

## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 6 DECEMBER 2011

1.30 PM

Bourges/Viersen Rooms - Town Hall

### AGENDA

Page No

1. Apologies for Absence
2. Declarations of Interest
3. Members' Declaration of intention to make representations as Ward Councillor
4. Minutes of the Meeting held on 8 November 2011 1 - 20
5. Development Control and Enforcement Matters
  - 5.1 **11/00786/FUL - Hampton Vale Allotments, Coriander Drive, Hampton Vale, Peterborough** **21 - 30**
  - In accordance with Standing Orders, Members are asked to determine whether agenda item 5.2, 11/00885/FUL, Land to the North of the Village Hall, Guntons Road, Newborough, Peterborough, which contains exempt appendices containing information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when these appendices are discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.*
  - 5.2 **11/00885/FUL - Land to the North of the Village Hall, Guntons Road, Newborough, Peterborough** **31 - 56**
  - 5.3 **11/01520/OUT - Land to the rear of 207 - 239 Peterborough Road, Stanground, Peterborough** **57 - 74**
  - 5.4 **11/01598/HHFUL - 39 Dunblane Drive, Orton Southgate, Peterborough, PE2 6SW** **75 - 80**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

5.5	<b>11/01704/FUL - Land Opposite 3 Hurn Road, Werrington, Peterborough</b>	<b>81 - 92</b>
5.6	<b>11/01786/HHFUL - 1 Thomas Close, Bretton, Peterborough, PE3 9AY</b>	<b>93 - 98</b>

Committee Members:

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

Substitutes: Councillors: Winslade, Ash and Shabbir

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto:gemma.george@peterborough.gov.uk)

**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 8 November 2011

**Members Present:**

Councillors – North (Chairman), Serluca (Vice Chairman), Hiller, Simons, Todd, Winslade, Harrington and Lane

**Officers Present:**

Nick Harding, Group Manager, Development Management  
Julia Chatterton, Flood & Water Management Officer (Item 5)  
Emma Latimer, Strategic Planning Officer (Item 5)  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Casey, Stokes and Martin.

Councillor Winslade attended as a substitute.

**2. Declarations of Interest**

6.1 Councillor Harrington declared that he had a personal prejudicial interest in the item.

6.2 Councillor Todd declared that Ashcroft Gardens was in her ward but this would in no way affect her decision.

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

Councillor Harrington declared that he would be making representation as Ward Councillor on item 6.1, Land to the North of the Village Hall, Guntons Road, Newborough, Peterborough.

**4. Minutes of the Meeting held on 11 October 2011**

The minutes of the meeting held on 11 October 2011 were approved as a true and accurate record.

**5. Draft Flood and Water Management Supplementary Planning Document**

The Committee received a report which followed 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.

The purpose of the report was to obtain the Committee's views and comments on the document, which was due to be presented to Cabinet on 12 December 2011, for approval for the purposes of public consultation. The Committee was advised that its comments and views would be taken into account and reported to Cabinet.

Officers were preparing a Supplementary Planning Document (SPD) that would provide guidance to developers on flood and water management in Peterborough. It would expand on overarching headline policy contained in the Council's adopted Core Strategy. Officers had proposed to consult with the public and stakeholders on a draft of the SPD in January / February 2012.

The Committee was informed that the SPD formed 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 was responsible for co-ordinating surface water management.

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

The objective of the SPD was to provide guidance to applicants and decision makers on:

- How to assess whether or not a site was suitable for development based on flood risk grounds. This element supported the main river flood risk requirements of policy CS22 in the Core Strategy Development Plan Document (DPD);
- The use of different sustainable drainage measures within Peterborough. This element supported the surface water requirements of policy CS22 in the Core Strategy DPD; and
- How development could ensure it protected aquatic environments. This element supported policy PP14 of the Planning Policies DPD.

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

- A brief overview of the different types of drainage system was requested and Members' attention was drawn to the latter sections of the SPD and a verbal overview was provided. Members were requested to note that Peterborough had a clay soil, so as compared to other places in the country, there was less potential for infiltration into the ground.
- Members sought clarification as to how many rivers there were located in Peterborough. In response, it was advised that there were 18 main rivers located in Peterborough. There were many other water courses, and the classification was not straightforward and was based on flood risk.
- It was highlighted that there was no mention of the possibility of springs being a problem. In response, Members were advised that the authority would be looking into this going forward, especially around the Orton Goldhay area, as there had been issues with springs in this location previously.
- Members questioned how it was ensured that the right drainage for a particular development site was put in place. Members were advised that it was important to ensure early discussion was undertaken with developers and a strong flood risk partnership had also been set up to identify any issues early on.

- Members further questioned what constituted a floodplain. Members were advised that the Environment Agency updated its models every quarter and much of the Eastern side of Peterborough was in floodzone 3. It was important to note that the floodzones were a worst case scenario and there were defences in place so the likelihood of flooding was low.

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 Flood and Water Management Supplementary Planning Document, in accordance with the Committee's delegations under paragraph 2.5.1.5 of the Council's Constitution, before it was presented to Cabinet for approval for the purposes of public consultation.

## **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 proposal was to construct 18 dwellings, made up of 6 x 4 bedroom houses, 2 x 3 bedroom houses, 9 x 2 bedroom houses and 1 x 2 bedroom bungalow. The houses would be two and two and a half storey, and a mix of detached, semi-detached and terraced.

The access road would be directly off Guntons Road and would run to the south of the existing development on Harris Close. The access into Harris Close would be closed and a connection put in from the new access road.

The proposal was a redesign of an original 13 unit scheme and Members were requested to note that as the scheme had commenced, the permission could not expire. Plots four to eight and Plot 11 were unchanged from the previously approved scheme.

The site was on the east side of Guntons Road, to the north and east of the village hall. To the immediate north was Harris Close, and to the east was open countryside.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, highways safety and access, residential amenity in terms of the proposal in relation to the adjoining properties and the issue of S106 contributions. The recommendation was one of approval.

The original application site had been amended slightly to include a section of road to Harris Close. Under the original permission there was a legal agreement in place that required the adjacent access to Harris Close, at its junction with Guntons Road, to be closed off.

The key issue surrounding the application was the matter of the S106 agreement. Members were advised that under the adopted Council Planning Obligation Implementation Scheme Policy (POIS), a contribution of some £90k would be sought for such a development and five affordable housing units, under the Council's Affordable Housing Policy. It had been indicated that these contributions were unaffordable for the development and the applicant had undertaken a financial appraisal of the development. This appraisal had demonstrated that the development

was making a loss and would take a 19% increase in values to become profitable. In conclusion, there was sufficient justification for an S106 contribution and affordable housing to not be required on the site.

