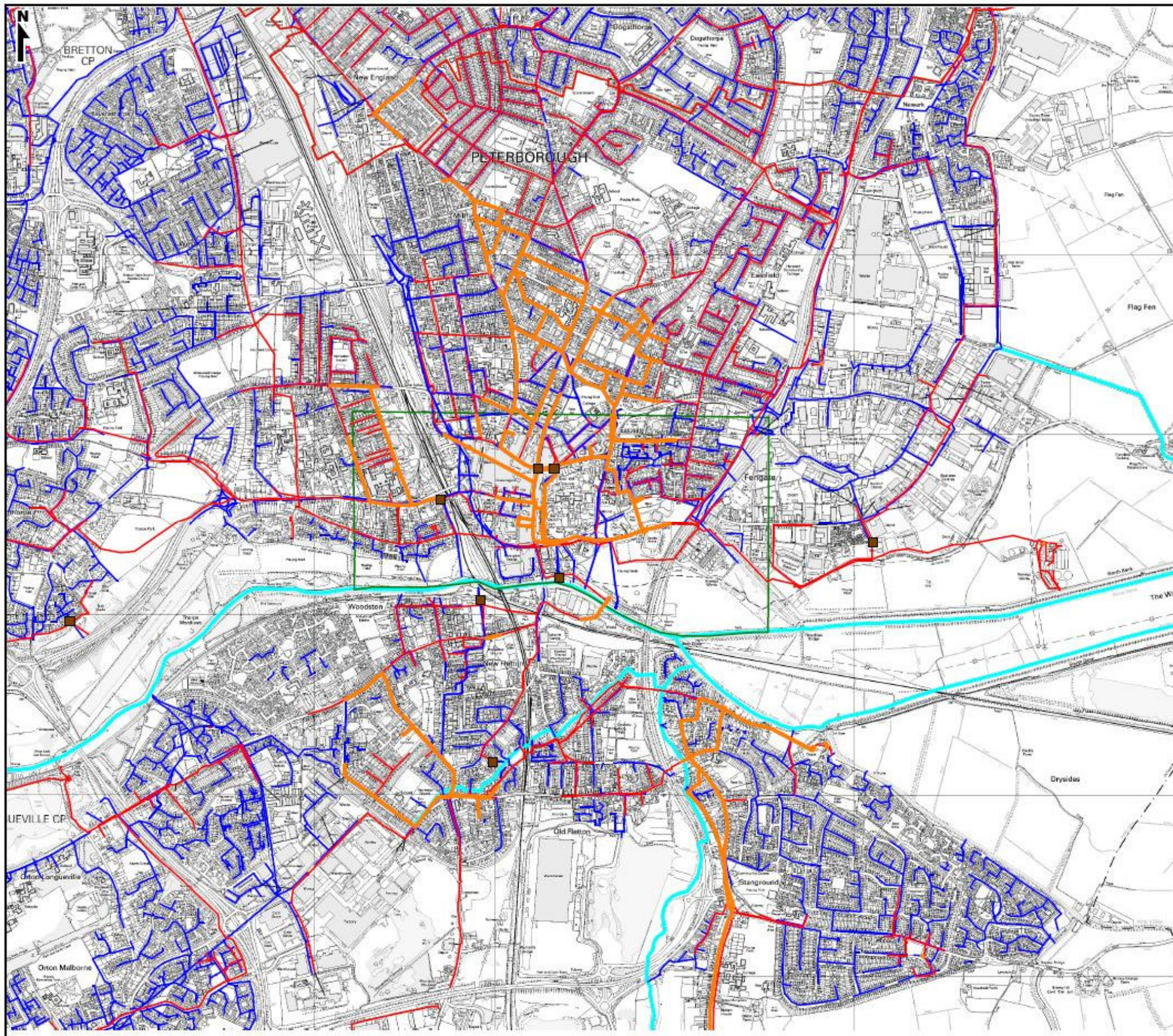
Criteria
<p><b>1. Understanding SuDS</b> Provide a clear explanation of the SuDS proposal.</p>
<p><b>2. Planning for SuDS</b> Provide information on how the proposal meets the requirements of Core Strategy Policy CS22 'Flood Risk' and policies SPD1 and SPD2 of this SPD (including an initial data review of existing conditions, natural drainage, location of discharges, infiltration potential).</p>
<p><b>3. Outline proposals</b> Provide information on how the scheme includes all of the following:</p> <ul style="list-style-type: none"> <li>• <b>Prevention</b> – minimise runoff, prevent pollution, contain spillages and manage silt</li> <li>• <b>Source Control</b> – show attenuation and pollution control sequence on site</li> <li>• <b>Conveyance</b> – describe flow routes, low flow recurrence intervals, extreme flood route</li> <li>• <b>Site or regional control</b> – based on catchment rather than at source</li> </ul>
<p><b>4. Detailed drainage design</b> <b>Process</b> – demonstrate that quality, quantity and amenity design criteria have been considered equally <b>Detail</b> – demonstrate that drainage pathways reflect natural drainage patterns; and that maintenance can be carried out easily.</p>
<p><b>5. Critical elements</b> Demonstrate that the following have been taken into account: <b>Prevention:</b> minimise run-off, prevent pollution, contain spillages, and manage silt. <b>Quality:</b> pre-treatment features to contain site and pollution, 'treatment stages' required, the management train principle, 'first flush', containment and treatment, groundwater protection. <b>Amenity:</b> evaluate community value, resource management (e.g. rainwater use), multi-use of space, education, water features, habitat creation, biodiversity action plans.</p>
<p><b>6. Health and Safety Statement</b> Provide a risk assessment that considers collection devices, inlets and outlets, storage features, wetlands and ponds.</p>
<p><b>7. Construction: Site control measures through construction</b> Provide the contractor method statement that outlines control of silt and other contamination during construction.</p>
<p><b>8. Management</b> The following management information is required: Management plan, landscape maintenance schedule to include all SuDS features, review details e.g. inlets and outlets, provide site information sheet.</p>
<p><b>9. Sustainability Audit</b> Review design components, scheme design life, resilience in use and future management.</p>

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**Appendix G – Combined Sewers in Peterborough**

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- Legend**
- █ Hotspot Boundary
  - █ Combined Sewer <1000mm Diameter
  - █ Combined Sewer >1000mm Diameter
  - █ Surface Water Sewer
  - █ Foul Sewer
  - █ Main River
  - █ Combined Sewer Overflow

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## Appendix H – River Naturalisation Measures

Potential mitigation measures	How river is used / reason for previous modifications	Modification or issue that requires management	Effect of mitigation measure
Re-opening of existing culverts and alteration of channel bed within culvert.	Urbanisation, land drainage, flood protection	Culverts i.e. closed channels	Improvements in diversity of habitat and species, better connectivity for wildlife.
Removal of hard bank reinforcement / revetment or replacement with softer engineering solution	Recreation, inland navigation, flood protection, land drainage, urbanisation	Hard bank protection e.g. steel piling, vertical walls. Includes hard bank protection in state of disrepair.	Return of marginal habitat <sup>1</sup> ; better riverside connectivity for wildlife; reoccurrence of natural sediment movement – input at edges and build up in centre (might not be possible where channel used for navigation); return of wave energy absorption.
Preserve, and where possible, restore historic aquatic habitats	Recreation, inland navigation, flood protection, land drainage, urbanisation	Hard bank protection e.g. steel piling, vertical walls. Includes hard bank protection in a state of disrepair.	Return of marginal habitat <sup>1</sup> ; better riverside connectivity for wildlife; reoccurrence of natural lateral sediment movement – input at edges and build up in centre (might not be possible where channel still used for navigation); return of wave energy absorption.
Remove obsolete structure	Flood protection, land drainage, urbanisation	Dams, sluices, weirs and gravel traps	Return of natural longitudinal sediment movement where sediment moves downstream.
Re-engineering of the river where the flow regime cannot be modified	Water storage and supply	Managed flows (including compensation flows, regulation of flow, strategic water transfer)	Reduction in the adverse impacts on downstream river flows that have been created by the modification. Mitigation is necessary to maintain river habitats and their associated plants and animals.
Create or increase variation in channel shape e.g. by installing in-stream features such as riffles <sup>2</sup>	Inland navigation, flood protection, land drainage, urbanisation	The realignment, re-profiling and/or re-grading that has taken place e.g. to straighten channels.	Increase in the range of habitats due to different channel conditions
Bank rehabilitation / reprofiling	Recreation, inland navigation	Boat movement, disturbance and turbulence of surface waters created by passage of hull.	Less bank erosion and return of marginal and bankside vegetation.
Replacing flood walls with flood bunds (earth banks) to serve the same flood related purpose; setting back embankments, improving floodplain connectivity	Flood protection, land drainage, urbanisation	Flood walls, river being disconnected from its natural floodplain.	Regain of bank-side land habitat, of marginal habitat, of lateral connectivity for wildlife and of natural sediment input.
Enable fish to access waters upstream and downstream of current impoundment <sup>3</sup>	Water storage and supply, inland navigation, flood protection, land drainage, urbanisation	Locks, weirs dams, sluices and gravel traps	Return of connectivity up and down stream for plants, wildlife and habitats, less interference with fish migration
Measures to prevent fish being entrained (sucked) into the intakes of pumps/ e.g. addition of a screen in front of the pump.	Water storage and supply. Flood protection, land drainage, urbanisation	Pumping station operations	Entrapment and/or death of fish
Preserve and where possible enhance ecological values of marginal aquatic habitat, banks and bank-side habitat	Recreation, inland navigation, flood protection, land drainage, urbanisation	Hard bank protection e.g. steel piling, vertical walls. Includes hard banks protection in a state of disrepair, trampling and erosion of bank-side vegetation.	Regain of marginal and bank-side habitat; connectivity; sediment input; wave energy absorption; lateral sediment continuity (might not be possible where channel still used for navigation).
Sediment management, site selection for dredged material disposal. Manage disturbances (dredging and disposal)	Inland navigation	Sediment management	Prevent dredgings from being deposited on banks and creating an unnatural source of fine sediment in this location. Prevent smothering of floral and faunal habitats.
Appropriate vegetation control regime e.g. alternating bank vegetation clearance so there is always some	Inland navigation, flood protection, land drainage, urbanisation	Vegetation control methods or timings	Reduced physical disturbance of bed and banks. Reduction in the sediment input to the river that occurs when vegetation is disturbed.
Appropriate techniques to prevent transfer of invasive species	Inland navigation, land drainage, urbanisation, flood protection	Vegetation control	Prevent transfer and establishment of alien invasive species.

<sup>1</sup> Marginal habitats are the reed and grass areas along the edges of rivers, which are only partly in the water.

<sup>2</sup> A riffle is a bank of sediment installed across a river from bank to bank in order to recreate the natural variation in a river bed. This would for example provide somewhere for fish to spawn behind.

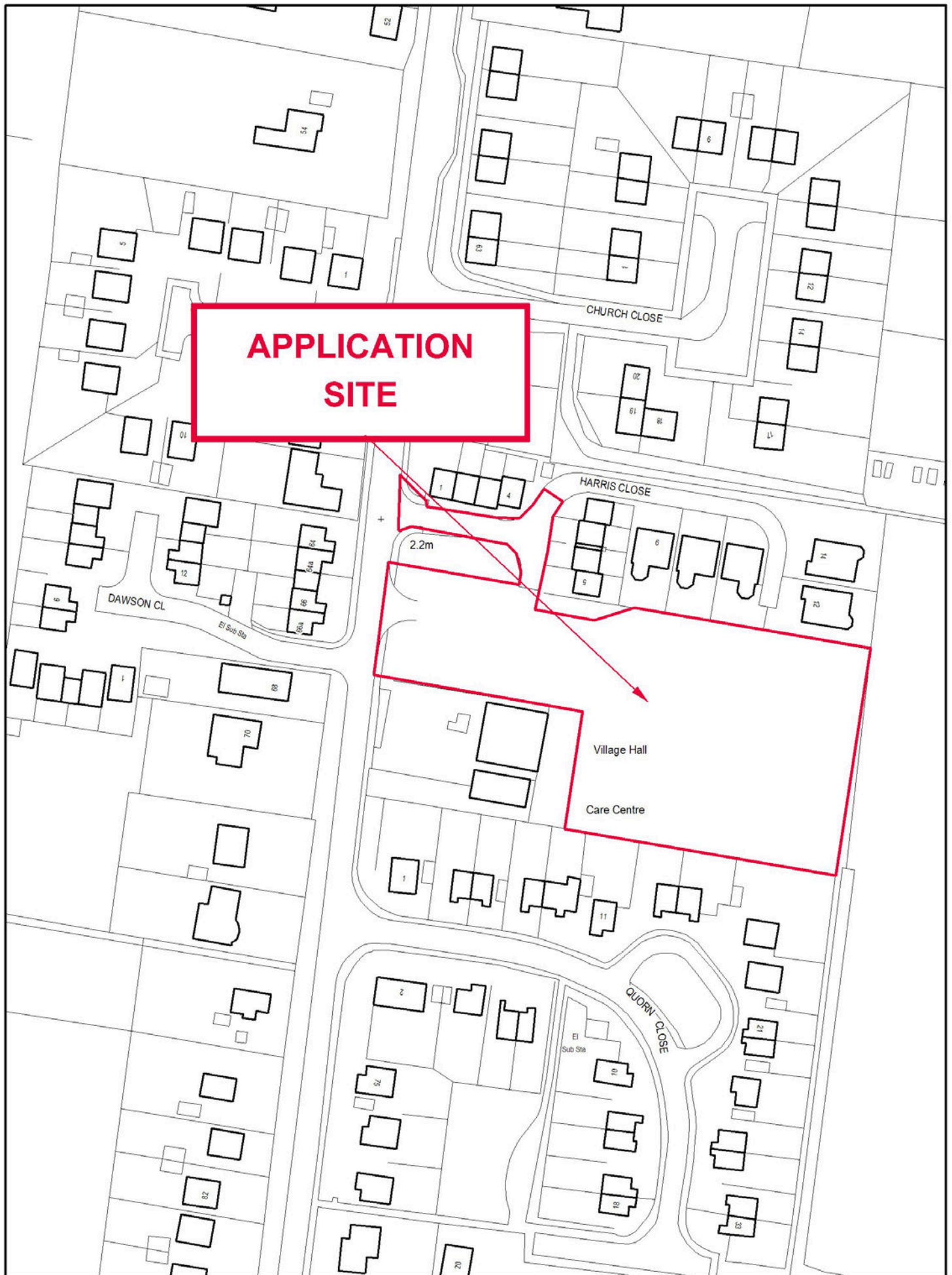
<sup>3</sup> An impoundment is something blocking the flow of the river for a specific reason such as sluice, lock, dam or even a reservoir etc.

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**Strategic Planning,  
Housing and  
Environment Team,  
Stuart House (East  
Wing)  
St John's Street,  
Peterborough.  
PE1 5DD.**



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**LOCATION PLAN** 11/00885/FUL

The Village Hall, Guntons Road

**Scale**                      **Date** 27/10/2011    **Name** AH                      **Department**    **Planning Services**

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**PCC GIS**



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11/00885/FUL: DEVELOPMENT OF 18 DWELLINGS, ASSOCIATED ACCESS AND PARKING AT LAND TO THE NORTH OF THE VILLAGE HALL, GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH

VALID: 21 JUNE 2011

APPLICANT: WEST REGISTER (REALISATIONS) LTD

AGENT: BIDWELLS

REFERRED BY: CLLR HARRINGTON

REASON: LACK OF S106 PROVISION

DEPARTURE: NO

CASE OFFICER: JANET 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
- Flood risk
- Highway safety and access
- Residential amenity – future occupants and neighbours
- Sustainability
- Impact on protected and other trees
- Section 106 contributions

The Head of Planning Transport and Engineering 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.

### Core Strategy Policies

**CS8: Meeting Housing Needs.** This policy seeks to secure a variety of housing to meet local needs, including affordable housing.

**CS10: Environmental Capital.** Development must make a clear contribution to the Environment Capital aspirations.

**CS11: Renewable Energy.** Applications for renewable energy facilities will be supported. A proportion of the energy supply for new developments is expected to be gained from renewable or low-carbon sources.

**CS12 and CS13: Infrastructure.** These policies require that development makes a contribution towards related infrastructure requirements, in accordance with the Planning Obligations Implementation Scheme where appropriate.

**CS14: Transport.** Development should make transport provision for the needs it will create, in accordance with the Transport User Hierarchy.

**CS16: Urban Design and the Public Realm.** High quality and inclusive design is required, taking into account the disposition of buildings, the quality of the public realm, addressing vulnerability to crime, accessibility, safety, adaptability, and neighbour amenity.

**CS21: Biodiversity and Geological Conservation.** Inter alia, features beneficial to biodiversity should be incorporated into new development.

**CS22: Flood Risk.** Development should be informed by a Flood Risk Assessment, and Sustainable Urban Drainage systems should be used on all suitable sites.

### **Saved Local Plan Policies**

**Policy H10** designates Newborough as a Limited Rural Growth Settlement where the development of windfall sites comprising small estates, housing groups and infill, will be permitted.

**H15: Residential Density.** Development should be at the highest appropriate density for the site.

**H16: Residential Design and Amenity.** Requires suitable provision of privacy, amenity space, quiet and light.

**T8: Connections to the Existing Highway Network.** Planning permission will only be granted if the vehicular access is to a suitable highway.

**T9: Cycle Parking Standards.** Cycle parking should be provided in accordance with the adopted standards.

**T10: Car and Motorcycle Parking Requirements.** Should be provided in accordance with the adopted standards.

**LT1: Open Space in New Residential Development.** Open space should be provided on all developments of more than 9 dwellings.