The Parish Council had been consulted on the matter and in response, had indicated that a claw-back arrangement should be implemented in the event that property prices should rise. The Planning Officers did not believe that this request was feasible.

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

- Newborough had had no major growth during the previous ten years and was designated as a Limited Growth Village in the Local Development Framework
- The development represented approximately a third of what was allocated in the Core Strategy. This was a significant amount
- Newborough was unique as it had no footpaths linking it to its immediate neighbouring villages or to the city
- The settlement of Milking Nook, located approximately one mile from the village had no footpaths linking it with the main village
- The only way to safely reach Eye or Glinton was by bus, via a connection from Queensgate. This prevented many older children from being able to access facilities which Newborough lacked such as skate parks
- Without S106 contributions, Newborough would struggle to provide the necessary infrastructure outlined in Policies CS12 and CS13 of the Core Strategy
- Regarding affordable housing, Policy CS6 stated that ‘a variety of housing should be implemented to meet local need, including affordable housing’
- In the National Planning Policy PPS3 it stated that ‘a development of more than fifteen dwellings should have an element of affordable housing’
- In Policy CS6 of the Core Strategy it stated that ‘there was no reason not to adopt the national recommendation’
- In the Peterborough Draft Housing Strategy 2010/2013, it stated that ‘there should be an increase affordable housing for those already living in rural communities’
- The proposed development did not address any of the previously mentioned points in any way
- It was important that the village and rural communities were supported through difficult times
- If rural development was allowed without obligation it would lead to decline
- Just to take all and to give nothing was not viable for the communities
- A reduced S106 contribution would perhaps be acceptable
- With regards to affordable housing, a part rent/part buy scheme would have been acceptable

Councillor Harrington left the meeting.

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

- The Parish Council did not object to development on the site however a fair deal was sought

- In 2006 the site had been agreed for development of thirteen houses, with five of them being affordable
- The number had now increased to eighteen and had taken away the affordable houses. This was unfair on the village and was only of benefit to the developer
- The development would now be slightly cramped
- There should be an S106 contribution made
- A reduction in the number of houses was sought, preferably back to the original thirteen
- The Parish Council would like the site to include affordable houses
- The children of the village had been working hard to raise money for a skate park and S106 money would go a long way to helping the children towards their goal
- An area of green space was sought in that part of the village
- It was suggested that plots 4,9,10 and 11 had their rear gardens slightly shortened so this would provide an extra piece of land at the back of the village hall, as the current area was very small
- A fair deal was sought
- There had not been any pre-meetings held between the developers, agent and the Parish Council

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

- The Agent had worked hard with the Council's Planning Office over the last year in order to address all the planning issues raised by the scheme
- The proposal was very close in nature to the scheme which had already been granted permission
- Work had stopped when the previous developer, DGM Properties had gone into administration some years ago
- West Register, the Applicant, did not believe that the commenced scheme was viable and this was largely due to the number of very large five bedroom properties approved under the original planning permission
- This proposal sought to achieve a more viable mix of housing, better suited to local needs and demands
- Even with the revised mix of housing, the viability of the scheme was marginal, and showed a considerable loss
- In accordance with Council Policies, work had been undertaken with the Council's S106 Officers and a detailed viability appraisal had been provided which had demonstrated that the site could not afford affordable housing or financial contributions
- If the obligations were required, the site would not come forward
- The development provided for all the essential onsite infrastructure required to make it acceptable in planning terms and it met the tests of the Government's guidance on planning obligations
- An offer had been extended to meet with the Parish Council but the matter had been discussed at a meeting in October and Mr Metson had been unable to attend, a detailed letter had been sent explaining the background to the situation, the outcomes of the appraisal and discussions from the S106 Officers
- The losses shown from the appraisal highlighted that the site would be unlikely to accrue a profit that would make the suggested claw-back scheme viable
- West Register had entered into a contract to commit to buy the site in 2009 and they had prepared what they believed to be the most viable development for the site

- The development could make a valuable contribution to meeting the housing requirements of the area during the forthcoming difficult economic period

The Planning Officer addressed the Committee in response to queries and issues raised by speakers. In response to the request raised by the Parish Council with regards to the reduction in garden sizes on a number of plots in order to increase the green space available at the back of the village hall, it was highlighted that a reduction in plots 9, 10 and 11 would be a feasible proposition without the inclusion of Plot 4. With regards to a proposed reduction in the number of houses on site, this would ultimately drive down the returns the developer would get from the development.

Members queried whether a refusal for lack of S106 contribution and a lack of affordable housing could be supported by Policy. In response, the Legal Officer advised that if Members were minded to go against officer recommendation, the viability information, which had been obtained, would most likely be taken into account by an Inspector if the application went to an appeal.

Members further questioned why the viability information had not been provided for them to consider. In response, the Planning Officer advised that the development appraisal information had not been presented to the Planning Committee as it was commercially sensitive information, however if Members wished to have sight of this information, the appropriate course of action would be to defer the item and a set of confidential papers could be circulated for consideration and possible discussion during closed session at a future meeting.

Concerns were highlighted with regards to the lack of S106 contribution and also the lack of negotiations undertaken between the applicant, agent and Parish Council in order to identify a possible way forward.

After further debate a motion was put forward and seconded to defer the application. This would allow the Committee opportunity to have sight of the viability report in order for it to be able to determine whether there was a requirement for a S106 obligation in monetary or affordable housing terms. For the minutes, it was highlighted that Members had no issues with any other aspect of the development. The motion was carried unanimously.

**RESOLVED:** (Unanimously) to defer the application to the next meeting.

**Reasons for decision:**

The Committee agreed that in order for it to be able to make an informed decision on the application, the item was to be deferred until the next meeting, and:

- The financial appraisal was to be attached to the main report for Members as a confidential background paper; and
- The developer and Parish Council were to be asked whether giving up some of the garden from plots 9-11, for use by the parish hall as suggested by the Parish Council, was a compromise that could be agreed to if it was confirmed that no Section 106 could be reasonably secured.

Councillor Harrington re-joined the meeting.



**6.2 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**

Outline planning permission was sought for 2 x 2 bedroom properties, each with a parking space, and garden area. The proposal also involved the creation of a vehicle access from Reeves Way. This application was for the principal of two dwellings on this site, all other matters were reserved.