**LNE9: Landscaping Implications of Development Proposals.** Development must make adequate provision for landscaping.

**U1: Water Supply, Sewage Disposal and Surface Water Drainage.** Development must make provision for suitable drainage.

### **Material Planning Considerations**

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

***PPS1: 'Delivering Sustainable Development'***

***PPS3: 'Housing'***

***PPG13: 'Transport'***

***PPS25: 'Development and Flood Risk'***

### ***Peterborough City Council Planning Obligations Implementation Scheme***

### ***Draft National Planning Policy Framework***

## **3 DESCRIPTION OF PROPOSAL**

The proposal is to construct 18 dwellings, made up of 6 x 4-bed houses, 2 x 3-bed houses, 9 x 2-bed houses and 1 x 2-bed bungalow. The houses will be varying 2 and 2-and-a-half storey, and a mix of detached, semi-detached and terraced. The access road will be directly off Gunton's Road and will run to the south of the existing development on Harris Close. The access into Harris Close will be closed and a connection put in from the new access road. Because of the need to secure this closure of the access, a change to the 'red line' of the application has been made recently and this is the subject of re-consultation with residents.

The proposal is a redesign of an original 13-unit scheme and it should be noted that as this scheme has commenced, the permission has been implemented and as such cannot expire. Plots 4-8 and Plot 11 are unchanged from the previously approved scheme. It should also be noted that the closure of Harris Close was an integral part of the previously approved development and also of the Harris Close development.

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

The site is on the east side of Gunton's Road, to the north and east of the village hall. To the immediate north is Harris Close, and to the east is open countryside.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
02/01721/OUT	Residential development for 11 houses and 2 bungalows (renewal of 66/00001/OUT)	20/06/2003	Consent
06/00948/REM	Residential development comprising 13 dwellings (to include 2 bungalow, 5 terraced houses and 6 detached houses)	19/06/2006	Consent

## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Local Highway Authority** – No objection. The development is acceptable subject to conditions and informatives.

**Archaeologist** – No objection. Development unlikely to affect any archaeological remains.

**Pollution Team** – Noise assessment should be undertaken to assess noise from village hall. Contamination condition and an informative regarding hours of construction work are recommended.

**Landscape Officer** – Provided that work is carried out in accordance with the Tree Survey, Arboricultural Impact Assessment and Method Statement, no objection, though it is commented that the trees will require ongoing pruning to manage the relationship between T1 and T2, which are sycamores, (not subject to or worthy of a TPO) and Plot 12.

### EXTERNAL

**Police Architectural Liaison Officer** – The rear service footpath to garages behind Plots 4-7, if left ungated is likely to facilitate crime, anti-social behaviour and potentially litter/fly-tipping. A simple solution would be to gate this alleyway with a metal railing type of gate which would enable surveillance down the passage. The gate should be the same height as surrounding fencing, fitted with a self closing mechanism and lock or access control, enabling access, only those residents who require it. The gate should be positioned as close as possible to the front building line of Plot 9.

**North Level Internal Drainage Board** – No objection. The Board's requirements have been met.

**Environment Agency** – No objection. The proposed development site is within flood zone 3. The proposed development should only be permitted in this zone if the Sequential Test and if necessary the Exception Test are passed. The Environment Agency has no objection to the proposed development subject to [PCC] applying these tests and being satisfied that the development is acceptable from a flood risk perspective.

**Parish Council** – Concern that properties are too close to village hall with possible noise pollution. Also trees on the development should be properly protected (they have TPO's) and Newborough Parish Council would like to know what arrangements there are for ensuring responsibility of the trees. Following a further consultation regarding the non contribution to S106 provision and affordable housing, the Parish Council propose that the City Council should try to agree to a contingent payment based upon the actual results of the development once implemented as the economy could improve by the time the dwellings are sold. A S106 payment linked to a profit share should therefore be sought. The Parish Council therefore objects until a suitable agreement is reached to benefit the village either in monetary or other ways.

**Newborough and Borough Fen Community Association** – We feel that 18 properties are too many to close to the [village] hall which is used each weekday in term time by the playgroup. We have regular evening bookings at the hall and although there is very good soundproofing at the hall there is traffic noise to be considered. The 13 dwellings which were on previous plans were quite sufficient and we had no objection to them.

## **NEIGHBOURS**

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

- The existing plans are not viable for the area
- Newborough attracts families, the existing plan should remain in place to encourage families.
- The latest plan does not cater for this and is replaced by 2 to 2.5 bedrooms.
- This encourages people to stay short term and thus will see a greater turnover of short term residence.
- Also encourages tenancies as has happened in the 2 bed houses in Harris Close.
- The number of dwellings and therefore traffic will increase and cause parking problems.
- The three bed terraces will be overlooking the rear gardens and windows of Harris Close, provision has not been made for any screening.
- Newborough does not need another estate where cars clog up the street.
- Boundary is not shown correctly.
- Concern regarding the stub at the access road to Harris Close, no reference is made to the proposed key clamped hand rail to be installed around the retaining wall. What finishing is proposed for this part of the road? Will there be bollards as we are concerned that this could create a lay by.
- Is the access road to Harris Close still to be adopted?

The neighbour consultation period for the consideration of the revised outline plan expires on the 7<sup>th</sup> November 2011. Members will be provided with details of any further representations received at the committee meeting via the update report.

## **COUNCILLORS**

Cllr Harrington is concerned that there will be no S106 obligation provisions to mitigate the impact of the development.

## **7 REASONING**

### **a) Introduction**

This application is for development on a site which commenced under a previous consent. Part of the access road is in place and some works have been done on foundations and slabs. The applicant has explained that the previous developer has ceased business, and they wish to pick up the scheme, although with some changes to provide more but smaller dwellings.

### **b) Policy issues and the Principle of Development**

The site is within the village envelope and is not allocated for any other use. The site is included in the emerging Site Allocations DPD as a committed/suitable housing site. The allocation of dwellings in this document is 13, so the additional 5 units proposed under this application will aid in the provision of housing to support the City Council's Growth Agenda.

In principle the proposal is acceptable.

### **c) Flood Risk**

The site is within Flood Zone 3, where development would not normally be permitted. In accordance with the requirements of PPS25, a sequential test has been applied to the proposal. Discussions involving the Environment Agency have concluded that the test should only be applied to the uplift of 5 dwellings, as the site benefits from an implemented consent for 13 dwellings.

The sequential and exception tests are passed as principally:

- There are no sites at less flood risk elsewhere in the village
- The site is allocated for residential development in the emerging site allocations development plan document
- The floor level of the dwellings is set such that it is above the predicted flood level.

**d) Highways**

The access to the site is off Gunton's Road. The proposed new access is within a few metres of the existing access to Harris Close, which is indicated as (the already completed) Phase 1 of the overall development.

The Local Highway Authority (LHA) has confirmed that the closure of Harris Close will need to be secured before any of the new dwellings can be occupied. This is necessary to avoid having two side streets onto the main road within a few metres of each other, which would not meet with highway policy. Since the initial submission of the application an amended outline plan has been submitted which now includes the access road to Phase I. This would enable a condition to be appended to the consent to ensure that the access to Phase I would be legally 'stopped up' prior to the access to the application site being brought into use.

A further 21 day neighbour consultation has taken place. It has been brought to the attention of the Local Planning Authority that a 'stub' of land at the access to Phase I has been conveyed to the owner of no. 1 Harris Close. Notice has therefore been served on the owner of 1 Harris Close and certificate B of the application form completed. The application cannot be determined until the expiry of 21 days from the date the notice was served in accordance with legislation, this consultation period expires on the 15<sup>th</sup> November or until acknowledgment and/or representations have been received from the land owner. A response has been received from the owner who has questioned whether it is still the intention for Harris Close to be adopted and how the stopping up of the access road to Harris Close would be implemented. It should be noted that the owner of No 1 Harris Close should have been made aware of the proposed closure of the access on purchase of the property as this was an integral part of the planning permission and associated Section 106 agreement for the development.

The LHA has confirmed it is still the intention of the City Council to honour the Section 38 Agreement and adopt the roads of Phase 1 subject to them being completed to a satisfactory standard and will require the 'stub' to be stopped up (both in a legal and physical sense) if phase 2, the application now under consideration, comes forward. It should be noted that the stopping up order is required in order for the LHA to support the current planning application ref: 11/00885/FUL. On completion of the stopping up, the responsibility of the maintenance for the 'stub' of land would remain with the owner.

As it is a statutory requirement to give a 21 day notification period to the land owner the application cannot be determined until this period has expired. Therefore a request is made to the Committee to give authority to deal with the application under delegated powers subject to no additional material considerations arising as a result of notice being served.

The 18 proposed dwellings would each be provided with car parking in accordance with the adopted standard. Cycle parking can be accommodated in rear gardens; all dwellings would have a rear access path for movement of cycles and refuse bins.

The LHA has recommended several conditions including some relating to details which can better be agreed at Technical Vetting Stage, and which are therefore not recommended at planning stage.

**e) Residential amenity**

The proposed dwellings are suitably designed in terms of layout, orientation, and separation. Each dwelling would be provided with a rear garden of adequate size. Most gardens are at least 10m long. The bungalow garden is only 4.5m deep, and is directly to the north of the village hall. This is likely to result in overshadowing to the garden however, the relationship was approved previously, and that approved scheme, having commenced, could be implemented.

The impact on neighbours will be similar to the impact accepted when the previous scheme was approved. In most cases there would not be unacceptable overlooking or overshadowing. A comment has been received about the relationship of the terraced dwellings with the existing housing on Harris Close, stating that there could be overlooking. The front windows of the new houses would be about 22m from the main back wall of the Harris Close houses; again, the relationship is similar to that previously approved.

As the development is very close to the village hall, where there can be evening events generating noise, a condition is recommended requiring a noise assessment to be carried out, and any necessary mitigating measures to be incorporated into the development by way of, for example, trickle or mechanical ventilation.

**f) Sustainability**

The applicant has not submitted any information to show how the development would contribute towards the Environment Capital agenda, as required by Policy CS10. A condition is therefore recommended, requiring the development to achieve a 10% betterment on the target emissions rate set by the Building Regulations.

**g) Impact on trees**

There is a small group of trees subject to a TPO on the neighbouring site. These trees are adjacent to the access point of the development site, between it and the entrance to Harris Close. No works are proposed to these trees.

There are two trees to be retained in the south-east corner of the site, and no-dig construction will be required for the driveway within the root protection area.

Provided that development is carried out in accordance with the submitted Method Statement, there will be no unacceptable impact on trees. A condition is recommended to this end.

**h) S106 Provisions**

Although there is a Policy presumption that development will provide a contribution towards infrastructure provision (which in this case would equate to the sum of £90,000 plus monitoring fee and on-site affordable housing), the Planning Obligations Implementation Scheme (POIS) allows for part or all of the contributions to be waived, in circumstances where this can be justified (inter alia) on the grounds of on-site costs. This requires that the applicant submit financial details for audit by the Council.

In this case the applicant has submitted financial information which has been assessed by the Council's S106 Officers. The submission identified a deficit at the completion of development. The Build Cost Plan, Finance Assumptions, Land sale price and other assumptions in relation to marketing costs, professional fees etc were all assessed and considered acceptable. The Gross Development Value (GDV) of the scheme was identified and the assumed revenue from sales would need to increase in excess of 19% of the GDV in order for the scheme to deliver a surplus at completion. The S106 Officers are therefore satisfied that the proposal is unable to support the provision of Affordable Housing or any other S106 contribution.

The Local Councillor and Parish Council have proposed that an agreement is entered into requiring the viability of the development to be reassessed when the scheme has been built out or at a later stage as at that time the market could be more buoyant. This has been raised with the S106 Officer however, the viability appraisal has confirmed that the development would make a considerable loss which is unlikely to improve over the 3 year planning consent period. The value of properties would need to increase substantially for the development to become viable to make any contribution, which is unlikely to be realised in the foreseeable future. Also, given the relatively small scale of the development proposed it is considered unreasonable to seek the applicants to enter into such an agreement and could not be legally justified.

**i) Other matters raised by Consultees/Neighbours**

Security – the provision of a security gate to the alley at the side of plot 9 is recommended to be secured by condition.

Tree Maintenance – the future owner of plot 12 will have responsibility for maintaining those parts of the tree that overhang plot 12.

Parking – there are 30 off street spaces for 18 dwellings. This is considered satisfactory.

No of 2-bed properties – there is no evidence to suggest that an increase in the number of 2-bed properties will have any harmful impact.

## **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:

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

- The site lies within the village of Newborough which is designated as a 'Limited Rural Growth Settlement'
- The scale, density and design of the development are in keeping with the surrounding built form and village setting
- The site is served with an acceptable access and appropriate parking provision is made within the site
- The proposal would not result in any adverse impact on the amenity of the occupiers of neighbouring dwellings

Hence the proposal accords with policies H10, H15, H16, LNE9 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS1, CS2, CS8, CS10, CS14 and CS16 of the Adopted Peterborough Core Strategy DPD 2011 and planning policy statements PPS1, PPS3 and PPS25.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

**C 2 No development shall take place until details of the materials to be used in the external elevations of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

**C 3 The dwellings shall not be occupied until the garages and parking spaces shown on the approved plans have been constructed. The garages and parking spaces 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 Policy CS14 of the adopted Peterborough Core Strategy DPD and Policies T9 and T10 of the Adopted Peterborough Local Plan (First Replacement).

**C4 Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**

- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- a scheme of working hours for construction and other site works;

- a scheme for construction access including measures to ensure that all construction vehicles can enter the site immediately upon arrival and adequate space within the site to enable vehicles to turn, park and load and unload clear of the public highway
- a scheme for parking of contractors vehicles;
- a scheme for access and deliveries including hours.

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

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS14 and CS16 of the adopted Peterborough Core Strategy DPD.

- C5 The visibility splays to the roads serving any dwelling shown on plan no. 683/PL/01 K shall be provided prior to the occupation of that dwelling and shall be maintained thereafter free from any obstruction over a height of 600mm.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

- C6 The development shall achieve, as a minimum, an energy efficiency of 10% above the Building Regulations standard at the time of Building Regulations being approved for the development, unless this requires a zero carbon development.**

Reason: In order to deliver energy efficiencies in accordance with Policies CS10 and CS11 of the adopted Peterborough Core Strategy DPD.

- C7 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.**

**The scheme shall include the following details:**

- Proposed finished ground and building slab levels
- Boundary treatments including a gate to the path behind units 4-9
- Planting plans for replacement trees, species, numbers, size and density of planting

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and Policy CS21 of the adopted Peterborough Core Strategy DPD.

- C8 Development shall proceed fully in accordance with the approved Flood Risk Assessment and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.**

Reason: To reduce the risk of flooding and in accordance with Planning Policy Statement 25 'Development and Flood Risk'.

- C9 An assessment of the site shall be undertaken to determine into which noise exposure category (NEC) the site falls, taking into account both day and night-time noise levels. Construction work shall not begin until a scheme for protecting occupants of the proposed dwellings from noise from the village hall has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme should be completed before any of the dwellings are occupied.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise), and Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C10 If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval of from the LPA, a Method Statement. This Method Statement must detail how this unsuspected contamination shall be dealt with. Development shall thereafter be carried out in accordance with the approved Method Statement.**



Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Planning Policy Statement 23: Pollution.

**C11 Development shall be carried out in accordance with the approved Tree Survey, Arboricultural Implications Assessment and Method Statement.**

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

**C12 Notwithstanding the details hereby approved; plots 3, 4, 8 and 11 shall be built to Lifetime Homes standards.**

Reason: In order to meet the lifetime homes needs and in accordance with Policy CS8 of the adopted Peterborough Core Strategy DPD.

**C13 No dwelling shall be occupied until the roads and footways connecting that dwelling to the existing public highway have been completed to base course level.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

**C14 No dwelling shall be occupied until the connecting junction to Harris Close has been provided to an adoptable standard.**

Reason: In the interests of enabling a Highway connection and consequent Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

**C15 On the first occupation of each dwelling, a 'Householder Travel Pack' shall be prepared, supplied and issued to each dwelling. The Pack shall include a covering letter explaining the reasoning behind the packs and a tear-off slip offering either the option of a 3 month public transport ticket or a £50 cycle voucher from a local cycle shop.**

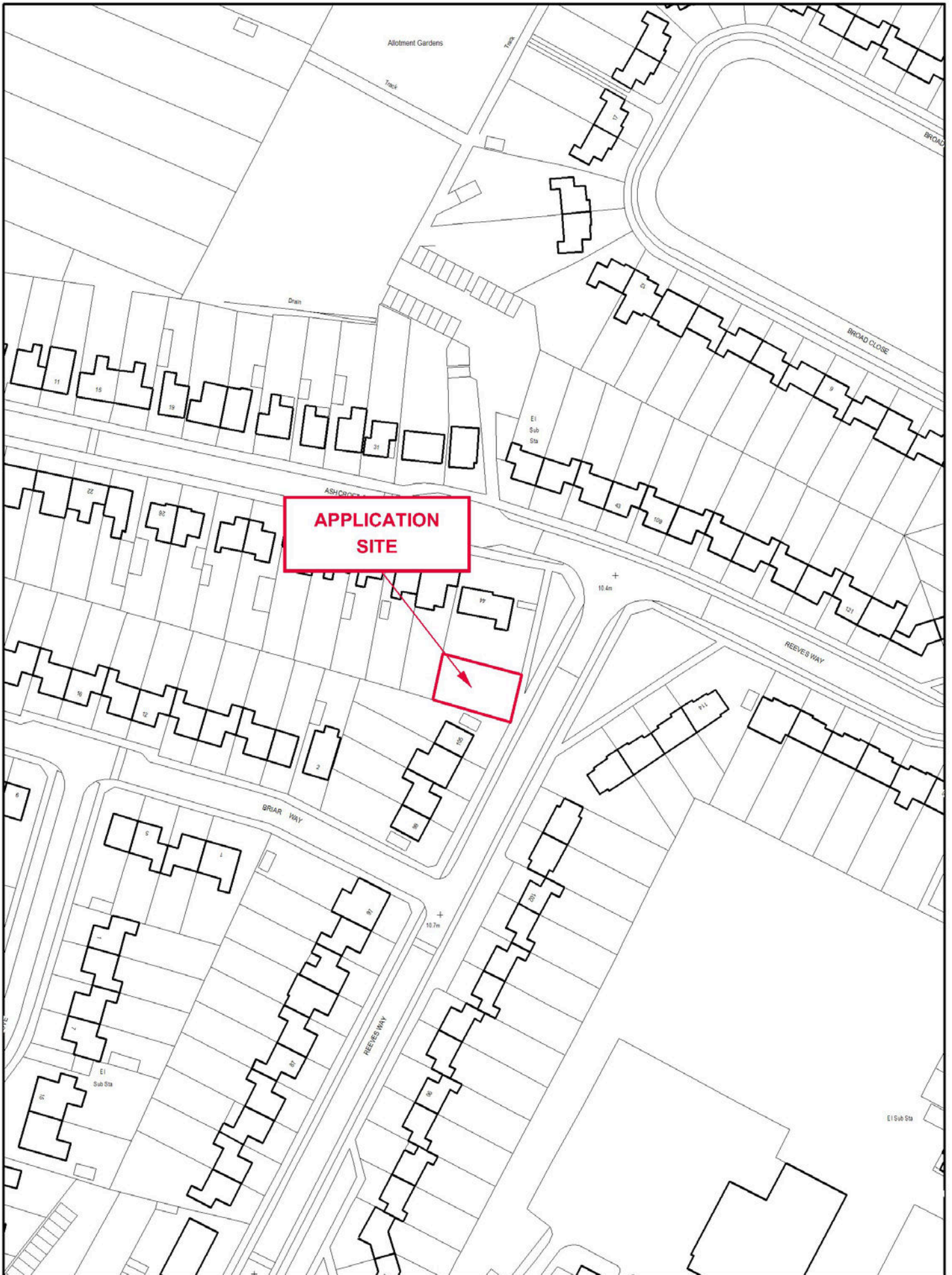
Reason: In order to encourage travel by sustainable modes and in accordance with policy CS14 of the Adopted Peterborough Core Strategy DPD.

**C16 Prior to occupation of any of the dwellings hereby approved the vehicular access serving the development to the north of the site (i.e. Harris Close) must have been legally 'stopped up' under the relevant legislation in accordance with the scheme to be submitted and approved in writing by the LPA.**

Reason: In the interests of highway safety and in accordance with Policy CS14 of the Peterborough Core Strategy DPD.

Copy to Councillor D Harrington

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**LOCATION PLAN** 11/01363/OUT

44 Ashcroft Gardens

**Scale** NTS      **Date** 27/10/2011      **Name** AH      **Department** Planning Services

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11/01363/OUT: THE CONSTRUCTION OF TWO ADDITIONAL TWO BEDROOM PROPERTIES EACH WITH PARKING SPACE AND GARDEN, WITH ACCESS FROM REEVES WAY, AT 44 ASHCROFT GARDENS, EASTFIELD, PETERBOROUGH, PE1 5LP

VALID: 30<sup>th</sup> AUGUST 2011

APPLICANT: MR IKBAL

AGENT: ARCHITECTURAL AND SURVEYING SERVICES LTD

REFERRED BY: CLLR SHABBIR

REASON: TO ALLOW FULL DISCUSSION

DEPARTURE: NO

CASE OFFICER: MISS A McSHERRY

TELEPHONE: 01733 454416

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

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The site capacity and impact on the character of the surrounding area
- The impact on neighbouring sites
- Access to the site and highway issues
- The impact of the development on trees
- Planning Obligation

The Head of Planning, Transport and Engineering Services recommends that the application is REFUSED.

## 2 PLANNING POLICY

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

### Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

#### Peterborough Core Strategy DPD (2011)

**CS10 Environment Capital:** Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required to meet the principles of Policy CS12, then this may be negotiated on a site-by-site basis however the City Council will encourage payments based on a standard charge set out in the Peterborough Planning Obligations Implementation Strategy SPD (2010).

**CS14 Transport:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of

development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

### **Peterborough Local Plan (First Replacement) (2005)**

**H7 Housing on unallocated sites:** Within the Urban Area residential development on any unallocated site will be permitted subject to certain criteria

**H15 Residential density:** Seeks the highest residential density compatible with the character of the area and other considerations

**H16 Residential design and amenity:** Seeks to ensure an adequate level of residential amenity

**T9 Cycle Parking Requirements:** Planning permission will not be granted unless it provides high quality off-street cycle parking in accordance with the minimum standards set out in Appendix IV.

**T10 Car and Motorcycle Parking Requirements:** Planning permission will only be granted for car and motorcycle parking outside the City Centre if it is in accordance with the standards set out in Appendix V.

**LNE9 Landscaping Implications of Development Proposals:** Planning permission will not be granted for development unless it makes adequate provision for the retention and protection of trees and other natural features that make a positive contribution to the quality of the local environment and it makes adequate provision for landscaping of the site as an integral part 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:

### **National Planning Policies**

**National Planning Policy Framework (NPPF) Consultation Draft (2011)**

**Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)**

**Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change (2007)**

**Planning Policy Statement 3 (PPS3) : Housing**

**Planning Policy Guidance 13 (PPG13): Transport (2011)**

**Peterborough Planning Obligations Implementation Strategy**

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**

Outline planning permission is sought for 2 x No.2 bedroom properties, each with a parking space, and garden area. The proposal also involves the creation of a vehicle access from Reeves Way. This application is for the principal of two dwellings on this site, all other matters are reserved.

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

The site is within a residential area of Peterborough. No.44 Ashcroft Gardens is a two storey residential property that occupies a corner plot between Ashcroft Gardens and Reeves Way. The application site is currently part of the rear garden of this property and faces on to Reeves Way. The site covers an area of 270 sqm, and presently there is no direct vehicle access to it.

The surrounding area is characterised with large detached and semi-detached residential properties with side garages, and large rear gardens. The site is in relatively close proximity to existing bus stops on either side of Reeves Way.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
11/00633/OUT	Construction of 2 additional 2 bedroom properties each with parking space and garden and access made off Reeves Way	02.08.2011	REFUSED
10/00189/FUL	Construction of first floor side extension over garage and conversion of garage to create annexe	21.05.2010	REFUSED
08/01168/FUL	2 x 2 storey buildings, comprising 8 x 2 bed flats	14.01.2009	REFUSED
08/00452/FUL	Construction of 10 two-bedroomed flats	02.07.2008	REFUSED

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Transport and Engineering** – No objection – The application is in outline only, with all matters reserved, therefore the access and parking arrangements are indicative only. No objections are raised to the principle subject to conditions and informatives.

**Landscape Officer** – No objection – The proposal would involve the removal of a mature Eucalyptus. Whilst the tree is dominant in the landscape it is structurally poor and as such is not considered worthy of a Tree Preservation Order (TPO), therefore no objections to the proposal.

**Archaeology Officer** – No objection – The proposed development is not likely to affect important archaeological remains.

**Environmental Health Pollution Control Section-** No objection.

#### **EXTERNAL**

**Police Architectural Liaison Officer** – No objection – Provided future reserved matters applications provide adequate security (boundary fencing) for existing and new residents in and adjacent to the properties.

#### **NEIGHBOURS**

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

- Impact on neighbours privacy
- Visual impact of the development
- Inadequate provision of private rear garden spaces for properties
- Development out of keeping with surrounding
- Overdevelopment
- The close proximity of the proposed properties to those existing
- There is limited additional on street parking for vehicles in this location, and any on street parking slows passing buses
- The driveways will be an obstacle to people using the adjacent bus stops
- This is the 5<sup>th</sup> application since June 2008
- The applicant has never lived in the property, therefore has no appreciation of the impact of the proposal on the area and local residents
- The application is made with a view to financial gain, rather than the impact on the environment and residents

## **COUNCILLORS**

Cllr Shabbir – This application should be considered by Committee to allow the applicant and his agent to put their case forward.

Cllr Goldspink – Has challenged a similar application before. This is a very pleasant residential street and the existing house occupies a pivotal position on the corner of Ashcroft Gardens and Reeves Way. It is completely inappropriate to cram additional dwellings onto this site as this will:

1. Create traffic issues on this corner plot;
2. Create noise and disturbance for neighbouring properties by adding dwellings in close proximity to existing dwellings
3. Destroy the character, ambience and setting of the street

I understand PPS3 now excludes residential gardens from brownfield land, therefore there is no presumption for development.

## **7 REASONING**

### **a) Introduction**

This is a revised planning application following the refusal by Officers of planning reference 11/00633/OUT for the construction of 2 additional 2 bedroom properties, each with a parking space, garden, and access from Reeves Way.

The only difference between this and the previously refused application, is the inclusion of indicative streetscene plans, to demonstrate how the development may appear in the streetscene and in relation to the existing neighbouring properties.

The previous application was refused by officers for the following reason:

R1 - The proposed development would overdevelop this rear garden site, resulting in a cramped form of development, that would be uncharacteristic of the layout pattern and character of sites in the surrounding area, to its visual detriment. This would be contrary to Policy CS16 of the Core Strategy DPD 2011, Policy H7 of the Peterborough Local Plan (First Replacement) 2005, and Planning Policy Statement 3 'Housing'.

### **b) The site capacity and impact on the character of the surrounding area**

On 9<sup>th</sup> June 2010 Government implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and 'garden grabbing'. The Government then amended PPS3 with the following changes 1. private residential gardens are now excluded from the definition of previously developed land



in Annex B, and 2. the national indicative minimum density of 30 dwelling per hectare is deleted from paragraph 47. The aim was to provide an emphasis on decisions regarding the best locations and type of development for an area to be made at a more local rather than national level. This is a material consideration in determining planning applications.

The surrounding character of development in the area is generally one of large properties in large plots, with garages at the side of the properties. The highest existing density in the surrounding area is approximately 37 dwellings per hectare, with garden lengths averaging about 20m, and garden sizes approximately 160 sqm.

An indicative plan has been submitted with the application to demonstrate how the two dwellings could be accommodated on the 270 sqm site. The indicative layout by contrast to the generously proportioned surrounding sites, proposes a density of approximately 74 dwellings per hectare, with rear garden lengths of approximately 6m, and garden sizes of approximately 38sqm. The layout also only allows for a 1m set back of the properties from the side boundaries of the site, thereby restricting the positioning of the car parking to the site frontage, with the car parking spaces filling almost the full depth of the site frontage. It is not considered that any alternative indicative layout, would demonstrate how 2 x 2 storey 2 bed houses could be accommodated on the site which would provide adequate amenity space for future occupiers and provide car parking that is not so dominant on the site frontage and streetscene. It is argued that the indicative layout demonstrates that 2 dwellings on this site would overdevelop this piece of rear garden ground of No.44, appearing a cramped form of development for the plot, and being uncharacteristic of the more spacious layout pattern of development in the surrounding area contrary to Policies CS16, H7 and PPS3.

#### **c) The impact on neighbouring sites**

The proposed properties would be positioned 9 metres to the south of the existing property No.44 Ashcroft Gardens. It is considered that the proposed 2 storey high properties of the application site will have an overshadowing and indeed an overbearing impact on residents of No 44.

As the application is in outline only, there are no details of the proposed locations of windows. However there is potential that first floor rear or side windows could unacceptably reduce the current privacy levels of neighbouring sites, particularly as a result of the short depth of gardens proposed.

This is contrary to Policies CS16 of the Core Strategy DPD 2011, and Policy H7 of the Peterborough Local Plan (First Replacement) 2005.

#### **d) Access to the site and highway issues**

Access is not a matter to be considered in full at this stage. Our highway colleagues have commented that in principle a vehicle access could be taken from Reeves Way to serve the application site, subject to it meeting their technical highway specifications and without causing any highway safety danger. The detailed access design would be dealt with under any subsequent reserved matters access application, should the application be approved. The proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD 2011.

#### **e) The impact of the development on trees**

The proposal would involve the removal of one mature Eucalyptus tree which is dominant in the surrounding streetscene. The Landscape Officer however has assessed the tree and found it to be structurally poor and so not worthy of protection or retention. In this instance therefore, the tree loss should not be a barrier to the proposed development, and any subsequent reserved matter landscape application should the application be approved, would deal with the landscaping of the site and any required replacement tree planting.

#### **f) S106**

In accordance with the Planning Obligations Implementation Scheme heads of terms have been submitted with the application. Notwithstanding this no S106 planning obligation has been secured to

date. Should no planning obligation come forward then the Council would include this as a reason for refusal. This ensures that this can be taken into consideration in any referral to the Planning Inspectorate should Members be minded to refuse the application.

The S106 contribution sought accords with both national and local policy and in your officer's opinion complies with the CIL regulations 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.

In the absence of a signed legal agreement the proposal is contrary to the Peterborough Planning Obligations implementation strategy and Policy CS13 of the Peterborough Core Strategy DPD 2011.

#### **g) Miscellaneous**

The following concerns were also raised by neighbours:-

- Financial gain, and the fact the applicant does not live in the property – These are not material planning considerations.
- This is the 5<sup>th</sup> application on the site – The Local Planning Authority is duty bound to consider all planning applications it receives and cannot control the number of planning applications an applicant submits.
- Any on street parking would slow down buses – The Local Planning Authority can only ensure that any development has sufficient on site car parking spaces in accordance with its standards to meet the needs of the development, and cannot control any on street car parking. In this instance the maximum standard for 2 bedroom properties is one space per property, therefore there is sufficient space on site for the car parking requirements of the development.
- Adverse impact on nearby bus stops – The Local Highway Authority has not raised any objection to the principle that proposed vehicle accesses could co-exist with the existing bus stops. As part of any reserved matters application for the access the specific relationship with the bus stops will be considered.

## **8 CONCLUSIONS**

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

- It is considered that 2 dwellings on this site would appear overly cramped for the plot and be uncharacteristic of the more spacious layout pattern of development in the surrounding area.
- It is considered due to the small size of the site that any 2 storey property on the site would unacceptably overshadow, be overbearing and reduce privacy of surrounding residential properties.
- A planning obligation has not been secured to meet the infrastructure needs arising from the development.
- The proposal is therefore considered to contrary to PPS3, Policies CS16, and CS13 of the Peterborough Core Strategy DPD, and Policy H7 of the Peterborough Local Plan (First Replacement) 2005.

## **9 RECOMMENDATION**

The Head of Planning, Transport and Engineering Services recommends that this application is REFUSED:

- R1 The proposed development would overdevelop this rear garden site, resulting in a cramped form of development, that would be uncharacteristic of the layout pattern and character of sites in the surrounding area, to its visual detriment. This would be contrary to Policy CS16 of the Core Strategy DPD 2011, Policy H7 of the Peterborough Local Plan (First Replacement) 2005, and Planning Policy Statement 3 'Housing'.**

- R2** The proposed 2 storey dwellings by reason of their size, scale and siting would overshadow, be overbearing and reduce the privacy of surrounding residential properties. This is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).
- R3** The scheme fails to make provision for additional infrastructure and community facilities which are necessary as a direct consequence of development and is therefore contrary to policy CS13 of the Peterborough Core Strategy DPD (2011).

Copy to Councillors Shabbir, Goldspink, and Todd

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**LOCATION PLAN** 11/01383/FUL

171 Mayors Walk

**Scale** NTS **Date** 27/10/2011 **Name** AH **Department** Planning Services

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**PCC GIS**



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11/01383/FUL: CONSTRUCTION OF A 2 BED DETACHED DWELLING AT 171 MAYORS WALK, PETERBOROUGH, PE3 6HB  
VALID: 14<sup>TH</sup> SEPTEMBER 2011  
APPLICANT: MR A PIERRI  
AGENT: JANICE KENDRICK DESIGN SERVICE  
REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES BV  
REASON: PREVIOUSLY CALLED INTO COMMITTEE BY CLLR DALTON AND RESIDENTS.  
DEPARTURE: NO  
CASE OFFICER: MATT THOMSON  
TELEPHONE: 01733 453478  
E-MAIL: matt.thomson@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Policy context and the principle of development;
- Design and visual amenity;
- Impact to neighbouring residents
- Amenity of future occupiers
- Highway Implications

The Head of Planning, Transport and Engineering 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.

### Peterborough Core Strategy DPD (2011)

**CS2 Spatial Strategy for the Location of Residential Development:** The spatial strategy makes provision for housing growth at a wide variety of places across the local authority area, but with a distinct emphasis on locations within and adjoining the urban area of the city.

**CS8 Meeting Housing Needs:** The strategy will be to secure a wide choice of high quality new homes that meet the needs of all members of the community.

**CS10 Environmental Capital:** All development proposals of one dwelling or more should contribute to the Environment Capital agenda over and above that which would be required by the Building Regulations in force at the time.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required in order to meet the principles of policy CS12 'Infrastructure' then this may be negotiated on a site-by-site basis. However, to speed up and add certainty to the process, the City Council will encourage developers to enter into a planning obligation for contributions based on the payment of a standard charge. Subject to arrangements as set out in a separate Planning Obligations Implementation Scheme SPD, contributions received via this standard charge may be assembled into pools at an authority-wide level and to the relevant Neighbourhood Management Area (as described in policy CS6).