The site was within a residential area of Peterborough. No.44 Ashcroft Gardens was a two storey residential property that occupied a corner plot between Ashcroft Gardens and Reeves Way. The application site was currently part of the rear garden of this property and faced on to Reeves Way. The site covered an area of 270 square metres, and presently there was no direct vehicle access to it.

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

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the site capacity and impact on the character of the surrounding area, the impact on neighbouring sites, the access to the site and highway issues, the impact of the development on trees and the S106 planning obligation. The recommendation was one of refusal.

Members were advised that the application was a resubmission following a recent refusal under delegated powers. Technically the application was the same apart from the inclusion of indicative streetscene plans. These plans demonstrated how the development may appear in the streetscene and in relation to the existing neighbouring properties.

The recommendation was one of refusal and this was due to the development representing overdevelopment, resulting in a cramped form of construction uncharacteristic with the area, the dwellings would overshadow adjacent developments and be overbearing in nature. There had also been no S106 entered into at the current time.

Members' attention was drawn to the update report and it was advised that Councillor Nabil Shabbir, Ward Councillor, had submitted a letter of support for the application. The Agent had also submitted a statement which sought to justify the proposal in the context of previous decisions made by the authority.

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

Mr and Mrs Skerritt, local residents, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Mr and Mrs Skerritt were the residents of number 42 Ashcroft Gardens
- The application was a reconstruction of a previous planning application which had been heard
- The objections raised had not been addressed

- The development would be inappropriate for the existing area, being very intrusive and invasive to the neighbouring properties
- The intrusion would impact on the right of light on the neighbouring properties which had been enjoyed for over 30 years
- The development would be overbearing and would overshadow the neighbouring properties
- The size of the site was inappropriate for such a development and would lead to a cramped development uncharacteristic for the area
- It was difficult to see how any alternative layout would be any better going forward
- The proposal documents mentioned the property being 'angled' to blend in, this would not be the case
- The proposed site was too small for the development

Mr Barry Nicholls, the Planning Consultant, addressed the Committee. In summary the issues highlighted to the Committee included:

- On the Newborough submission the bungalow garden size, on the recommended site by the Officers, was undersized and did not comply with Peterborough City Council's guide requirements
- In relation to the residents of number 42, Peterborough City Council's design requirements with regards to lack of privacy had been taken into consideration
- The area was not in the Conservation Area and the proposal had been designed to marry into the streetscene and to blend the front elevation of the property as to make it similar to the adjacent properties
- The site met the requirements for amenity space
- Objections had only been received from two residents. Highways and the Tree Officer had not raised objections
- There were very few small developments which generated a S106 contribution such as this to go to the community
- The development would also assist local tradesmen and keep jobs for the community
- The client would agree to a S106 condition for a contribution

The Planning Officer addressed the Committee and talked through the Agent's submitted statement in further detail which sought to justify the proposal in the context of previous decisions by the authority. In summary, there were no material similarities to be highlighted in relation to the proposal before the Committee.

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

**RESOLVED:** (Unanimously) to refuse the application, as per officer recommendation, and:

1. The reasons R1 to R3 as detailed in the committee report

**Reasons for decision:**

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

- It was considered that two 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 was considered, due to the small size of the site, that any two storey property on the site would unacceptably overshadow, be overbearing and reduce privacy of surrounding residential properties;
- A planning obligation had not been secured to meet the infrastructure needs arising from the development;
- The proposal was therefore considered contrary to PPS3, Policies CS16, and CS13 of the Peterborough Core Strategy DPD, and Policy H7 of the Peterborough Local Plan (First Replacement) 2005.

### **6.3 11/01383/FUL – Construction of 2 bedroom detached dwelling at 171 Mayors Walk, Peterborough, PE3 6HB**

The proposal was to erect a two storey, two bedroom detached dwelling with a dedicated rear amenity space of 55 square metres. The site would be accessed off Woodfield Road and would create dedicated parking spaces for both the existing and proposed dwelling.

The site was used to form part of the garden of No. 171 Mayors Walk. There was a two metre 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 was predominantly residential. To the North was 171 Mayors Walk, to the East was 169 Mayors Walk and to the South was 2 Woodfield Road, all of which were two storey brick buildings. To the East was 1A Woodfield Road, a triple garage with flat above which was granted planning permission in 2006.

There were no trees on site that contributed to the street scene.

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

The site had a long case history, which was outlined to the Committee. The revised proposal had reduced the property in size from a three bedroom to a two bedroom property, it had a reduced footprint and this had in turn increased the amount of garden space. A hipped roof design had also been implemented. The design mirrored typical development in the area and addressed all of the previous concerns highlighted.

Members' attention was drawn to additional information contained within the update report. Further objections relating to the parking in the area and the alterations proposed to the first floor rear window leading to a featureless blank wall, had been received. Further to the receipt of a petition, an additional signatory had also been received from 9 Woodfield Road and a letter had been received from Mr Rolfe, a local resident, adding numerous points to the submitted petition.

Councillor Nick Arculus, Ward Councillor speaking on behalf of local residents, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The application, just by its title, was misleading as the development would take place on Woodfield Road
- The Committee was requested to note that the Officer's recommendation was 'on balance' and could therefore have easily tipped in the favour of refusal
- In a case where the decision was 50/50, the default position of the Committee should be one of refusal unless there was adequate grounds for the contrary
- With regards to design and visual amenity of the land, there had been a very high proportion of objections
- Woodfield Road was a small street and the number of objection letters demonstrated the high level of opposition
- The design was very far from mirroring the existing buildings and did not concord with the properties in the area
- PPS3 stated that 'good design should contribute positively to making places better for people. Design which was inappropriate in its context or which failed to take opportunities available for improving the character and quality of an area and the way it functioned, should not be accepted'. The development in this particular streetscene was not appropriate in context and it did not improve the area
- The building line along Woodfield Road was not being followed by the proposed development and the design and access statement made reference to it 'bookending the street'
- With regards to garden land, a statement had been released by Councillor Marco Cereste, the Leader of the Council in 2010 which stated that "the situation had changed since the Coalition Government had come into power and not all development proposals in private residential gardens would be automatically rejected" however the assumption would be that most of them would be, Councillor Marco Cereste had gone on to state that "in many cases, development in private gardens can make a positive contribution to the character of an area and help to meet Peterborough's housing needs". This imposed a test as to whether the development generated a positive contribution to the character of the area and whether it helped to meet Peterborough's housing needs. It was suggested that the answer to both of these questions was 'no'
- Objective 9 of the Core Strategy was that 'the Council sought, through its planning policies, to improve the overall quality and longevity of Peterborough's housing stock by ensuring that all houses met higher environmental and design standards'. This proposal did not satisfy this objective
- Objective 25 of the Core Strategy stated that 'it was Council policy to ensure the highest standards of urban design in all new developments'. Why should an exception be made on this street?
- There was a statement highlighting that the windows onto Woodfield Road would be obstructed but that this was not a material planning consideration. This should be a relevant consideration
- The compromises which had had to be made to the building design would detract from the amenity of the existing development
- It had been evidenced that the proposed development would not fit into the site
- House 171 would lose its garden land and would probably never be able to revert back to residential use
- Illegal parking issues had been raised and although not a material planning consideration, the building was most likely to be used as a HMO and this would increase the number of cars in the area and parking would inevitably take place on the road

Mr Phil Rolfe, a local resident speaking on behalf of other local residents of Woodfield Road, addressed the Committee. In summary the concerns highlighted to the Committee included:

- The proposal would have a detrimental impact on the character of the neighbourhood and it would impinge on the quality of life of residents
- Woodfield Road was a quiet road, populated largely by families and made up of well kept, semi-detached houses with bay windows
- There had been a steady deterioration of the properties at the Mayors Walk end of Woodfield Road, with a number of houses being turned into flats and HMOs
- Properties tended to be neglected and there had been anti-social and criminal behaviour. This would be exacerbated by the construction of this property, not being of sufficient size for a genuine family home
- Developments of this kind were irreversible and were unlikely to ever return to family homes
- Tenanted and multi-occupancy properties tended to be favoured and once an area had changed, its character was lost forever
- It had been acknowledged that the development at 1A should never have been permitted
- The proposal was out of keeping with the rest of the streetscene in its size, scale, density, position and layout
- All of the other houses in the street were good quality, family homes with a minimum of three bedrooms and appropriate garden areas
- The proposal was at an angle to all the other properties
- Highways safety would be compromised due to the number of flats, HMOs and parked cars already in existence at this end of the road
- The proposed off street parking was close to a blind corner on an already narrow and congested section of the road with little room for manoeuvre
- There would be a negative impact on the amenity of local residents given the size and scale of the building
- The changes to the plans did not deal with the fundamental issues
- There was a lack of amenity space for future occupants
- It had been stated that the development would suit a retired or working couple, why did the development therefore need three toilets and no storage space?
- It was suspected that the downstairs living area was to be turned into a third bedroom, creating three bedsits
- The narrow interpretation of planning law did not address all the issues with the proposal

Ms Janice Kendrick, the Agent, addressed the Committee. In summary the issues highlighted to the Committee included:

- Sympathy was extended to the residents of Woodfield Road
- The site was ideally located from shops, bus routes etc. so was an ideal plot in terms of amenity
- The project had been discussed on numerous occasions and a complementary design for the area had been sought
- The property adjacent to the proposal had a projection to the left hand side so the proposal had been brought in line with that
- The design had been adapted after consultation with the planners to ensure all concerns and objections had been addressed
- With regards to parking, the implementation of two sets of off street parking spaces would reduce the congestion on the road

- With regards to garden size, many people still wanted the bedroom accommodation but without a large garden
- Great thought had been given to design, guidelines and good use of land. The planners had been satisfied
- With regards to the proposal being on-balance, this was supposition and the proposal should be dealt with on the merits of the area

The Highways Officer addressed the Committee in response to points raised by the speakers. It was highlighted that there had been a lot of work undertaken to obtain the parking areas for this proposal and the parking did accord with standards and requirements in terms of the access. With regards to the proximity of the car parking space to the junction, the space was 30-35 metres away from the junction. Overall, Highways were satisfied that the development would not increase issues in the area as it had adequate parking provisions on site.

Members expressed concern at the parking situation and in response the Planning Officer advised that the Council had adopted policies in place which identified the number of parking spaces to be provided for new residential developments. This proposal satisfied those requirements therefore a reasonable basis for refusal could not be justified in an appeal situation.

Following debate, Members commented both positively and negatively against the application. A motion was put forward and seconded to refuse the application due to the proposal being an overdevelopment of the site. This would result in a cramped development which would be uncharacteristic of the surrounding area. The proposal would be out of keeping in size and appearance and would overshadow and be overbearing to the surrounding residential properties, resulting in a loss of amenity to the neighbouring area. The motion was carried by 7 votes, with 1 voting against.

**RESOLVED:** (7 for, 1 against) to refuse the application, against officer recommendation.

**Reasons for decision:**

The proposal was contrary to Policy CS16 of the adopted Peterborough Core Strategy DPD 2011, Policy DA6 of the Adopted Peterborough Local Plan 2005 and Planning Policy Statement 3 'Housing' for the following reasons:

- The size of the dwelling and the size of the plot were not in keeping with the typical pattern of development in the locality and as a result of this the development would be cramped in its appearance;
- The proposal would be in close proximity to the garden areas of 171 and 169 Mayors Walk and as a result the development would overshadow those properties and feel overbearing;
- The proposal would result in the significant loss of garden space associated with 171 Mayors Walk to the detriment of residential amenity; and
- The design and appearance of the proposed property did not adequately reflect the scale and appearance of typical properties in the street.

Contrary to Policy CS13 of the adopted Peterborough Core Strategy DPD, the scheme failed to make provision for additional infrastructure and community facilities which were necessary as a direct consequence of development.

The meeting was adjourned for ten minutes.

**6.4 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**

Full planning permission was sought for:-

- Construction of a new main three-storey school building containing most of the teaching, support and administration facilities;
- The new building would be constructed before most of the existing buildings were demolished, to allow for continuous use of the site without having to provide temporary accommodation;
- The building would 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 were demolished. The building would 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 would enclose two sides of the new front pitch area, and would be the public face of the building;
- The existing sports halls would 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 would also be part of this building;
- The existing playing field area would be retained;
- Two small buildings to the south of the site would also be retained, these were the bungalows used for vocational studies;
- There would be some minor changes to the parking and access layout, and a new service vehicle access from Peterborough Road would be created along the south of the site;
- The existing informal pedestrian link between Peterborough Road and Oakdale Avenue would be improved and slightly realigned;
- To improve the overall security of the site, a fenced secure line would be established behind the car parking, to enclose the main school areas. The existing Powerleague area would be outside the line, as would the car parking and public entrance to the sports facilities and main hall; and
- 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 College site covered an area of about 13.1 hectares, with the main site frontage onto Peterborough Road to the west. The north of the site was to Whittlesey Road, although this boundary was enclosed with mature planting, and the east of the site was bounded by domestic gardens for most of its length, with Oakdale Primary School to the south-east.