**CS14 Highways:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a Highway Safety Hazard

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

### **Peterborough Local Plan (First Replacement (2005))**

**H16 Residential Design and Amenity:** Planning permission will only be granted for residential development if a basic standard of amenity can be secured.

**T10 Car and Motorcycle Parking Requirements:** Planning Permission will only be granted for car and motorcycle parking outside the city centre if it is in accordance with standards set out in Appendix V.

### **Planning Policy Statement (PPS) 1: Delivering Sustainable Development**

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

It states: 'Community involvement is vitally important to planning and the achievement of sustainable development. This is best achieved where there is early engagement of all the stakeholders in the process of plan making and bringing forward development proposals. This helps to identify issues and problems at an early stage and allows dialogue and discussion of the options to take place before proposals are too far advanced'.

### **Planning Policy Statement (PPS) 3: Housing**

Paragraph 41 of PPS3 (2010) states 'there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed' Paragraphs 16 and 49 of PPS3 (2010) go on to state 'development should be well integrated with, and complement, neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Careful attention to design is particularly important where [a proposal] involves intensification of the existing urban fabric. More intensive development is not always appropriate'.

**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; and
- 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.

**Planning Obligations Implementation Scheme** – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010. Prior to adoption, the POIS was the subject of a 6 week public consultation period between March and April 2009. The POIS sets out the Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended).

Associated with the POIS is the Peterborough Integrated Development Programme (IDP). Its purpose is to provide a single delivery programme for strategic capital-led infrastructure which will allow for appropriately phased growth and development in the period to 2031. This document builds on the previous version of the IDP completed in April 2008. The purpose of the IDP is to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and importantly show how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years or so, why we need it, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that we have a coordinated plan of action on infrastructure provision.
- Form the basis for bidding for funding, whether that be from: Government; Government Agencies; lottery and other grants; charities; private sector investment; and developer contributions (s106 and potentially CIL).

In this context, the IDP is the fundamental bedrock to support the City Council's policies: the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategy priorities and infrastructure items which will enable the delivery of the city's growth targets for both jobs and housing identified in the Regional Spatial Strategy (RSS) (commonly known as the East of England Plan) and the Core Strategy. The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', instead they are well evidenced investment priorities that will contribute in an unambiguous manner to enhancing the area's economic performance, accommodating physical growth and providing a basis for prosperous and sustainable communities.

The IDP is holistic. It is founded on a database for infrastructure provision that reflects delivery by the private sector, the City Council and a range of agencies and utilities. The late 2009 review adds to the programme for Peterborough; and all partners are committed to developing the IDP's breadth further through engagement with a broader range of stakeholders, including those from the private sector.

The document has been prepared by Peterborough City Council (PCC) and Opportunity Peterborough (OP), with the assistance from the East of England Development Agency (EEDA) and other local strategic partners within Peterborough. It shows a "snap shot" in time and some elements will need to be reviewed in the context of activity on the growth agenda such as the emerging City Centre Area Action Plan (CCAAP), and the Long Term Transport Strategy (LTTS) plus other strategic and economic strategies and plans that are also identifying key growth requirements. As such, it is intended that this IDP will continue to be refreshed to remain fit-for-purpose and meet the overall purposes of an IDP as set out above.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is to erect a two storey, 2 bed detached dwelling with a dedicated rear amenity space of 55m<sup>2</sup>. The site will be accessed off Woodfield Road and would create dedicated parking spaces for both the existing and proposed dwelling.

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

The site is used to form part of the garden of No. 171 Mayors Walk. There is a 2m high brick wall abutting Woodfield Road, with a single detached garage situated at the Southern most point with a space for a single vehicle to front.

The area is predominantly residential. To the North is 171 Mayors Walk, to the East is 169 Mayors Walk and to the South is 2 Woodfield Road, all of which are two storey brick buildings. To the East is 1A Woodfield Road, a triple garage with flat above which was granted planning permission in 2006.

There are no trees on site that contribute to the street scene.

## **5 PLANNING HISTORY**

11/00477/FUL - Construction of 3 bed detached dwelling (Withdrawn)

08/00662/FUL - Construction of two flats with off-road parking and amenity space (Refused)

- R1 With the extension of the adjacent flat development, which articulates some cues from the surrounding street scene, Woodfield Road is made up of attractive semi detached properties with bay windows. The bland appearance of the proposed development would create an incongruous feature within the street scene and would be out of keeping with the appearance with the established form and character of the area.
- R2 The proposed development would be sited within 9.5m of No.171 Mayors Walk, and 2.5m of the garden area of 169 Mayors Walk. The limited separation distance would cause the proposal to create an overbearing feature in relation to No.171 and would unduly harm the residential amenities of the occupiers of the dwelling. It is also considered the proposal would cause an unacceptable level of overshadowing to the rear garden of 169 Mayors Walk.
- R3 The cramped nature of the plot would fail to provide an adequate level of private amenity space for the occupants of the new units. The poor quality of the space would be compounded by its limited depth and relation to the proposed building, the dwelling to the south and the boundary treatment to the east which would lead to an excessive level of overshadowing.

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Highways** – No Objection - Further to receiving 11.1557.02 Rev C Highways raise no objection to the proposal subject to conditions and informatives be attached.

**Archaeology Services** – No objection - The proposed development is unlikely to impact on important archaeological remains.

**Environmental Health** – No Objection - Previously Environmental Health (EHOC) requested a condition be attached relating to contaminated land; this shall be attached for the avoidance of doubt.

**S106 Officer** – A S106 contribution of £4,000 is sought using POIS for this proposed 3 bed dwelling. A 2% Monitoring Fee of £80 also applies.

### **EXTERNAL**

None received.

### **NEIGHBOURS**

Letters of objection were received from 8 addresses (7 in Woodfield Rd and 1 in Mayors Walk) and a petition of objection with 49 signatories has been submitted.

The reasons for objection are;

- Planning Policy Statement 3 (2010) no longer no longer classifies gardens as brownfield land and the proposal fails to comply with this policy;
- Parking and Highway Safety concerns;
- The proposed garden is too small, it will be overshadowed throughout the day and does not follow context of the area;
- Loss of existing amenity space to 171 Mayors Walk;
- Will reduce the living conditions of existing residents, contrary to Policy H16;
- Out of keeping with the established form and character of the area, forming an incongruous feature within the street scene. Proposal utilises a square bay window, whereas dwellings on Woodfield Road have round bay windows;
- The proposal will create a loss of light to No2 Woodfield Road side windows;
- Overlooking and overshadowing to rear garden of 169 Mayors Walk;
- Proposal will prevent 171 Mayors Walk from returning to a 3 bed semi detached dwelling as originally intended;
- Proposal will be used as a House of Multiple Occupation; and
- 1A Woodfield Road should not be considered a precedent.

A Petition with 49 Signatories was submitted to the LPA, raising the following reasons for objection

- Out of keeping with context of the area;
- Not in line with historic building line;
- Overcrowding and overdevelopment;
- Lack of adequate amenity space provided for proposed dwelling and will result in the loss of garden and green space to existing 171 Mayors Walk;
- Parking;
- Reduces outlook to residents at 171 Mayors Walk; and
- Overbearing and loss of light to 169 Mayors Walk.

**The scheme has been the subject to an amended plan to change the window design in order to reduce the possibility of overlooking of 169 Mayors Walk. The consultation expired on 28<sup>th</sup> October 2011.**

## **7 REASONING**

### **a) Introduction**

This scheme has been submitted to address previous concerns raised in previous application 11/00477/FUL & 08/00662/FUL.

Application 11/00477/FUL was visited by Committee Members in April 2011, however the scheme was withdrawn prior to formal determination by Planning Committee. The scheme has been reduced in size and scale, omitting the 3<sup>rd</sup> bedroom and as a result has increased the rear amenity space, which was of Officer concern.

In 2008 an application 08/00662/FUL proposed a two storey building with front and rear pedestrian accesses with dedicated parking situated between the proposal and No.171 Mayors Walk. The 2008 application was refused for the following reasons:

1. Proposal fails to respect the character and appearance of the street scene;
2. Impact to neighbour amenity including proximity to 171 Mayors Walk and overshadowing of garden to 169 Mayors Walk; and
3. Fails to provide adequate amenity space.

These are discussed in more detail under Section 7(c) and 7(d), below.

### **b) Design and Layout**

The proposed plot size is 14.9m x 14.2m giving a site area of 211.58m<sup>2</sup>. The proposed dwelling will have a floor area of 9.4m x 5.4m, and will stand at 4.9m to eaves and 7.1m to ridge.

With the exception of 1A Woodfield Road, the wider street scene is characterised by 1930's inter war development, comprising of semi detached, two storey dwellings with gable front bay windows over two stories, with overhanging eaves. It is considered the design of the proposal better represents the architectural character of the area and is sited in accordance with the historic building line. Whilst the width and depth of the proposal and plot is different to other plots on Woodfield Road it is considered the scheme does provide sufficient space around the plot and is considered on balance consistent with the overall character and pattern of development of the area. The proposal is considered to address Reason 1 of the 2008 refusal.

#### Bin Storage

Peterborough City Council currently has 3x waste collection bins and it is anticipated that a 4<sup>th</sup> will be introduced in the near future; therefore it is important that the design of new dwellings provide adequate room to store bins that will not create detrimental smells to future occupiers or neighbours and are sited in a position to not detract the appearance of the street scene.

A dedicated bin store has been indicated on the plans to the side of the plot, hidden from the public realm by a close board fence and is therefore acceptable.

#### Garden Sizes

The refused scheme for flats in 2008 provided only 25sq m of garden space whereas the current scheme provides a rear amenity space of 55m<sup>2</sup> (35 sq m more than the withdrawn 2011 application) and is considered acceptable for a two bedroom property.

It is considered the reduction in overall floor area of the proposal and resultant increase in rear amenity space has created a sufficient, private and usable rear amenity space appropriate for future occupiers. A condition shall be attached to ensure permitted development restrictions for extensions and outbuilding is attached to ensure the rear amenity space is not reduced. Further, details of the proposed cycle storey shall be requested to be submitted by condition.

By virtue of size, scale, design, layout and appearance the proposal is not considered to detract from the character and appearance of the street scene and provide adequate amenity space for future occupiers. The proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy H16 of the Peterborough Local Plan (First Replacement) (2005), PPS1 (2005) and PPS3 (2010)

#### **c) Impact to neighbouring Amenity**

Refusal reason No.2 of the 2008 application considered that having a two storey blank gable 9.5m from principle rear windows to 171 Mayors Walk would detract the amenity of these occupiers. Whilst the current proposal is no further away, its impact has been reduced through the use of a hopped roof design (4.9m to eaves).

Whilst the current scheme is sited in almost exactly the same position as the previous 2008 application, the degree of overshadowing of the rear amenity space of 169 Mayors Walk has been reduced through the use of a revised roof design. It is considered on balance the proposed height and hipped roof design will mitigate this impact and as such is not considered detrimental to neighbour occupiers, and overcomes Reason 2 of the 2008 Refusal.

Amended Plan Drwg 11.1557.01 Rev B has been submitted replacing the rear window serving Bed 2 with a high level window, and illustrates the first floor bathroom windows as to be top opening only and obscurely glazed therefore overcoming any overlooking issues with No. 169 Mayors Walk. A condition shall be attached relating to the obscure glazing levels for the avoidance of doubt.

Objections have been raised with respect to a loss of light to side windows to 2 Woodfield Road; whilst there may be some overshadowing to these windows they do face North. Further, as these are secondary windows any adverse impacts cannot be considered a material consideration.

By virtue of size, scale and appearance the proposed dwelling will not form an overbearing building which will create a demonstrable loss of overlooking, privacy or outlook to neighbour occupiers and is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

**d) Highway Safety**

Highways have responded with no objections to the proposal. Whilst it is noted in the letters of objection that the street suffers from illegal parking, both on double yellow lines and on the kerb, these are unrelated to the planning application.

The proposal can accommodate appropriate visibility splays and provides sufficient parking to meet adopted policy.

**e) S106**

The S106 contribution required by the Planning Obligations and Implementations Scheme (POIS) has been agreed by the Applicants Solicitors. Subject to the granting of Planning Permission a S106 contribution of £4,000 will be sought and a 2% Monitoring Fee of £80 also applies.

**f) Archaeology**

The Archaeology officer responded with no objections to the proposal, stating the proposed development is unlikely to cause significant damage to important archaeological remains.

**g) Other Issues**

**Flood Risk** – The application site is not shown as being at risk of flooding. The driveway is to be built from permeable materials and the roof water is to be disposed of by way of soakaway. A condition to this effect is proposed.

**Levels** – Details have been submitted to indicate existing site levels and it is not proposed to raise levels on the site. It is therefore conditioned that the finished floor levels shall be no more than 15cm above existing ground level.

**Use as a House of Multiple Occupation (HMO)** – If more than 6 person occupy a dwelling then planning permission is required for the HMO. Planning permission is not required for a small scale HMO (3-6 unrelated persons) but the Council can remove this permitted development right if it considers that identifiable harm would arise as a result of the property being occupied on this basis.

## **8 CONCLUSIONS**

- The design of the proposal is considered to represent the spirit, character and appearance of the street scene and would not adversely affect the visual amenity of the area;
- Subject to receiving amended plans the proposal has been designed to mitigate the impact on No.171 and No. 169 Mayors Walk and would not result a loss of light, privacy, outlook or amenity to neighbour occupiers;
- The proposal provides sufficient dedicated rear amenity space for a 2 bed dwelling; and
- Subject to amended plans the proposal provides sufficient off street parking spaces and would not create a Highway safety hazard.

## **9 RECOMMENDATION**

The Head of Planning, Transport and Engineering Services recommends that this application is APPROVED for the following reason:

By virtue of size, scale, design and layout the proposal is not considered to detract from the character or appearance of the street scene, nor is it considered to create an overbearing form of development that would detract neighbouring amenity by way of loss of light, outlook or privacy. Further, the proposal can accommodate sufficient private amenity space for a 2 bedroom dwelling and satisfactory off street parking. The proposal is considered to be in accordance with to Policies CS2, CS8, CS13, CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies H16, and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2010).

- 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 No development shall take place until samples of materials, including roof and wall materials, details of the type, design and external finish of all windows, external doors, boundary treatments, rainwater goods, soil vent pipes, means of ventilating the roof space and any services which may be visible on external elevations have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C 3 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), planning permission will be required for extensions, outbuildings, openings and dormer windows, porches, chimneys, flues or soil and vent pipes, fences and gates.**

Reason: In order to protect the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C 4 The vehicular access to Woodfield Road hereby approved shall be un gated.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C 5 The dwellings shall not be occupied until the areas shown on plan 11.1557.02 Rev C for the parking and turning of vehicles have been drained and hard-surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the dwellings.**

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T10 of the Adopted Peterborough Local Plan (First Replacement).

- C 6 The development shall be constructed so that it achieves a Target Emission Ratio of at least 10% better than building regulations at the time of building regulation approval being sought.**

Reason: To be in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011).

- C 7 In the event that unsuspected areas of contaminated land/materials are discovered during the implementation of the development, work in the identified areas shall cease and the Local Planning Authority 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: In the interests of public safety and to accord with PPS23.

- C 8 **Prior to commencement of development full plans of the proposed cycle store, including details of floor plans and elevations (Scale 1:50 or 1:100) shall be submitted to and approved by the Local Planning Authority. Thereafter the details shall be implemented in accordance with the approved details.**

Reason: In the interests of visual amenity of the area and to ensure satisfactory bike storage on site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and T9 of the Peterborough Local Plan (First Replacement) (2005).

- C 9 **The finished floor level shall be no more than 0.15m above existing ground level.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011)

- C 10 **Notwithstanding approved plan 11.1557.01 Rev B hereby approved the *bathroom windows in the first floor of the rear (East) elevation of the dwelling hereby approved shall be glazed with obscure glass (of not less than level 3 obscurity), shall be top opening only and shall be retained in perpetuity.***

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011)

- C 11 **Surface Water shall be shall be dealt with by way of a soakaway unless a percolation test demonstrates this method would not be suitable. In which case an alternative drainage scheme shall be submitted to and approved by the Local Planning Authority prior to development commencing.**

Reason: To prevent flooding and to accord with PPS25 (2010).

- C12 **Prior to occupation of development hereby permitted the vehicle to pedestrian visibility splays show on plan No 11.1557.02 Rev C of the following dimensions 2m x 2m on both side of the parking spaces shall be provided 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 highway boundary**

Reason: In the interests of Highway Safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T8 of the Peterborough Local Plan (First Replacement) (2005).