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

Currently, the school building faced Peterborough Road, with a strip of car parking in front of the building. The existing three storey main building was set about 40 metres back from Peterborough Road. There were 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 was not efficient.

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

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 facility, the impact on neighbouring sites, the access to the site and highways issues and drainage issues. The recommendation was one of approval.

Members were advised that the application site covered the whole of the current school site, however it specifically excluded the five a-side facility on the site and the Oakdale Primary School. The vast majority of the buildings on the site were to be demolished as part of the proposal. The access arrangements were to be left as they currently were, with a reconfiguration of the car parking spaces and the addition of another access point leading to the rear of the facility to be utilised by delivery vehicles.

The sports hall was to be retained and added to, including the provision of a new, larger swimming pool. The sports pitch areas were to remain largely as they were at the current time and once the school had been demolished, a new sports pitch was to be provided in the middle of the development. This would represent a reduction in the amount of sports pitch space available however the view of Sport England was that this was adequately compensated for by the provision of the far larger swimming pool facility.

The new access point would be from Peterborough Road, and a cycle route would run alongside it.

Members' attention was drawn to additional information contained within the update report. Anglian Water had confirmed that they had no objections to the surface water scheme for the site and an additional condition had been recommended requesting the finer details of the scheme to be submitted prior to the commencement of construction.

In summary, it was considered that the design and appearance of the new school was in keeping with the area and the educational use proposed, the provision of car parking was satisfactory even with the slight reduction in number of spaces and the access arrangements were acceptable. There would be a Travel Plan and Realtime information bus stops would be provided along Peterborough Road. There would be some trees lost as part of the development but these had been assessed and had been found to be in poor condition and not worthy of retention. Additional planting had been proposed.

The Highways Officer addressed the Committee and stated that contributions for a cycleway along the front of the site had been sought as part of the proposal. This scheme would not be fully delivered by the current proposal however there were contributions potentially available from other sources. The cycleway would run along the front of the site and due to the additional proposed access, it was the preference of



the Highways Authority for one of the car parking accesses to be removed in order to keep the number of accesses onto Peterborough Road the same as it was currently. This would lead to less points of conflict between motorists and cyclists leaving and entering the school. If the Committee was minded to accept this request, then a condition was sought to close the access nearest to the service access, this being the southern most access to the car park.

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:

- The construction access would be the same as the service yard access
- The Construction Management Health and Safety regime, during the construction process, would highlight that children were to be kept away from the construction access route

Following debate, Members commented that the school was a much needed educational facility. It was of exceptional design and would provide, not only for the pupils, but for the local community and the people of Peterborough as a whole. A motion was put forward and seconded to approve the application. The motion was carried unanimously.

Members further commented that an informative was to be included requesting that one of the existing access points be stopped up, as requested by the Highways Officer, and if this request was rejected by the applicant then the decision could be issued.

**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. An additional informative requested by Highways, that one of the access points be stopped up
3. An additional condition as requested by Planning Officers in relation to the provision of details of the proposed surface water drainage system, including technical details of installation, as detailed in the update report

**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 were 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 revised access arrangements, new service road and additional 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 2011;
- The proposed car parking and access arrangements were considered to be appropriate to the likely current and future needs of the school. 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; and

- 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.

**6.5 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**

The application related to an existing three bedroom bungalow which had not been built in accordance with the approved plans. The as-built dwelling differed 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.

The Committee had previously refused permission for the bungalow that incorporated the following changes to the above described development:

- Reduction of 0.75m in the ridge height to 4.75 metres;
- The restriction to the outdoor lighting; and
- 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

The Committee had 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

The latest application included all of the previously applied for changes plus the following additional change:

- The repositioning of the rear elevation, one metre back from its current position.

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

The Planning Officer addressed the Committee and gave an overview of the proposal. The main issue for consideration was the impact of the development on neighbour amenity. The recommendation was one of approval.

Members were advised that the repositioning of the rear elevation would leave an exposed floor slab and under the proposed recommendation there was a condition stating that this slab would have to be removed. It was also recommended that permitted development rights be removed in order to prevent any future overlooking issues. It was proposed that the windows, currently french doors, would be reduced in size by obscuring the top section of the glass. The ridge height was proposed to be reduced by 0.7 of a metre and the fencing proposal would be wood latticed rather than a brick wall.

Members' attention was drawn to additional information contained within the update report. A further objection had been received from 46 Figtree Walk and a suggested correction to an error made in section nine of the recommendations in the committee report was requested. Councillor Adrian Miners had also submitted a statement highlighting that the issue needed to be resolved as it had been going on for such a long time.

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

- The bungalow, even with the new proposals, would still not be built as per the original application submitted in 2002
- The letter giving permission in 2002 stated that 'no development should take place until there had been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings were occupied. Development should be carried out in accordance with the approved details'
- The residents of Figtree Walk were still extremely upset as the application seemed to make a mockery of planning rules and regulations
- The application had been refused, and the appeals dismissed several times before
- The Planning Inspector had backed the judgement of the Planning Committee on previous occasions
- The proposal was still overbearing to the residents of Figtree Walk
- It was requested that the boundary treatment be conditioned so as to be sure that this would be softer and be maintained in perpetuity by the occupier of the site

Councillor Lane declared a personal non-prejudicial interest in that he knew a resident of Figtree Walk.

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

- At the last consideration of the application, it was felt that the ridge height did not compensate for the fact that the bungalow had been built in such close proximity to the neighbouring dwelling
- Immediately following the decision, an application had been prepared in response to these concerns in relation to the position of the rear of the building
- The construction of the dwelling as it stood, did allow the rear wall to be moved back
- The current application sought to take the building as designed and to adapt it to address the fundamental concerns
- Moving the building back and reducing the ridge height would reduce the overbearing nature. There would also be no overhang of the roof
- Consideration had originally been given to landscaping, but it had been decided that this was not feasible due to the amount of space available. Creating an additional metre of space, landscaping was now feasible
- The critical items raised previously had been addressed
- Councillor Miners had submitted comments in support of Officer recommendation
- If approved, the works would take approximately six months to complete

Following debate, Members commented that the development should have been built as it was originally approved, however the proposal outlined to Members did identify a way forward and it did mitigate against the overbearing nature of the property upon the residents of Figtree Walk. Sympathy was extended to those residents of Figtree Walk however it was noted that a decision did need to be made as the issue had been going on for such a long time. A motion was put forward and seconded to approve the application, with an additional condition to implement a tree planting scheme for the area between the rear elevation of the property and the boundary with the existing properties. The motion was carried by 5 votes, with 2 voting against and 1 abstaining.