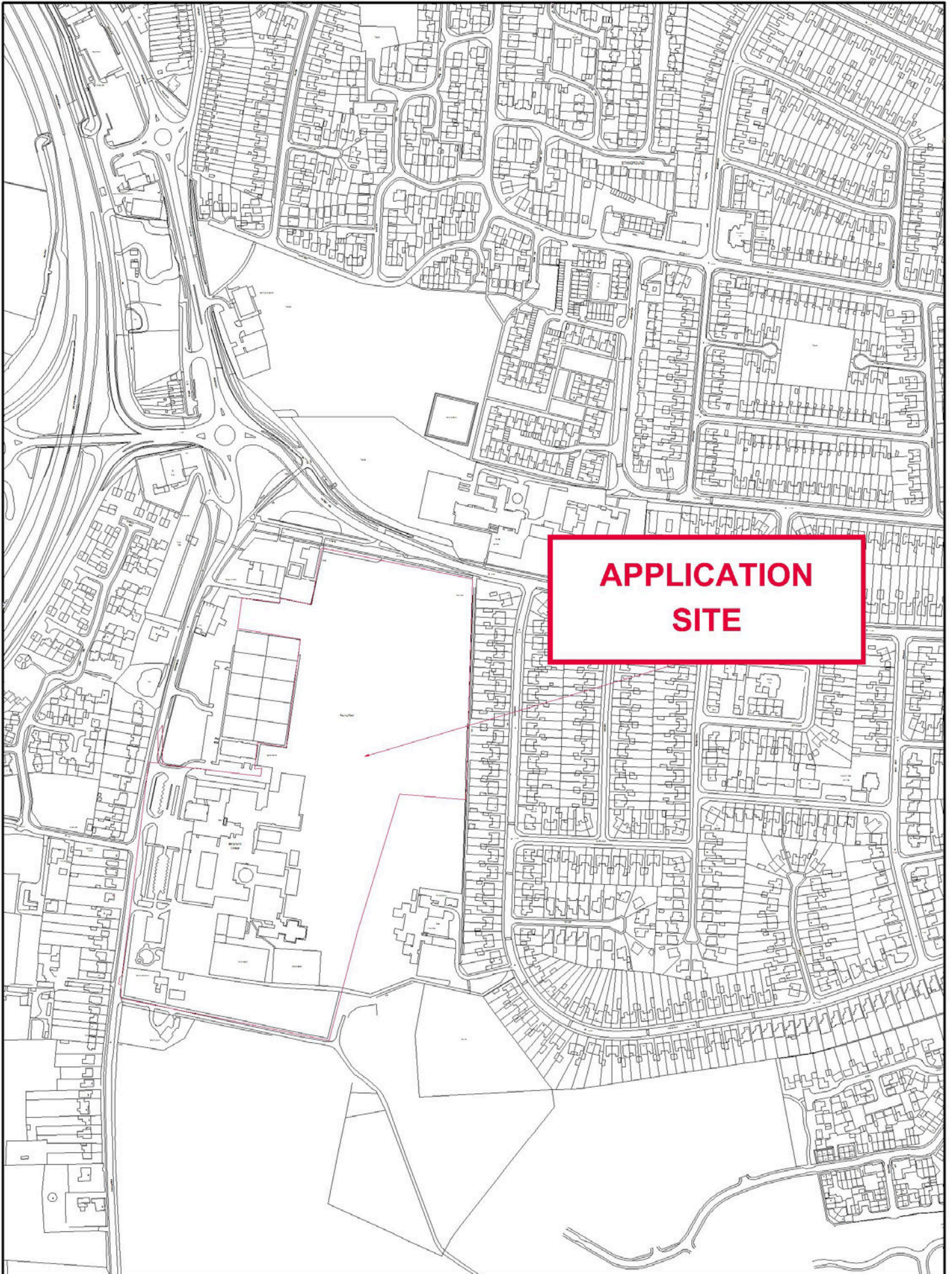
- C13 **The proposed shared parking area for the existing and proposed dwellings shall remain free from obstruction in between the parking spaces.**

Reason: To ensure the dwellings have sufficient off street parking spaces and to be in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011)

Copies to Councillors S Dalton, N Arculus, M Dalton

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**LOCATION PLAN**      **11/01458/FUL**  
Stanground College Peterborough Road

**Scale** NTS      **Date** 27/10/2011      **Name** AH      **Department** Planning Services

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**PCC GIS**



**PETERBOROUGH**  
  
CITY COUNCIL

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**11/01458/R3FUL:** CONSTRUCTION OF A THREE STOREY ACADEMIC BLOCK AND EXTENSION TO THE SPORTS BLOCK TO CREATE NEW FACILITIES INCLUDING A SWIMMING POOL. ASSOCIATED ALTERATIONS TO PEDESTRIAN AND VEHICULAR ACCESSES INCLUDING NEW SERVICE ACCESS AND DRIVEWAY. DEMOLITION OF THE EXISTING MAIN SCHOOL BUILDINGS (EXCLUDING THE SPORTS HALLS, THE HAIR AND BEAUTY BUNGALOW, AND THE CONSTRUCTION BUNGALOW) AND REINSTATEMENT OF THE LAND INCLUDING ALTERATIONS TO EXISTING PARKING FACILITIES AND LANDSCAPING, AND CREATION OF ADDITIONAL SPORTS PITCHES AT STANGROUND COLLEGE, PETERBOROUGH ROAD, STANGROUND

**VALID:** 16 SEPTEMBER 2011  
**APPLICANT:** PETERBOROUGH CITY COUNCIL  
**AGENT:** SHEPPARD ROBSON  
**REFERRED BY:** HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES  
**REASON:** IN THE WIDER PUBLIC INTEREST  
**DEPARTURE:** NO

**CASE OFFICER:** MISS A McSHERRY  
**TELEPHONE:** 01733 454416  
**E-MAIL:** amanda.mcsherry@peterborough.gov.uk

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

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Access to the site and highway issues
- Contaminated land

The Head of Planning Transport and Engineering 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.

### **Peterborough Core Strategy DPD (2011)**

**CS10 Environment Capital:** Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK.

**CS12 Infrastructure:** New development should be supported by, and have good access to, infrastructure.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required to meet the principles of Policy CS12 then this may be negotiated on a site-by-site basis however the City Council will encourage payments based on a standard charge set out in the Peterborough Planning Obligations Implementation Strategy SPD (2010).

**CS14 Transport:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highway safety.

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

**CS17 The Historic Environment:** The City Council will protect, conserve and enhance the historic environment throughout Peterborough. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated.

**CS18 Culture, Leisure and Tourism:** The existing cultural, leisure and tourism facilities will be protected and enhanced.

**CS19 Open Space and Green Infrastructure:** To protect existing open space, planning permission will not be granted for development which would result in the loss of existing open space if that loss would give rise to a deficiency in open space, or would be in an area where there is already a deficiency.

**CS21 Biodiversity and Geological Conservation:** The City Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the area.

**CS22 Flood Risk:** All appropriate development should employ sustainable drainage systems (SUDS) to manage surface water run-off where technically feasible and appropriate.

#### **Peterborough Local Plan (First Replacement) (2005)**

**T9 Cycle Parking Requirements:** Planning permission will not be granted unless it provides high quality off-street cycle parking in accordance with the minimum standards set out in Appendix IV.

**T10 Car and Motorcycle Parking Requirements:** Planning permission will only be granted for car and motorcycle parking outside the City Centre if it is in accordance with the standards set out in Appendix V.

**T11 Motorists with Mobility Difficulties:** Planning permission will not be granted for development unless there is parking provision for motorists with mobility difficulties.

**LT3 Loss of Open Space:** Planning permission will not be granted for any development which would result in the loss of existing or proposed open space (including school playing fields) if that loss would give rise to a deficiency, or would be in an area where there is already a deficiency in open space.

**DA12 Light Pollution:** Planning permission will only be granted for lighting schemes if the level of lighting proposed does not exceed the minimum necessary to achieve its purpose; the design minimises glare and light spillage from the site; and the design and nature of light emitted does not adversely affect the amenity of the area.

**LNE9 Landscaping Implications of Development Proposals:** Planning permission will not be granted for development unless it makes adequate provision for the retention and protection of trees and other natural features that make a positive contribution to the quality of the local environment and it makes adequate provision for landscaping of the site as an integral part of the development.

**LNE10 Detailed Elements of Landscaping Schemes:** Where appropriate, the City Council, will impose a condition or planning obligation, requiring the provision of a landscaping scheme suitable for the type of development proposed.

**U1 Water Supply, Sewage Disposal and Surface Water Drainage:** Development which increases the demand for off- or on-site water supply, sewage disposal or surface water drainage infrastructure will only be permitted if facilities of adequate capacity and design are available, or will be provided without detriment to the environment.

## **National Planning Policies**

**National Planning Policy Framework (NPPF) Consultation Draft (2011)**

**Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)**

**Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change (2007)**

**Planning Policy Statement 5 (PPS5): Planning for the Historic Environment (2010)**

**Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (2005)**

**Planning Policy Guidance 13 (PPG13): Transport (2011)**

**Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation (2002)**

**Planning Policy Statement 25 (PPS25): Development and Flood Risk (2010)**

### **3 DESCRIPTION OF PROPOSAL**

Full planning permission is sought for:-

- Construction of a new main three-storey school building containing most of the teaching, support and administration facilities
- The new building will be constructed before most of the existing buildings are demolished, to allow for continuous use of the site without having to provide temporary accommodation
- The building will be set to the south and east sides of the current building cluster, facing out over a new pitch area to be laid when the existing buildings are demolished. The building will have a central entrance feature with glazing giving views through to the library, two long wings coming out to the north and the west (the front of the building), and two shorter wings to the east (towards Oakdale Primary) and south (the back of the building). The two long wings will enclose two sides of the new front pitch area, and will be the public face of the building
- The existing sports halls will be retained, and incorporated into an extended/new building including activity suite, swimming pool, studio, and new changing, office and reception areas. The main assembly/dining hall will also be part of this building
- The existing playing field area will be retained
- Two small buildings to the south of the site will also be retained, these are the bungalows used for vocational studies
- There will be some minor changes to the parking and access layout, and a new service vehicle access from Peterborough Road will be created along the south of the site
- The existing informal pedestrian link between Peterborough Road and Oakdale Avenue will be improved and slightly realigned
- To improve the overall security of the site, a fenced secure line will be established behind the car parking, to enclose the main school areas. The existing Powerleague area will be outside the line, as will the car parking and public entrance to the sports facilities and main hall.
- The new buildings will be constructed to minimise energy consumption and increase efficiency, to achieve higher standards that are required under current building regulations, equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) Very Good rating.

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

The College site covers an area of about 13.1 hectares, with the main site frontage onto Peterborough Road to the west. The north of the site is to Whittlesey Road, although this boundary is enclosed with mature planting, and the east of the site is bounded by domestic gardens for most of its length, with Oakdale Primary School to the south-east.

To the south of the site is mainly former agricultural land, which is to be developed as part of the South Stanground Urban Extensions, and Glebe Farmhouse, which also has permission for residential development.

Currently, the school building faces Peterborough Road, with a strip of car parking in front of the building. The existing three storey main building is set about 40 metres back from Peterborough Road. There are a variety of other buildings, built over the years in various styles and in a rather ad-hoc manner, resulting in a slightly incoherent site with awkward connections and odd unused corners. The use of space is not efficient.

Approximately 1.6 ha in the north-east quadrant of the site are leased to Powerleague, a national 5-a-side football organisation. They have a dedicated building as well as a grid of 10 small pitches, enclosed behind fencing, and a parking area parallel to Peterborough Road.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
10/01013/FUL	Installation of secure cycle shelter with capacity for 100 cycles	20/09/2010	Consent
09/00877/FUL	Construction of new sports hall	28/10/2010	Consent
09/00559/FUL	Siting of modular double classroom	23/07/2009	Consent
08/00949/FUL	Provision of five bay mobile classroom and access ramp	15/09/2008	Consent
08/00697/FUL	Single storey building for use a teaching facility	25/06/2008	Consent
08/00552/FUL	Single storey building	18/6/2008	Consent
06/01181/FUL	Two storey extension for disabled access lift	20/09/2006	Consent
05/01336/FUL	Erection of library building	21/10/2005	Consent
03/00284/FUL	Extension to classroom with link access to existing building	23/04/2003	Consent
02/00929/FUL	Erection of shelter over part of internal quadrangle	25/8/2002	Consent
02/00434/FUL	New nursery school building	15/05/2002	Consent
01/01479/FUL	New fitness suite and entrance with changing rooms, additional classroom and staff office	18/1/2002	Consent
00/01453/FUL	Single storey flat roofed extension to existing kitchen store	23/01/2001	Consent
00/00901/FUL	New sports pavilion, twelve outdoor all weather floodlit synthetic grass playing courts, improvements to existing entrance and additional car parking for 100 vehicles	30/07/2001	Consent
99/00250/FUL	New performing arts extension	4/5/1999	Consent
98/00569/FUL	New sports hall	5/10/1998	Consent
98/00002/FUL	Single and two storey extensions and replacement car park	29/5/1998	Consent

## 6 CONSULTATIONS/REPRESENTATIONS

### INTERNAL

**Head of Transport and Engineering** – No objections subject to a request for conditions, including additional cycle parking, closure of one of the existing vehicle exit points, and details of the junction to the new service road including the culverting of the ditch. It is Highways strong preference for the closure of the existing southern exit point of the car park, however this would not be a reason for refusal.

**Travelchoice** – No objection but requests that:

- the Travel Plan be improved by the setting of definite actions and targets should be included.
- additional cycle parking should be provided within the fence line, with separate parking for staff.

**Wildlife Officer** – No objection. Proposals for the installation of bat and bird boxes, and the establishment of a habitat area are welcomed and should be secured by condition. Suggests that:

- the grass seeding mix should be replaced with a more appropriate wildflower mix

- biodiversity could be further enhanced by provision of a pond for example.

**Landscape Officer** – No objection. Whilst some trees are to be removed, these losses are justifiable due to their poor condition and will be made good by replacement planting. Request conditions in respect of the submission of:

- a Arboricultural Method Statement.
- an improved landscape planting proposal.

**Waste Management** – No objection.

**Pollution Team** – No objection. Request conditions relating to:

- Lighting – compliance with obtrusive lighting limitations.
- Noise – maximum noise levels from plant and equipment
- Contamination – testing has not shown any contamination that would require special remediation. No precautions are necessary in terms of landfill gas, and groundwater is within thresholds. A condition is recommended in case of unsuspected contamination.

**Drainage Engineer** – **No objection.** Design appears adequate, however:

- Full technical details are required
- Position of fence (currently shown in the swale) needs consideration
- Balancing pond opposite the site has to be adequately maintained

**Archaeology** – No objection. Request condition regarding submission of a scheme of archaeological investigation.

## **EXTERNAL**

**Police Architectural Liaison Officer** – No objection. I have been involved in the preplanning discussions, and am currently involved in the evaluation process. I am satisfied that the proposals go a long way to reducing the risk of crime and antisocial behaviour and would not object to the granting of permission for this application.

**Environment Agency** – No objection. Flood Risk Assessment is proportionate. Surface water drainage shows a betterment on the current situation. Controlled waters at this site are of low environmental sensitivity, therefore will not be providing detailed advice or comments. Developer should address risks from contamination following the requirements of Planning Policy Statement 23 and EA Guidelines.

**Anglian Water** – Has requested that some informative comments be passed to the applicant, and recommended a condition requiring a flood risk assessment and surface water drainage strategy. [Further comments/clarification are awaited and will be included in the Update Report.]

**Sport England** – No objection. Although the area of playing field will slightly reduce, the overall quality of provision will improve. The new swimming pool, being larger and a standard length, will improve facilities for the school and the community, as well as other local schools that will come for swimming lessons. Conditions required to ensure continuity of use during construction, suitable surfacing to the new playing areas, and a community use agreement.

**Cambridgeshire Fire and Rescue Service** – No objection. Request a condition to secure provision for fire hydrants.

## **NEIGHBOURS**

No representations have been received from neighbours. It should be noted that the applicant undertook a public consultation exercise before the application was submitted.

## **COUNCILLORS**

No comments have been received from Councillors.

a) **The proposed design and layout**

The proposed design has been mainly influenced by:

- The need to maintain the existing school open on site during the construction of the new school facilities
- The wish to reduce the number of individual school buildings on the site and the distances between them
- Retention of the Sports Halls
- Retention of the existing playing fields
- Retention of the existing car parking areas
- Retention of the existing access points
- Retention of the existing Powerleague facilities, and small vocational studies bungalows
- Retention and improvement of existing path connecting Oakdale Avenue and Peterborough Road, used by pupils at Stanground College and Oakdale Primary School

The layout and amount of internal space, necessary for the school to fulfil its functions, dictates the design to a significant extent. The building will be of three storeys, which is the same as the existing main school building. The land take however will be much reduced, as the existing collection of 1, 2 and 3 storey buildings will be replaced with a properly organised building.

The main entrance feature will be at the centre front of the building. This will be glazed for two storeys in height, to emphasise the entrance and give the impression of an important public building. Columns will be used to “hold up” the storey above, which allows the building to react to traditional classical building forms but in a contemporary way. It also means that the entrance makes visual sense, as the columns continue the vertical patterning of the building across the horizontal entrance.

The building is long, and although of three storeys (11.2m) in height, the length means that it appears horizontal. The fenestration has been designed in vertical bays, of differing widths but introducing consistent vertical features. These will be emphasised with a second brick colour, so that although the exact disposition of window openings varies, all windows will be contained within consistent vertical bands.

This general pattern extends to all elevations except the ends of the wings. These ends are only 18m wide, and are blank except for a central full height window which illuminates the corridors. Full height glazing will be used at the stairwells.

### Sports Provision

The area of playing field will reduce slightly, from 83,425 sq m to 82,932 sq m. The overall pitch provision however will remain the same, with provision for the same variety of sports. During the period of construction and demolition there will be an overall reduction in provision; after demolition of the existing school buildings, the area on which they are built will be given over to playing fields.

The existing swimming pool is an 18 metre 4 lane pool; the new pool will be a standard 25m length, 6 lane pool. This will greatly improve the quality of the facility. There will be a new activity studio, which will be used also as a school hall, and new and refurbished changing areas. The existing sports halls will be retained. The new development will result in the sports block being physically separate from the main academic block. This will aid in the community access to and use of the sports facilities; there will be a dedicated student entrance.

Sport England are satisfied that the overall quality of provision will improve, despite the slight reduction in area – the improvements to swimming provision are given significant weight in this assessment. Sport England have recommended three planning conditions, requiring 1: the protection and continuity of existing provision during the construction and demolition processes; 2: an assessment of the land quality where new playing fields are proposed, and measures to ensure that the area can be provided to an acceptable quality; 3: a community use scheme.



## b) **Impact on neighbouring sites**

The neighbour most directly affected would be Oakdale Primary School. Discussions have already taken place between the two schools and a new boundary line agreed.

Neighbours across Peterborough Road will not be significantly affected. The building will be further away than existing, the car parking will be in the same place, and the existing vehicular access and egress points will be retained. The establishment of a pitch area to the front of the school may mean that neighbours are more aware of the sporting activity, but given the likely hours of use, and the busy road between housing and school, it is unlikely that any significant detrimental impact will arise.

Neighbours on Oakdale Avenue will not be significantly affected. The land immediately behind the residential gardens is and will remain playing field; the new school buildings will be separated from the gardens further down Oakdale Avenue by Oakdale Primary School.

The land to the south of the site is allocated, and has Outline planning consent, for housing, and therefore the southernmost part of the school building has been set at a minimum distance from this boundary. The end of the south wing will be set 30m from the boundary, which assuming dwellings and their gardens up to the boundary will still give an adequate separation. The end wall will have few corridor windows; the closest windows to this boundary will be 55m away from the boundary. Given that a school building is not in general use at evenings and weekends, when neighbours are most likely to use their gardens, it is concluded that the impacts will be minimal.

All neighbours may notice some disturbance during construction and demolition. It is expected that adequate controls on working hours, noisy or dirty activities and movement of vehicles will be applied through the Construction Management Process.

The impact of noise from the site on neighbours is not anticipated to be a significant concern. A noise report has been carried out and recommends a noise limit for the new plant.

## c) **Access to the site and highway issues**

Currently there is one vehicular entrance into the site, and three exit points.

It is proposed to retain these openings. The existing coach drop-off/pick-up point will be retained, and a new parent drop-off point created within the car park.

There are currently two pedestrian accesses, and it is proposed to close both of these and create two new access points. These will be sited to the north and south of the site, allowing pedestrians to enter the site without having to cross the vehicle points. New footpaths will be created which will provide pedestrian access clear of vehicle routes, apart from one crossing point close to the sports centre which will be provided with a raised table to give pedestrian priority.

A new service access road will be run along the south edge of the site, leading to a new service yard.

The existing link between Peterborough Road and Oakdale Avenue, which is only open at school coming and going times, will be retained although a new dedicated path will be installed, and will be more easily controlled.

Recent road traffic accident data have been reviewed, and no common factors have been identified. It is therefore not necessary to incorporate any mitigation measures.

### Car parking

Currently there are 234 car parking spaces on the site overall, allocated on the basis of 148 in front of the school for staff and visitors, and 86 adjacent to the Powerleague building. There is some shared use, in particular of the spaces between the school buildings and the Powerleague site which are used as overflow college parking.

The Local Plan standard would require a maximum of 196 spaces for the school, on the basis of one for each full time equivalent member of staff and a maximum of 133 spaces for the sports centre at 1 per 22 sq m of public area. Given the varying times of use, and in particular that the sports facilities are generally open for community use only outside school times, there is clearly the opportunity for shared use of parking facilities.

It is therefore proposed to provide 207 spaces for the school and sports centre, laid out with 155 to the front of the site including disabled spaces, and 46 at the front of the sports centre, including disabled and motorcycle spaces. The Powerleague parking areas will be unaffected.

### Cyclists

Cyclists can access the site using the main vehicular accesses, as well as the path from Oakdale Avenue to the south of the site. The existing cycle parking (100 spaces) will be retained, although it is outside the secure line, it is fairly new, and can be managed by school staff to ensure that it is locked during the school day. Additional cycle parking will be provided close to the Oakdale Avenue entrance. The amount of cycle parking overall will increase. Although it will not be in accordance with the adopted standard, which would require 354 spaces, there is not currently the demand for this level of cycle parking. The Travel Plan includes a commitment to revisit this issue regularly and increase cycle parking as demand increases.

The question of separate cycle parking for staff has been raised; the school has stated that they prefer to integrate this facility.

Any amendments to cycle parking in the future could easily be accommodated within the site.

### Pedestrians

Pedestrians currently share most access points with motor vehicles, although there is one dedicated pedestrian access, and some pedestrians use the Powerleague entrance to the site. As part of this application, it is proposed to improve pedestrian access and separate it from motor vehicle access points. This will aid safety, and paths have been laid out to follow pedestrian desire lines where possible.

A new path will be installed for people walking to the site from the North, which will lead directly and naturally to the main school entrance. A second new entrance and path will be installed at the south of the site, which again will direct pedestrians to the main entrance.

### Public Transport

There are public bus services along Peterborough Road, and bus stops on each side of the road close to the College. Although some concerns have been raised about timetabling, mostly by pupils who use the bus to travel to and from school, dealing with these issues is not within the scope of this application. As part of the application upgrading of two bus stops will be secured, to provide shelters, boarder kerbs and Real Time Passenger Information (RTPI) displays. It is intended that the RTPI information will also be displayed in Reception.

As this application is a City Council application, and the works will be taking place to City Council infrastructure, this can be secured by condition rather than securing via a Section 106 agreement.

## **d) Miscellaneous**

### Archaeology

The site is not within an area of known archaeological importance, although the recent excavations within the South Stanground Urban Extension area have shown some evidence of pre-historic activity.

A desk-based assessment was carried out in 2008, and although this was before the introduction of the current national planning guidance, the document is acceptable.

A scheme of archaeological investigation will be required. It is anticipated that trial trenching will be required, probably at a level of about 5% of the area to be developed. Any further works required would be informed by the results of the initial work.

A condition is recommended to ensure that the scheme of investigation is agreed prior to commencement, and the scheme is implemented accordingly.

### Sustainable construction

The proposed design has been carefully considered to incorporate energy efficient features such as high thermal efficiency, a façade that will minimise/maximise solar gain according to the season, to reduce the need for artificial cooling and heating, heat recovery, and systems which ensure through timing and other management features the most efficient use of lights and heating.

It is intended that the scheme would, if assessed under BREEAM, achieve a “Very Good” rating, although it is not intended to go through the full accreditation process. This is because the accreditation

process takes time and resources that could otherwise be spent improving the building, and it also avoids the need to address issues covered by BREEAM that are not relevant to the school. It is intended that the building will score a “B” on the Energy Performance scale.

### Trees and landscaping

Currently, the main landscaping features of the site are a row of trees along the Peterborough Road frontage and a second loose row of trees along the south boundary.

An arboricultural assessment has been carried out and it has been determined that several of the trees along Peterborough Road can safely be retained, although some will be removed where they have limited viability. These will be replaced to retain the strong green frontage, although visibility at entrances, and a clear view to the main entrance, will be taken into account and improved where possible. It will be necessary also to remove one large Willow tree adjacent to the south boundary, although not within the site, to allow the service access to be constructed. It is understood that this removal is being discussed with the neighbouring landowner. This loss will be mitigated with the establishment of a new landscaping belt along the south of the site. The landscaping will include a wildlife habitat area to the south-east of the site, which will help to screen future development to the south as well as providing a wildlife area which can be used for education.

Security to the site will be provided with a 2.4m Weldmesh fence, and the disguising of this intrinsically unattractive feature will also be an aim of the landscaping scheme. An allotment area will also be provided, to allow food growing to be included in the curriculum. The details of the landscaping scheme are not yet fully agreed, although from discussion it is clear that a suitable scheme can be designed. A condition is recommended to ensure that the landscaping scheme is agreed, and implemented according to an appropriate timetable.

### Ecology

A Habitat Survey has been carried out and identifies that the proposed development, while close to several allocated wildlife sites, will not have significant impact on wildlife in those protected areas.

The report identifies several wildlife habitats within the site, including buildings, grassland, trees and hedges and hardstandings. These habitats could be used by a variety of species, however there is no evidence that their removal would have an unacceptable impact. The report makes several recommendations to ensure that replacement and improved habitat areas are created, that piles of rubble or materials are dealt with to avoid encouraging Great Crested Newts into the site, and that tree works should not be carried out unless checks have been made for nesting birds. Conditions are recommended to ensure protection of nesting birds, to require that the recommendations of the report are adhered to, and to secure details of bat and bird boxes. It is also noted that some landscaping features, notably the seeding mixes for the habitat area, are revised, this can be dealt with under the landscaping condition.

### Flood risk and drainage

A Flood Risk Assessment has been submitted. The site is in low flood risk area and so there is no concern with the principle of the development especially as the site is already in education use. The surface water disposal strategy involves making use of the existing system plus a new drainage swale that is going to be installed. In a 1 in 100 year storm event, shallow ponding will occur at the site entrance, but this is considered acceptable given the infrequency of the event and the fact that there will be no property damage or safety issue. There is no objection from the Environment Agency; further comments are awaited from Anglian Water.

### Contamination

The contamination report does not show any unacceptable contamination. Soil and groundwater have been tested, and no particular precautions in terms of gas monitoring are required. A condition is recommended in case of unsuspected contamination.

### Security

As part of this proposal, a new secure line will be run around the site. This will be fenced, and access will be controlled according to operational requirements. The car parking areas, the community entrance to the sports building and some of the cycle parking will be outside the line. Much of the cycle parking will be within the line. Management of the access points will be down to the school, in response to their operational requirements, and it is not considered necessary to place any planning controls on this.

The existing CCTV system will be recovered and re-used and a condition is recommended to secure this.

Lighting has not yet been agreed however an acceptable general lighting strategy is set out in the Design and Access Statement. Lighting can be agreed under condition, and a condition is recommended.

Although details of boundary treatments will be conditioned, it is anticipated that the fence will be of Weldmesh as this is difficult to climb. It has been decided that the main fence should be set behind the car park, rather than along the main front boundary. A 2.4m fence along the front boundary would be too harsh in appearance, and would separate the school too obviously from the community. Weldmesh fence is not an attractive feature, so at the front of the site, where it would be most visible, it will be landscaped to disguise the actual fence. The exact location in relation to the swale will be determined at a later stage.

## **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 siting, scale and design of the new buildings are considered to be appropriate and a visual enhancement to the site. This is in accordance with Policy CS16 of the Core Strategy DPD 2011.
- The proposed buildings and layout of the site, including the revised access arrangements, new service road and additional car parking, are not considered to unacceptably impact on the amenities of neighbouring sites. This is in accordance with Policy CS16 of the Core Strategy DPD 2011.
- The proposed car parking and access arrangements are considered to be appropriate to the likely current and future needs of the school. The increased cycle parking and bus stop improvements are acceptable to encourage the increased use of more sustainable travel modes. This is in accordance with Policy CS14 of the Core Strategy DPD 2011.
- The impact on existing trees and ecology is considered to be acceptable, and replacement trees and biodiversity/landscaping improvements are proposed. This is in accordance with Policies LNE9 and LNE10 of the adopted Peterborough Local Plan (First Replacement) 2005 and Policy CS21 of the Core Strategy DPD 2011.

## **9 RECOMMENDATION**

Subject to there being no objections to the proposal from:

- Anglian Water

the Head of Planning Transport and Engineering recommends that this application is APPROVED subject to the following conditions:

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

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

**C2 Prior to the commencement of construction details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

**C3** Prior to the commencement of construction details of all boundary fences, cycle stores, external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy CS16 of the adopted Peterborough Core Strategy DPD.

**C4** Notwithstanding the submitted information and prior to the commencement of the development, a Construction/Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

(a) A phasing scheme and schedule of the proposed works;

(b) Provisions to control construction noise and vibration emanating from the site;

(c) A scheme for the control of dust arising from building works and site works;

(d) A scheme of chassis and wheel cleaning for construction vehicles and a scheme for the cleaning of affected public highways. 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;

(e) A scheme of working hours for construction and other site works;

(f) A scheme for construction access including details of haul routes (from the Parkway system) to and across the site and associated health and safety protection measures, adequate space within the site to enable vehicles to load, unload and turn clear of the public highway, and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival;

(g) A scheme for access and deliveries including hours;

(h) details of the proposed temporary construction/demolition access to the site; and

(h) The site compound (including site huts) and parking for contractors and other employee vehicles.

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

Reason: In the interests of highway safety and residential amenity in accordance with policies CS16 and CS14 of the adopted Peterborough Core Strategy DPD.

**C5** Prior to the commencement of construction a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved no later than the first planting season following the occupation of any new classroom or the completion of development, whichever is the earlier.

The scheme shall include the following details:

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments)
- Details of the Habitat Area including planting to support wildlife

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

**C6** Prior to commencement of development a scheme to protect and ensure the continuity of the existing use of the playing fields and indoor sports facilities at this site during construction works shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall ensure that retained playing fields remain accessible during the construction phase and include a timetable for implementation and phasing of all construction work. The approved scheme shall be complied with in full throughout the carrying out of the development.

Reason: To protect existing playing fields/sports facilities from damage, loss or availability of use and to accord with Policy CS19 of the Peterborough Core Strategy DPD 2011.

- C7 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation and evaluation by trial trenching has been submitted to, and approved by, the local planning authority in writing. Development shall thereafter be carried out in accordance with the approved Scheme.**

Reason: to secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Planning Policy Statement 5 Planning for the Historic Environment and Policy CS17 of the adopted Peterborough Core Strategy DPD.

- C8 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

Reason: To ensure all contamination within the site is dealt with in accordance with PPS23 Planning and Pollution Control.

- C9 No demolition/excavation works or removal of shrubs/trees/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.**

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C10 Development shall be carried out in accordance with the approved Arboricultural Method Statement.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

- C11 In accordance with the recommendations of the Extended Phase 1 Habitat Survey ref AEL 154-02 all rubble and vegetation from the proposed building demolition and vegetation clearance which may act as Hibernacula is removed from site immediately in order to prevent encouraging Great Crested Newts to enter the site. Building materials should be stored off the ground on pallets to prevent creating additional hibernacula on site. If Great Crested Newts are subsequently found on site during works, then all works should cease and advise sought from Natural England or a suitable licensed ecologist.**

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C12 In accordance with the recommendations of the Extended Phase 1 Habitat Survey ref AEL 154-02 any excavations that will be left overnight should be covered or fitted with ramps to allow trapped mammals a means of escape.**

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C13 Prior to first occupation of the new school buildings a scheme for the provision of bat and bird boxes, to include details of their siting and specifications to accommodate a range of different species, shall be submitted to and agreed in writing by this Planning Authority. This scheme shall thereafter be fully implemented prior to the completion of the demolition works on site.**

Reason: In order to preserve and enhance the biological diversity of the woodland and surrounding area, in accordance with PPS9 and Policies LNE10 and LNE17 of the Adopted Peterborough Local Plan (First Replacement).

- C14 Prior to occupation of the development hereby permitted:**
- (i) a detailed assessment of ground conditions of the land proposed for the new area of playing fields on this site shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
  - (ii) based on the results of this assessment to be carried out pursuant to (i) above of this condition, a detailed scheme to ensure that the playing fields will be provided to an acceptable quality shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.
- The approved scheme shall be complied with in full within a timetable to be agreed as part of the submitted scheme.
- Reason: To ensure that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Policy CS19 of the Peterborough Core Strategy DPD 2011.
- C15 Prior to first occupation of the new school buildings, details of the proposed improvement works at the two nearest bus stops (references PSS256 and PSS257) and Real Time Passenger Information provision in the school reception shall be submitted to and approved in writing by the Local Planning Authority. The bus stop works shall include raised kerbs, bus shelters to LTP3 standards, solar lighting and Real time passenger information equipment. The works shall thereafter be implemented as such prior to first occupation of the new school building.**
- Reason: To encourage the use of sustainable travel modes, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).
- C16 Prior to first occupation of the new school buildings, a scheme for the provision of fire hydrants 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 building being brought into use.**
- Reason: To ensure sufficient facilities for fire fighting in accordance with policy U1 of the Adopted Peterborough Local Plan (First Replacement).
- C17 Prior to the school being brought into use, a revised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented as agreed.**
- Reason: To encourage travel by sustainable modes in accordance with policy CS14 of the Adopted Core Strategy.
- C18 Prior to the completion of the development hereby approved a Community Use Scheme covering all existing and proposed indoor and outdoor sports facilities on the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy; hours of use; access by non-school users/non-members (including local clubs); management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.**
- Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy CS19 of the Peterborough Core Strategy DPD 2011.
- C19 Prior to first occupation of the new school buildings a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the Local Planning Authority.**
- The Plan shall include the following details:
- Long term design objectives
  - Management responsibilities
  - Maintenance schedules

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD

**C20 Prior to the first occupation of the new school building enclosed and secure cycle shelters to accommodate 140 cycles for staff and students, two visitor cycle stands at the main entrance and ten cycle stands at the public entrance to the Sports Centre shall be installed on site in accordance with the approved plans. In the event that the pupil/staff cycle parking facilities are consistently at capacity an additional 40 cycle spaces shall be provided in accordance with the Peterborough Design Cycle Guidelines, adjacent to the cycle stands within the secure line of the site. The facilities shall thereafter be retained for the purpose of cycle parking in connection with the school and associated uses in perpetuity.**

Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policy CS14 of the Peterborough Core Strategy DPD 2011.

**C21 Prior to the first occupation of the new school building the area shown for the purposes of parking/turning on the approved plans shall be drained and surfaced. That area shall thereafter be retained for the purpose of the parking/turning of vehicles in connection with school and associated uses in perpetuity.**

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and T10 of the Peterborough Local Plan (First Replacement).