**RESOLVED:** (5 for, 2 against, 1 abstention) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C7 as detailed in the committee report
2. An additional condition requesting a tree planting scheme for the area between the rear elevation to the property and the boundary with the existing properties in Figtree Walk
3. If the S106 had not been completed before the expiration of the application following the resolution without good cause, the Head of Planning, Transport and Engineering Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report

**Reasons for the decision:**

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

- The bungalow was situated in a residential area on an unallocated site. Development was considered to be in keeping with the character of the area, providing adequate living conditions for residents and suitable highway access;

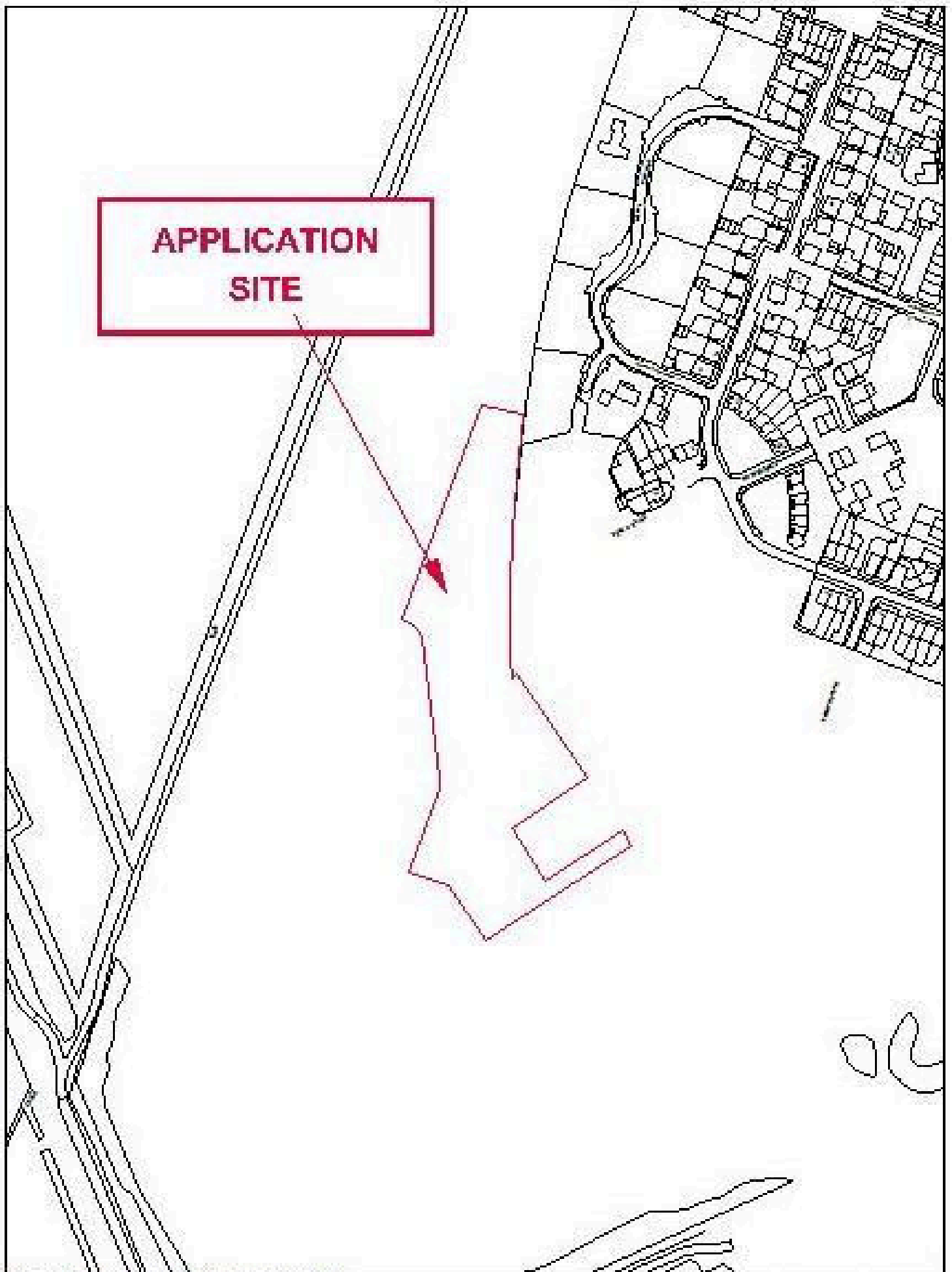
- The impact on occupiers of neighbouring properties was not substantially worse than the impact of the development permitted under 01/01585/FUL and the proposed mitigation measures would prevent any issues of overlooking or overbearing impact.

The proposal was 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).

13.30 – 16.45  
Chairman

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**APPLICATION  
SITE**



**LOCATION PLAN 11/00786/FUL**

Hampton Vale Allotments, Coriander Drive, Hampton Vale

Scale NTS

Date 22/11/11

Name AA Department Planning Services

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**PETERBOROUGH**



CITY COUNCIL

**PCC GIS**

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11/00786/FUL: USE OF LAND FOR ALLOTMENTS INVOLVING THE ENCLOSURE OF THE SITE AND ENGINEERING WORKS FOR THE LAYOUT OF THE ALLOTMENTS AND PROVISION OF AN ACCESS FROM VT25 (TO REPLACE THE EXISTING ALLOTMENT SITE VG10 APPROVED AND ALLOCATED AS PART OF THE HAMPTON VALE DEVELOPMENT BRIEF DECEMBER 2005).

VALID: 17 JUNE 2011

APPLICANT: O & H HAMPTON LTD.

AGENT: DAVID LOCK ASSOCIATES

REFERRED BY: HAMPTON PARISH COUNCIL

REASON: THE PARISH COUNCIL CONSIDERS THAT THE LOCAL COMMUNITY WOULD BE BETTER SERVED BY THE ALLOTMENTS IN THEIR ORIGINAL LOCATION.

DEPARTURE: NO

CASE OFFICER: MISS ASTRID HAWLEY

TELEPHONE: 01733 454418

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

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the development.
- Impact of the development on the character of the area.
- Impact of the development on neighbour amenity.
- Highway implications
- Ecological Implications
- Other issues

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.

### National Planning Policies

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

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

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

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

**CS16 Urban Design and the Public Realm:** Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

**CS19 Open Space and Green Infrastructure:** New residential development should make appropriate provision for/improvements to public green space sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

## **CS21 Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

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

**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.

**LT3 Loss of Open Space:** Development will not be permitted if it would result in a loss giving rise to a deficiency unless alternative provision is made/ the loss is appropriately mitigated against.