**C22 The rating level of noise emitted from building services plant on the site shall not exceed 35 dB LAeq, 15 minutes. The noise levels should be determined at the nearest noise sensitive residential premises. The measurements and assessment should be made according to BS:4142:1997.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise), and Policy CS16 of the adopted Peterborough Core Strategy DPD.

**C23 The use of the columns for lighting the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution (Revised) (2005)".**

Reason: In order to protect the amenity of local residents and highway safety, in accordance with Policies CS16 and CS14 of the adopted Peterborough Core Strategy DPD.

**C24 The new academy buildings shall not be occupied until the service area shown on the approved plans has 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 for the turning, loading and unloading of service vehicles.**

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.

**C25 The new academy building shall not be brought into use until the pedestrian/cycle routes shown on the approved plan have been constructed with hard surfacing and drainage, unless otherwise agreed in writing.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.

**C26 Development shall not begin until details of the junction between the proposed service yard access road and the highway have been submitted to and approved in writing by the Local Planning Authority; and the new academy buildings shall not be occupied until that junction has been constructed in accordance with the approved details. The details to be submitted shall include:-**

- Full swept path analysis of the junction.

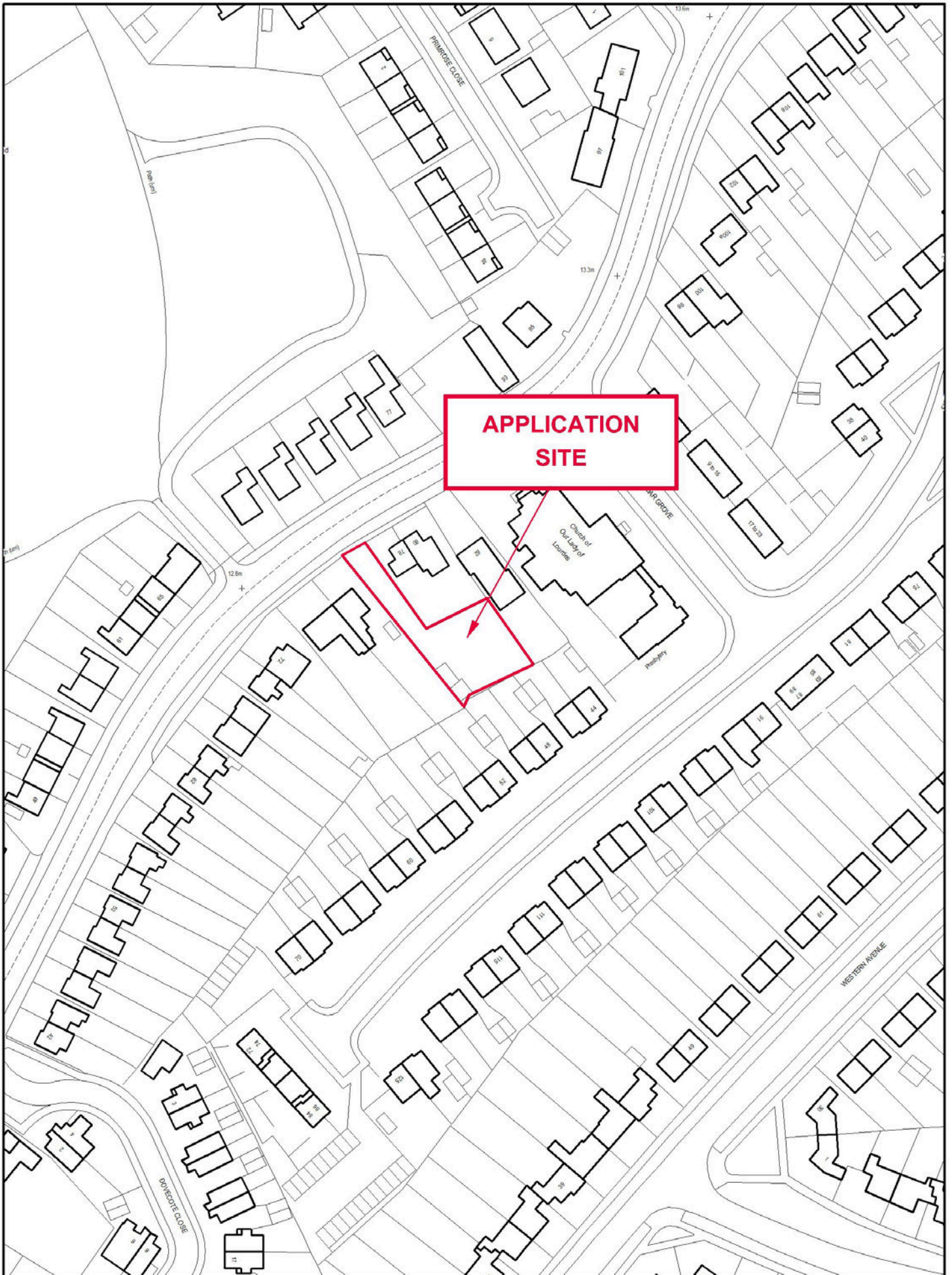


- **Vehicle-to-cycle visibility splays clear of any obstruction over a height of 600mm above verge level shall be provided on either side of the junction of the proposed service access road with the proposed footway/cycleway. The minimum dimensions to provide the required splay lines shall be 2.5m measured along the centre line of the proposed access road from its junction with the back edging of the proposed footway/cycleway (3m from the kerb face), and 20m measured along the back edging of the proposed footway/cycleway from the centre line of the proposed access road.**
- **If gates are to be provided to the service yard access they should be set back 12m from the edge of the carriageway.**
- **The service access road shall be of a minimum width of 6.5m for a distance of 15m from the edge of the existing carriageway.**
- **Before the service access road is brought into use, vehicle-to-pedestrian visibility splays shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.**

Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and T8 of the Adopted Peterborough Local Plan (First Replacement).

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**APPLICATION  
SITE**

**LOCATION PLAN** 11/01562/FUL

Rear of 78 Welland Road

**Scale** NTS      **Date** 27/10/2011      **Name** AH      **Department** Planning Services

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11/01562/FUL: CONSTRUCTION OF BUNGALOW (PART RETROSPECTIVE – PART AMENDMENT) INCLUDING REDUCTION OF RIDGE HEIGHT AND REPOSITIONING OF REAR WALL AT LAND REAR OF 78 WELLAND ROAD, DOGSTHORPE, PETERBOROUGH

VALID: 4 OCTOBER 2011

APPLICANT: MR P MILLER

AGENT: MR J DADGE (BARKER STOREY MATTHEWS)

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES

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

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

TELEPHONE: 01733 454439

E-MAIL: louise.lovegrove@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the development on neighbour amenity

The Head of Planning, Transport and Engineering 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.

### Peterborough Core Strategy DPD (2011)

**CS2 Spatial Strategy for the Location of Residential Development:** New residential development should be focused in and around the urban area, creating strong, sustainable, cohesive and inclusive mixed-use communities and making most effective use of previously developed land.

**CS10 Environment Capital:** Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK.

**CS12 Infrastructure:** New development should be supported by, and have good access to infrastructure.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required to meet the principles of Policy CS12, then this may be negotiated on a site-by-site basis however the City Council will encourage payments based on a standard charge set out in the Peterborough Planning Obligations Implementation Strategy SPD (2010).

**CS14 Transport:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of

development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

### **Peterborough Local Plan (First Replacement) (2005)**

**H7 Housing Development on Unallocated Sites:** Residential development in the Urban Area, not allocated for any other use, will be permitted where it would make efficient use of the site in terms of density; respects the character of the surrounding area; provides good quality living conditions; does not result in a danger to highways safety or traffic flow; would not unacceptably constrain development of adjoining land for an allocated use; and would not result in the loss of open space.

**H16 Residential Design and Amenity:** New residential development will be required to provide a satisfactory standard of daylight and natural sunlight; privacy of habitable rooms; noise attenuation; and private outdoor amenity space.

**T10 Car and Motorcycle Parking Requirements:** Planning Permission will only be granted for car and motorcycle parking outside the city centre if it is in accordance with standards set out in Appendix V.

**DA6 Tandem, Backland and Piecemeal Development:** Tandem, backland or other piecemeal development will be required to demonstrate that it can be satisfactorily accommodated on the site in terms of scale and density; would not harm the character of the area; would not harm the amenities of neighbouring residents; can be satisfactorily accessed from the public highway; and would not prejudice the comprehensive development of a larger area.

### **National Planning Policies**

#### **National Planning Policy Framework (NPPF) Consultation Draft (2011)**

#### **Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)**

#### **Planning Policy Statement 3 (PPS3): Housing (2010)**

#### **Circular 05/2005: Planning Obligations**

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 relates to an existing 3 bedroom bungalow which has not been built in accordance with the approved plans. The as-built dwelling differs from the approved scheme (01/01585/FUL) in the following ways:

- Footprint of dwelling increased;
- Dwelling built 0.5 metres closer to the southern boundary;
- Dwelling built 1 metre closer to northern boundary;
- Garage built 1.5 metres closer to southern boundary;
- North-western corner of the dwelling 'filled out' and dwelling constructed 5 metres closer to the southern boundary;
- Arrangement of rooms internally altered to increase the number of primary habitable rooms facing Nos.46-50 Figtree Walk;
- Alterations to front elevation design;
- Number of windows to the southern elevation increased and size of windows increased also; and
- Ridge height increased by 0.7 metres.

Committee will recall that it recently refused permission for the bungalow that incorporated the following changes to the above described development:

- reduction of 0.75m in the ridge height to 4.75m
- the restriction to the outdoor lighting
- the replacement of all four no. double patio doors on the rear elevation with fixed standard glazed windows and insertion of a 400mm strip of obscure glazing

as it felt that:

- the reduced ridge height did not compensate enough for the fact that the bungalow was closer to adjacent dwellings than had been previously approved
- and as a consequence the bungalow had an overbearing appearance

This latest application includes all of the previously applied for changes PLUS the following additional change:

- the repositioning of the rear elevation, 1 metre back from its current position.

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

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

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

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
01/01585/FUL	Erection of dwelling	26.02.2002	PERMITTED
08/00615/FUL	Amendments to bungalow design under application 01/01585/FUL – retrospective	30.06.2008	WITHDRAWN
08/01120/FUL	Erection of a 4 bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme	23.12.2008	REFUSED
09/00170/FUL	Erection of a three bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme (as built)	24.04.2009	REFUSED

09/00029/REFPP	Appeal A/09/2107626/WF in relation to application reference 09/00170/FUL	22.12.2009	DISMISSED
09/01266/FUL	Construction of a three bedroom bungalow and single garage with rear boundary wall and 2.2m reed fencing and part obscure glazing to rear windows and doors – retrospective revised scheme	19.01.2010	WITHDRAWN
10/00554/FUL	Retention of dwelling including alterations to rear boundary wall and window glazing	06.07.2010	REFUSED
10/00032/REFPP	Appeal A/10/2131460/WF in relation to application reference 10/00554/FUL and Enforcement Notice	06.12.2010	DISMISSED
11/01023/FUL	Construction of bungalow (part retrospective - part amendment)	12.09.2011	REFUSED

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

Archaeological Officer – No objections.

Transport and Engineering – No objections subject to conditions relating to the provision and retention of parking and turning.

### **EXTERNAL**

None

### **NEIGHBOURS**

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

- The alterations fail to address the concerns of residents as the property will still be closer to the rear boundary due to the infill section
- The fence installed does not reduce the overbearing and overlooking impact of the dwellings along Figtree Walk
- Fear that approving this application would set a precedent and allow others to build contrary to planning permission
- Would a planning permission prevent properties on Figtree Walk from being extended?
- Concern that the applicant would not comply with the planning permission again
- How many times must a planning application be rightly refused and independent appeals dismissed before the property is removed?

### **COUNCILLORS**

**Councillor Ash** – Comments as per application reference 11/01023/FUL – in light of previous history, the application should go to Committee for debate and decision.

**Councillor Miners** – Believe that a compromise is necessary and helpful to all involved.

**Councillor Saltmarsh** – Objections remain the same, the bungalow should be built as per the original plan which was approved. The modifications proposed do not alter the fact that the bungalow has been built without planning permission.

## **7 REASONING**

### **a) Introduction**

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



The first revised application (08/00615/FUL) was withdrawn due to inaccuracy of the submitted plans. The second application (08/01120/FUL) was refused by Members on 23 December 2008. A third application (reference 09/00170/FUL) was again refused by Members on 26 April 2009 and the subsequent appeal was dismissed. The reasons for dismissal related to the increased number of openings (and their size) in the rear elevation from that which was approved and the significant overlooking impact this caused to properties along Figtree Walk, the insufficient separation distance which conflicts with the aims and objectives of the Peterborough Residential Design Guide (SPG), and the overbearing impact upon residents along Figtree Walk of the proposed boundary wall. A revised scheme (09/01266/FUL) attempting to address the Inspectors concerns, was withdrawn on 19 January 2010. Following this, a further revised scheme (10/00554/FUL) was submitted again attempting to address the Inspectors concerns in April 2010. This was refused by Members against Officer recommendation on 6 July 2010. The reason for refusal related to a resultant overbearing impact due to the proposed rear boundary wall which itself would not overcome the overbearing impact of the constructed dwelling.

As a result of the refusal, an Enforcement Notice was served on the landowner and an appeal lodged relating to both the Enforcement Notice and refusal of application 10/00554/FUL. The appeal was dismissed on 6 December 2010 and the time limit for compliance varied until 6 December 2011. The Inspector's report stated:

*'...in making his case on ground (f) the appellant's agent itemises a number of proposals which, in my judgement, may have the making of a potential planning permission, which could be capable of satisfying, as far as possible, the concerns of the various parties involved in these appeals. He suggests for instance a reduction in the overall height of the roof to equate to that approved. He also indicates that some repositioning of the back wall in part may be possible without demolishing the present bungalow in its entirety. Matters of this sort would need to be the subject of a fresh planning application. It is not my normal approach to indicate in an appeal decision what areas such a revised application should address. However, there have been various attempts at getting a form of development that would allow the new bungalow to co-exist with its well established neighbours in Figtree Walk and to my mind it seems counterproductive to try to replicate another Inspector's ideas only for another planning application to be rejected yet again. It would be far better if the parties to this dispute were to resolve this matter among themselves without involving The Planning Inspectorate anymore.'*

In addition and more importantly the Inspector stated that it appeared to him that:

1. The loss of privacy and security by neighbours could be addressed by a solid timber fence
2. The loss of outlook of neighbours could be overcome by a reduction in the ridge height of the bungalow

A full copy of the Inspector's report can be found at Appendix 1. Following this decision, a further application was submitted under reference 11/01023/FUL which sought to amend the constructed bungalow by replacing the four no. patio doors to the rear elevation with standard glazed windows (including a 400mm obscure glazed strip), reduction of the ridge height to that approved under application reference 01/01585/FUL and construction of a 1.8 metre rear boundary fence. The application was refused against Officer recommendation on 12 September 2011 for the following reasons:

- R 1 The proposed reduction in the ridge height of the bungalow inadequately compensates for the fact that the property has been built closer to the boundary with the residential properties in Figtree Walk than was previously approved under 01/01585/FUL. The proximity is such that the bungalow will still have an overbearing appearance when viewed from those properties. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).*
- R 2 A request has been made by the Local Planning Authority to secure a contribution towards infrastructure implications of the proposal however, no S106 Obligation has been completed*

*and the proposal is therefore considered to be contrary to Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).*

This decision has been appealed by the applicant and the appeal process is currently ongoing. The current application has been submitted to overcome the above reasons for refusal and incorporate the Inspector's recommendation.

**b) Principle of development**

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

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

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

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

*No.82 Welland Road*

The maximum ridge height of the dwelling constructed has not altered significantly in relation to No.82 Welland Road from the bungalow previously approved albeit the dwelling has been built approximately 0.7 metres closer to the shared boundary (eastern). It is considered that there is sufficient separation distance between the application dwelling and the neighbouring property to ensure that no overbearing or overshadowing impact will occur and as such, the impact on this property has not significantly changed.

*Nos.46-50 Figtree Walk*

The previously permitted bungalow had a smaller footprint and the ridge height was lower than that which has been built (ridge height is currently of 5.5 metres). In addition, the dwelling constructed is approximately 1 metre closer to the southern boundary which abuts the properties along Figtree Walk. These neighbouring properties have a lower site level to that of the application site and as such, the property has been considered to have an overbearing impact upon the amenities of occupants of these dwellings.

The application scheme currently under consideration, seeks to overcome this impact by reducing the overall ridge height of the as built dwelling by 0.75m metres, back to that which was previously approved under application reference 01/01585/FUL. In addition, the application seeks to move back the rear elevation of the constructed bungalow by 1 metre, in line with the previously approved application albeit the infill section will remain. It is considered that this increase in separation distance, in combination with the reduction in ridge height will reduce the overbearing impact upon the amenities of neighbouring residents to an acceptable level. Furthermore, the issue of loss of view is not a material planning consideration as there is no right in planning law to a private view.

With regards to the overlooking impact that was considered unacceptable in previous refusals and appeal dismissals, this scheme has sought to overcome these objections. The erected 1.8 metre boundary fence in combination with the proposed obscure glazing and alterations to the window form of the rear elevation will prevent any occupant of the application dwelling from looking into the gardens and primary habitable rooms of neighbouring properties. At present, there are four no. sets of double patio doors inserted into the rear elevation of the dwelling. It is proposed that all of these will be replaced with static standard glazed windows. In addition to these replacement windows, all windows in the southern elevation are proposed to have the top 400mm obscure glazed. This will ensure that any person standing in these rooms will not have a clear line of sight below the boundary fence.

In relation to the boundary fence and in line with the preferences expressed by surrounding neighbours at pre-application discussions, the fence has been erected at 1.8 metres in height when

measured from the application site. When measured from the rear gardens of Figtree Walk, this reaches a height of 2.3 metres. It is understood that the previous Appeal dismissal commented on the overbearing impact that a significant boundary wall would have upon the amenities of surrounding residents however the current fence has sought to reduce the height of the boundary whilst maintaining a height which will prevent overlooking. It had previously been requested by one resident that boundary planting in the form of trees be undertaken to further screen the dwelling. However, given the small area between the boundary and the dwelling constructed this is not considered appropriate or feasible. Such planting would result in a significantly overshadowing impact upon the occupants of the dwelling and would cause an unacceptably harmful impact upon amenity. In addition, maintenance of this landscaped area would be difficult and unachievable.

Further to this, concern has been raised regarding outside lighting that has been erected on the application property. The applicant has agreed that any external lighting be placed no higher than 1.6 metres above ground level when measured from the application site. This would ensure that any lights were behind the proposed boundary fence and as such, will not glare into the rear gardens and habitable rooms of the properties along Figtree Walk. This may be controlled by condition.

d) **Planning Obligations**

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

e) **Other matters**

Imposition of Policy CS10

The provisions of Policy CS10 cannot realistically be applied as the dwelling is effectively completed and it would not be possible to retrofit features that would deliver a 10% betterment over building regulations.

In addition, the following comments have also been made:

*Fear that approving this application would set a precedent and allow others to build contrary to planning permission*

An Enforcement Notice has been served on the landowner which is still in force and must be complied with by 6<sup>th</sup> December 2011. However, the applicant has the right to submit a planning application during this time to try and overcome the reasons for its issue. The application must be assessed in light of all material planning considerations and each proposal is assessed on a case-by-case basis. Therefore, should planning permission be granted, it could not set a precedent for others to follow.

*Would a planning permission prevent properties on Figtree Walk from being extended?*

Any application submitted in the future would need to be assessed in light of the development plan policies in force at the time. As such, no definitive answer can be given at this time without a specific proposal being considered.

*Concern that the applicant would not comply with the planning permission again*

It is proposed to condition the period of compliance for the works to be carried out if planning permission is granted. This would be followed by the City Council's Enforcement Officer and should any breach of the condition or planning permission take place, further action would be taken.

*How many times must a planning application be rightly refused and independent appeals be dismissed before the property is removed?*

It is a function of the planning system and of Council's Planning Services to provide planning advice to applicants and to process, assess and formulate recommendations relating to applications made in accordance with the relevant legislation, regulations and guidance. These processes and procedures have been applied with regards to this application. The Enforcement Notice served on the site is still in force and, should this application be refused, must be complied with by 6<sup>th</sup> December 2011.

## 8 CONCLUSIONS/REASONS FOR RECOMMENDATION

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

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

The proposal is therefore in accordance with Planning Policy Statement 1: Delivering Sustainable Development (2005), Planning Policy Statement 3: Housing (2010), Policies CS2, CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies H7, H16, and DA6 of the Peterborough Local Plan (First Replacement) (2005).

## 9 RECOMMENDATION

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

**C1 Within six months of the date of this permission, the alterations to the southern elevation and ridge height of the constructed dwelling shall be implemented in accordance with the details shown on drawing nos. 4125/1, 4125/2 and 4125/3.**

Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

**C2 The dwelling hereby permitted shall be single storey only with no habitable accommodation in the roof space.**

Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

**C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification),**

**C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification):**

**1. no development shall take place that would result in the raising of existing or formation of any elevated platform at the rear of the property.**

**2. no windows shall be inserted into any roof slope of the dwelling other than those expressly authorised by this permission.**

**3. the top 400mm of any windows on the southern elevation of the dwelling shall be obscure glazed to a minimum of Level 3 Obscurity. These windows shall be maintained as such in perpetuity.**

**4. No extensions or alteration to the property or outbuildings shall be erected.**

Reason: The property has been constructed in close proximity to the some of the boundary edges and occupies an elevated position. As a consequence it is necessary to remove permitted development right so that any development proposals can be assessed for their impact on

neighbouring properties. This accords with Policy CS16 of the Peterborough Core Strategy DPD (2011).

**C5 Any external lighting installed on the southern elevation of the dwelling hereby permitted, shall be sited no higher than 1.6 metres above ground level.**

Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

**C6 Within six months of the date of this permission, space shall be laid out for the parking and turning of vehicles within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the dwelling.**

Reason: In the interest of Highways safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

**C7 The floor slab that becomes exposed as a result of the rear elevation wall being moved shall be removed within 6 months of the date of this permission.**

Reason: If the slab is not removed then the privacy of neighbours would be significantly compromised contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).

If the S106 has not been completed before the expiration of the application following this resolution without good cause, the Head of Planning, Transport and Engineering Services be authorised to refuse planning permission for the reason stated below:-

**R1 A request has been made by the Local Planning Authority to secure a contribution towards infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).contrary to Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).**

Copy to Councillors Ash, Miners, Saltmarsh



## Appeal Decisions

Site visit made on 23 November 2010

by **Ian Currie BA MPhil MRICS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 December 2010

### Appeal Ref: APP/J0540/A/10/2131460

Land r/o 78-80 Welland Road, Dogsthorpe, Peterborough, PE1 3SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Philip Miller against the decision of Peterborough City Council.
- The application (Ref:- 10/00554/10), dated 23 April 2010, was refused by notice dated 15 June 2010.
- The development proposed is retention of dwelling including alterations to rear boundary wall and window glazing.

### Appeal Ref: APP/J0540/C/10/2135994

Land r/o 78-80 Welland Road, Dogsthorpe, Peterborough, PE1 3SG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Philip Miller against an enforcement notice issued by Peterborough City Council.
- The Council's reference is 08/00144/ENFACC.
- The notice was issued on 2 August 2010.
- The breach of planning control as alleged in the notice is without planning permission the erection of a dwelling.
- The requirements of the notice are:-
  - (i) dwelling to be rebuilt in accordance with approved planning permission 01/01585/FUL;
  - (ii) replace any boundary treatments to the side and rear of the dwelling that are not 1.8m high close-boarded fence with 1.8m high close boarded fence (re condition 3) of 01/01585/FUL;
  - (iii) remove from the land all rubble and debris resulting from the required works and dispose of it to a licenced (sic) landfill site.
- The period for compliance with the requirements is 24 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

### Decision on Section 78 Appeal Reference APP/J0540/A/10/2131460

1. I dismiss the appeal.

### Decision on Section 174 Appeal Reference APP/J0540/C/10/2135994

2. I direct that the enforcement notice be varied in paragraph 6, "TIME FOR COMPLIANCE" by deleting the phrase "24 Weeks" and inserting the phrase "12 calendar months". Subject to this variation, I dismiss the appeal, I uphold the enforcement notice and I refuse to grant planning permission on the application, deemed to have been made under section 177(5) of the 1990 Act as amended.

### **The Appeal against the Enforcement Notice on Ground (a), the Deemed Application and the Section 78 Appeal – Main Issue**

3. In dismissing a section 78 appeal dated 23 November 2009 (Ref:- APP/J0540/A/09/2107626) for the erection of a single-storey dwelling and garage, the Inspector considered the main issue on that occasion to be the effect of that proposal on neighbours' living conditions by reason of loss of privacy and a reduction in their outlook. At paragraph 5 of the decision she said, *"I understand that this dwelling is approximately 0.5m higher and about 0.6m deeper than the approved dwelling and the number and size of the openings in the rear elevation are significantly greater. In addition, the rear elevation is no longer L-shaped and therefore a longer section of the rear wall is close to the rear boundary. The reason for some of these changes was I understand as a result of adverse ground conditions."*
4. She went on to say at paragraphs 6 and 7, *"The appeal site is located to the rear of 78-80 Welland Road... It is surrounded on all sides by residential development but the residents who are potentially most affected by the changes to the approved scheme are those living at the rear of the appeal site on Figtree Walk... On Figtree Walk the ground level is about 600mm lower than on the appeal site, according to the appellant. The rear boundary between these dwellings and the appeal site is formed by a wall, which is about 1.2m high, when measured from the appeal site. I saw that this permits direct views from the rear windows of the bungalow, and its rear amenity space, into the rear gardens and rear windows of the two storey dwellings on Figtree Walk."*
5. She continued at paragraph 8:- *"The approved bungalow contained a kitchen door and window and a utility room window in the rear elevation. I saw that there are now four pairs of French windows, with side windows, in this elevation. These serve a bedroom, a kitchen, a dining room and a lounge. Therefore, the loss of privacy... experienced by the nearby residents on Figtree Walk, as a result of overlooking, is significantly greater because of the increase in the number of openings (and their size), and the type of rooms that they serve, as well as the increase in height and depth of the bungalow. While these windows could be required by planning condition to contain frosted glass, this would, in my opinion, result in unsatisfactory living conditions for the occupants of the bungalow, because they are the only windows serving the lounge and dining room. Also, it is likely that the French windows would be opened up sometimes, thus allowing unrestricted overlooking and a loss of privacy."*
6. Paragraphs 9 and 10 say:- *"The separation distance between the back of the bungalow and the back of the nearest dwelling on Figtree Walk is about 18.5m and therefore well below the 21m recommended in the Council's adopted Supplementary Planning Guidance – Peterborough Residential Design Guide (SPG). I realise that this is a bungalow and not a two storey dwelling but given the difference in ground levels and the significant shortfall of 2.5m I consider that the proposal would conflict with the aims and objectives of the SPG in relation to the protection of privacy. It is proposed to increase the height of the rear boundary wall in an attempt to alleviate the issue of overlooking and the resultant loss of privacy. While this would prevent the harmful overlooking of Figtree Walk, it would result in a wall, which would be approximately 2.5m high (when measured from the rear gardens on Figtree Walk). In my opinion, because of the height of the wall and the modest size of the gardens on Figtree Walk, this would reduce their outlook to a significantly*

*harmful degree. Moreover, it seems that, in trying to solve one unsatisfactory situation, another equally harmful one would be created."*

7. The reasoning concludes at paragraphs 11 and 12 as follows:- *"The changes that have taken place result in significant harm to living conditions for the adjacent residents on Figtree Walk because of a significant loss of privacy. Moreover, the introduction of a 2.5m high wall would reduce their outlook to a harmful degree. As such, the proposal would conflict with adopted Peterborough Local Plan (First Replacement) Policy DA6 which seeks to ensure that tandem development, such as this, would not have an unacceptable adverse impact on the amenities of the occupiers of nearby properties. I realise that some of the changes to the bungalow have been necessary because of the poor ground conditions. However, it seems to me that this did not necessarily require the internal re-configuration of the bungalow, which has resulted in the major changes to the windows in the rear elevation and the use of the rooms at the rear of the bungalow. I also realise that the windows in the rear elevation of the approved bungalow could have been changed, once complete, without the need for planning permission. However, given the internal layout of the approved bungalow, it is unlikely that a rear elevation, similar to that which now exists, would have resulted and also any windows would have been further away from the adjacent dwellings by at least 0.6m."*
8. It has been necessary to repeat much of this document at some length, because it is difficult to identify the main issues in the appeals before me without reference back to this highly relevant appeal which is less than a year old. I concur with the vast majority of the previous Inspector's findings, and where I diverge from her views I identify those points of difference in my reasoning below. However, overall from my analysis of this decision I find that the main issue in the two appeals before me is whether the development, the subject of the current section 78 appeal, or the deemed application, the subject of the section 174 appeal, is capable of overcoming the loss of privacy and outlook to occupiers of adjoining residential property, identified as being unacceptable by planning appeal reference APP/J0540/A/09/2107626 dated 23 November 2009.

### **The Appeal against the Enforcement Notice on Ground (a), the Deemed Application and the Section 78 Appeal – Reasons**

9. As a preliminary to the exercise identified in the preceding paragraph, the two applications for planning permission have to be compared with the situation at the time of the previous appeal decision. The bungalow currently on the site, and therefore the subject of the deemed planning application under the enforcement notice appeal, is essentially the same as the one considered unacceptable by the previous Inspector. The principal differences/changed circumstances since the previous decision are that the deemed application does not include frosted glass to the rear French windows and timber fence panels have been added to the 1.2m high breeze block boundary wall with the Figtree Walk rear gardens. In contrast, the rear French windows in the section 78 appeal have been reduced to more standard sizes with an orthodox cill height and only their top most opening portions obscure glazed. The boundary wall would be reduced to 1.7m in height, measured from the ground level on the appeal site.
10. Taking into account the previous appeal decision, in my professional opinion the deemed planning application cannot succeed. Even with timber panels



added to the low wall, the concerns that French windows serving habitable rooms could be readily fully opened in warm weather allowing for domestic activity in the bungalow to be readily heard in Figtree Walk rear gardens, render this development unacceptable in planning terms. Moreover, in the absence of any obscure glazing in those French windows, I am not convinced that the recent installation of fence panels would prevent overlooking of those rear gardens. Therefore, the deemed planning application should fail and planning permission will not be granted on the appeal made under ground (a) of section 174(2).

11. Turning to the section 78 appeal, the reduction of the height of the brick wall from 2.5m to 1.7m would have some beneficial impact on reducing loss of outlook. However, in my opinion an imperforate brick wall of whatever height is an alien feature in suburban rear gardens. The approved bungalow would be almost as obtrusive as the present building when seen from the first floor of houses in Figtree Walk as both would have the same eaves height. In that regard, I disagree with my predecessor that the breach of the 21m back-to-back distance between dwellings, as set out in the Peterborough Supplementary Design Guidance, is significant in this particular situation.
12. To my mind what is more important is the proposal to site another solid brick structure, in the form of a 1.7m high wall, much closer to the houses in Figtree Walk, at the bottom of their modest rear gardens and at a higher level, resulting in an overdominant and oppressive impact upon their residents' amenity. Whilst the proposed wall may, in conjunction with high level obscure glazing, overcome the possibility of overlooking from the section 78 appeal revised bungalow, the loss of outlook to its reduced size windows, resulting from unrelieved brickwork very close at hand, would, in my judgement, be even more overwhelming for occupiers of that proposed dwelling. For these reasons the section 78 appeal should also fail.

### **The Appeal against the Enforcement Notice on Ground (f)**

13. Substantial demolition of the present bungalow on the site may seem a somewhat draconian requirement to secure compliance with the terms of the enforcement notice. However, it must not be forgotten that the present bungalow on the site is so far removed from that approved by planning permission 01/01585/FUL as to constitute an unauthorised structure in its own right. Therefore, compliance with that planning permission and its conditions are the minimum steps to be satisfied that would remedy the breach of planning control and the appeal on ground (f) fails.
14. Nevertheless, in making his case on ground (f) the appellant's agent itemises a number of proposals which, in my judgement, may have the making of a potential planning permission, which could be capable of satisfying, as far as possible, the concerns of the various parties involved in these appeals. He suggests for instance a reduction in the overall height of the roof to equate to that approved. He also indicates that some repositioning of the back wall in part may be possible without demolishing the present bungalow in its entirety. Matters of this sort would need to be the subject of a fresh planning application. It is not my normal approach to indicate in an appeal decision what areas such a revised application should address. However, there have been various attempts at getting a form of development that would allow the new bungalow to co-exist with its well established neighbours in Figtree Walk and to my mind it seems counterproductive to try to replicate another

Inspector's ideas only for another planning application to be rejected yet again. It would be far better if the parties to this dispute were to resolve this matter among themselves without involving The Planning Inspectorate anymore.

15. With this in mind, I gained the strong impression from reading the representations of the residents of Figtree Walk that they most objected to the loss of vegetation at the bottom of their gardens which had remained essentially undisturbed from the time that their own houses had been built almost 50 years ago until the present bungalow was constructed. The removal of the vegetation on the appeal site and the lack of protection, in terms of loss of both security and privacy, afforded by the flimsy nature of their remaining boundary fences, had been a cause of considerable distress to the residents of Figtree Walk.
16. It seems to me that this difficulty could be largely overcome if a solid timber boundary fence were erected jointly along the boundary. I see no need for a brick wall, which could be regarded as oppressive in amenity terms on both sides of the boundary. The fence could be of whatever height was considered appropriate to preclude overlooking from modest rear windows in the bungalow, rather than confined to a fixed height of 1.8m as required by condition 3 of planning permission 01/01585/FUL. Moreover, its potentially stark impact on the residents on both sides could be mitigated by planting as all of the parties adjoining the new fence saw fit. In addition, the principal cause of loss of outlook from the new development for Figtree Walk residents could be significantly reduced, in my opinion, if the overall ridge height of the present bungalow were reduced to that of the bungalow granted planning permission in 2001.

### **The Appeal against the Enforcement Notice on Ground (g)**

17. The process of devising a satisfactory design solution encompassing the matters outlined in the preceding paragraphs, taking all of the views of those affected into consideration, obtaining planning permission, and implementing that permission, is likely to take a long time. In these circumstances, I am prepared to extend the period for compliance with the requirement of the notice from 24 weeks to 52 weeks as requested. The time for compliance in the requirements for the notice will be varied accordingly and the appeal on ground (g) succeeds.

### **Conclusions**

18. For the reasons given above, I conclude that the enforcement notice appeal should not succeed on its planning merits and I uphold the notice, subject to a variation regarding the period for compliance with its requirements. Similarly, the section 78 appeal should also fail.

*Ian Currie*