## **LNE9 Landscaping Implications of Development Proposals**

Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

## **Development Briefs**

Hampton Vale Development Brief Update Statement December 2005

## **Supplementary Guidance – Not Adopted**

Peterborough Open Space Strategy Final Report 2006

## **3 DESCRIPTION OF PROPOSAL AND SITE**

### Background

As part of the open space provision contained within the approved Hampton Vale Development Brief, tranche VG10 is allocated for use as allotments. To date however, no detailed application for the layout of the site has been submitted and the site remains undeveloped. Following Peterborough City Council's Housing Review 2010, in which developers were invited to put forward proposed land for residential development, O&H offered an area of approximately 6.47 hectares for housing. The proposed land is located to the south west of Hampton Vale, adjacent to the Western Peripheral Road and includes part of the approved allotment site, VG10. The proposed housing site has been accepted in principle, and allocated as SA3.47 as part of the Site Allocations process and included within the Site Allocations DPD. Although the Site Allocations DPD has not been formally adopted it has been through the public examination process and it is anticipated that it will be adopted in February 2012, hence it carries significant weight in the decision making process.

Given that part of the approved allotments site is now envisaged for housing land and in recognition that a replacement allotment site is required to serve Hampton Vale, O&H have offered an alternative site, of the same overall size (1.2 hectares), which forms the basis of this planning application. As the application site falls partially outside of the application boundary for the Outline planning approval for the 1993 Hampton Township and the land covered by the approved Hampton Vale Development Brief a Full planning application has been submitted.

### Proposal

Permission is sought for the use of land adjacent to and north of VG10, and between the approved route of the western peripheral road and tranches VT22, VT24 and VT25 as allotments. The site extends to approximately 1.2 hectare (1.27 hectare including the access road) of previously undeveloped land. The Orton Pit Special Area of Conservation (SAC) is located to the west of the site.

It is proposed that the site will be subdivided into 52 plots. 300mm of topsoil will be brought onto the site. It is proposed that the site boundaries are flanked by a combination of 1.8 m high railings to the open space to the west and 1.8m high feather edged timber fence where the site adjoins the allocated new housing site (SA3.47).

Access into the site will be via VT25, a partially developed housing tranche to the east of the application site. It is proposed that where the access road crosses the new housing site (SA3.47) it will initially be of a temporary construction and formally laid out in due course as the residential development is completed. 32 car parking spaces are proposed to serve the development.

It should be noted that the proposals will also result in a change to the layout of the approved Surface Water Attenuation (SWA) pond, agreed as part of the planning permission for the Western Peripheral Road. This amendment will need to be agreed as part of a non material/material amendment to the approved planning application for the Western Peripheral Road (ref: 04/01900/FUL).

#### **4 PLANNING HISTORY**

Application Number	Description	Date	Decision
91/P0556	Development of Township to include approximately 5200 houses together with community, educational, social, industrial and commercial areas and associated open spaces, roads and service infrastructure (outline)	09.03.93	Permitted
09/01270/REM	Erection of 47 dwellings with access, landscaping and public open space at VT22, VT25 and VG7, Hampton Vale	26.02.11	Permitted
09/01269/FUL	Development of 59 dwellings with associated roads and infrastructure	23.02.10	Permitted
04/01900/FUL	Construction of new highway link (western peripheral road stages 2 and 3)	27.08.08	Permitted

#### **5 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Head of Transport and Engineering** – The Local Highway Authority (LHA) has concerns that the level of car parking proposed may not be sufficient to serve the development, particularly with regards to larger vehicles visiting the site. Notwithstanding this the LHA does not consider that they could recommend the refusal of the application on these grounds.

**Pollution Control** - No objection. Subject to a condition regarding unsuspected contamination.

**Wildlife Officer** – No objection. Cat-proof fencing is likely to be required along the boundary of this proposed allotment site to ensure that the probability of cats entering the Orton Pit Special Area of Conservation (SAC) is minimised.

**Planning Policy Team** – No objection.

**Drainage Engineer** – No comments received.

**Senior Recreation Officer** – No objection. The proposed plot sizes are acceptable. It is considered that one car parking space should be provided per plot.

##### **EXTERNAL**

**Senior Architectural Liaison Officer** – No objections.

**Environment Agency** – No response received.

**Natural England** – No objection. It is recommended that Cat proof fencing is installed around the allotment site boundary.

##### **Neighbours**

No letters of representation have been received from any nearby neighbours.

## **COUNCILLORS**

No responses received.

## **Parish Council**

The Parish Council has objected to the application on the following grounds:

- It is not considered that there is any benefit to local residents in the relocation of the proposed allotments. The original site allocation, VG10, is ideally located for easy access by residents and acts as a natural extension to the green boundary of VG9 and will suffer from less disruption from the Western Peripheral Road.
- Given that the temporary access into the allotment site, will not be completed until the final housing layout is constructed, it is considered that the users of the allotments will be disturbed by the associated noise, dust and fumes from construction traffic during the development phase.
- It is considered that the original site has a better topography and gradient for use as allotments.
- Although it is recognised that the proposed housing allocation SA47 does not form part of this planning application the Parish Council is concerned that should the site be developed for approximately 150 homes there will be additional pressure on the limited Hampton Vale community resources in what is considered to be an already under-resourced area of Peterborough. This is an issue for the site allocations DPD process.

## **6 REASONING**

### **a) Principle of the development**

The approved Hampton Vale Development Brief (Update Statement) dated 2005, allocated site VG10 to provide 1.2 hectare of allotment land. This reflects the requirement in the S106 Agreement associated with the Outline planning approval for Hampton, which includes an obligation for the provision of allotment land. The allocated allotment land has not received planning permission for the laying out of plots or implemented on site.

Since this time the master developers for Hampton, O&H have put forward an area of land that partially includes VG10, for additional housing as part of the Site Allocations DPD proposals. This site has been accepted in principle, and subject to the Inspector's final approval it is anticipated that the Site Allocations DPD will be adopted in February 2012 and the land will be formally allocated for residential development of up to 150 new houses.

There is no specific policy within the adopted Peterborough Core Strategy DPD or the adopted Peterborough Local Plan (First Replacement) 2005 that stipulates specific requirements in terms of the size, location, or topography required for allotment sites. Notwithstanding this, consultation has taken place with the Senior Recreational Officer, who has advised that the proposed plot sizes are in his opinion acceptable.

Notwithstanding this it is considered that the proposed replacement site is located within sufficient proximity to the community which it is intended to serve and it is of the same size as the original site. Therefore the proposal accords with the provisions of the original S106 Agreement and would not prejudice the delivery of the required allotment provision. It is recognised that the proposed site could not reasonably be used as part of the proposed housing allocation as it is located too close to the Western Peripheral Road. It is also acknowledged that the relocation of the allotments will free up a more suitably sized site for residential development which will contribute towards the delivery of the housing numbers identified within the adopted Peterborough Core Strategy DPD.

It is therefore considered that the proposal is acceptable in principle.

### **b) Impact of the development on the character of the area**

It is considered that the proposed use of the land for allotments is compatible with the residential character of the area and will not result in any adverse impact on the visual amenity of the area.

### **c) Impact of the development on neighbour amenity**

It is considered that the allotments will serve as a buffer between the alignment of the Western Peripheral Road (once constructed) and the edge of the residential development. It is not

considered that any issues in terms of overlooking/loss/noise of privacy would arise from the development, given the nature of the proposals.

As noted above it is considered that the proposed land use is compatible with the residential character of the area and it is not therefore considered that the proposals will result in an adverse impact on the amenities of the occupiers of those neighbouring dwellings to the east that will back on to the site.

d) **Highway Implications**

The Local Highway Authority (LHA) has no objection in principle to the proposed development. Concern has however been raised with regards to the provision of car parking proposed. The LHA is of the view that one space should be provided per plot, with some larger spaces provided in order to cater for larger vehicles that may be used for deliveries to the site. The Senior Recreational Officer supports this view. Notwithstanding this, the LHA is not recommending that the application is refused on these grounds.

The adopted Peterborough Local Plan (First Replacement) 2005 does not contain a parking standard for allotment sites. The level of parking proposed has been compared to the provision at other allotment sites across the city and it is noted that in general the provision is much lower than the level of car parking proposed to serve this site. Given that the site is primarily intended to serve local residents it is considered that many residents will walk to the allotments. Furthermore it is considered unlikely that all the future plot holders will attend their pitch at the same time and result in the car parking provision being full. In the event that parking problems arise it is considered that this will be an issue for the future management of the allotments to manage and if necessary convert part of the site to additional parking.

It is proposed that the site will be accessed via VT25. The site will be configured with one main access road through the site, two car parks and a turning head. The LHA has confirmed that the proposed layout is acceptable in terms of access from the existing highway, internal layout and turning provision.

It is therefore considered that in highway safety terms the proposal is acceptable and will not give rise to any adverse impact on the safety of users of the adjacent road network.

e) **Ecological Implications**

The Wildlife Officer and Natural England have not raised any objections to the application. They do however, note that given the proximity of the site to the Orton Pitt Special Area of Conservation (SAC) that a continuous Cat Proof Boundary Treatment should be provided along the site boundary to minimise the risk of cats gaining entry into the SAC from the allotments site. Further discussion with Natural England and the Wildlife Officer is taking place regarding this issue and the outcome will be reported in the Committee Update Report.

f) **Other Issues**

Contamination

The Council's Pollution Control Officer has not objected to the application. The applicant has submitted a ground investigation report with the application. The report concludes that there is no significant contamination of the application site. Notwithstanding this, as part of the laying out of the site 300mm topsoil will be brought onto the site. The Pollution Control Officer has confirmed that he accepts the findings of the report and has recommended that a condition is imposed on the Decision reminding the developer of their obligation to cease works and notify the Local Planning Authority immediately in the event that unsuspected contamination is identified during the development phase.

## **7 CONCLUSIONS**

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

-The proposed replacement allotment site is of an acceptable size and location that will meet the obligation contained within the original S106 Agreement for the Hampton development. The development will not therefore result in any loss of open space provision or prejudice the delivery of allotments to serve the Hampton vale community. The development is therefore acceptable in principle and accords with the provisions of Policy CS19 of the adopted Peterborough Core Strategy DPD and the Policy LT3 of the adopted Peterborough Local Plan (First Replacement) 2005.

-The proposal by reason of the nature of the development, its layout and relationship to neighbouring dwellings will not result in an adverse impact on the character of the area or neighbour amenity. The proposal is therefore in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

-Access, turning and a sufficient level of on site car parking can be provided to serve the development. The proposal will not therefore result in any adverse impact on the adjacent road network and is considered in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

-The proposal will not result in adverse implications on the landscape or ecological character of the site. The proposal is therefore in accordance with Policy CS19 of the adopted Peterborough Core Strategy DPD and Policy LNE9 of the adopted Peterborough Local Plan (First Replacement) 2005.

## **8 RECOMMENDATION**

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 The allotments shall be laid out in accordance with the layout plan hereby approved (Allotment Layout - drawing number 2067/001F dated 28.10.11). Once bought into use, the site shall be retained as allotments in accordance with the approved details in perpetuity.**  
Reason: To ensure that the allotments are laid out in accordance with the approved details and subsequently retained as such in accordance with policy LT3 of the Adopted Local Plan (First Replacement) and policies CS18 and CS19 of the Peterborough Core Strategy 2011.
- C3 Prior to the first occupation of the development the areas shown on the drawing (Allotment Layout - drawing number 2067/001F dated 28.10.11) for the purposes of access, turning and parking shall be laid out and surfaced in accordance with the approved details. With the exception of the temporary access and access road into the site (see condition 4) these areas shall be retained for the purpose of access, turning and parking of vehicles in connection with the allotment 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).
- C4 Notwithstanding the submitted information, and in the event that the adjacent housing site (allocation SA47 within the proposed Peterborough Site Allocations DPD) does not come forward within 3 years of the first occupation of the allotments, the construction details of the permanent access and access road shall be submitted to and approved in writing by the Local Planning Authority.**  
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).

- C5 If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority. 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.

Recommended Informatives:

- 1) The applicant is advised that all contractors working on the development should be made aware of the possible presence of reptiles, or any other protected species on the site and reminded of their legal protection. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'

Contractors should be advised to stop work immediately if any such species, or signs of their presence, are identified on site; in this instance the developer should seek the advice of a professional ecologist prior to works re-commencing.

- 2) Highways Act 1980 - Section 184, Sub-sections (3) (4) (9)  
This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

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

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

Contact is to be made with the Transport & Engineering - Development Team on 01733 453474 or email [HighwaysDevelopmentTeam@peterborough.gov.uk](mailto:HighwaysDevelopmentTeam@peterborough.gov.uk) who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

- 3) The responsibility for providing information on whether the site is contaminated rests primarily with the developer.

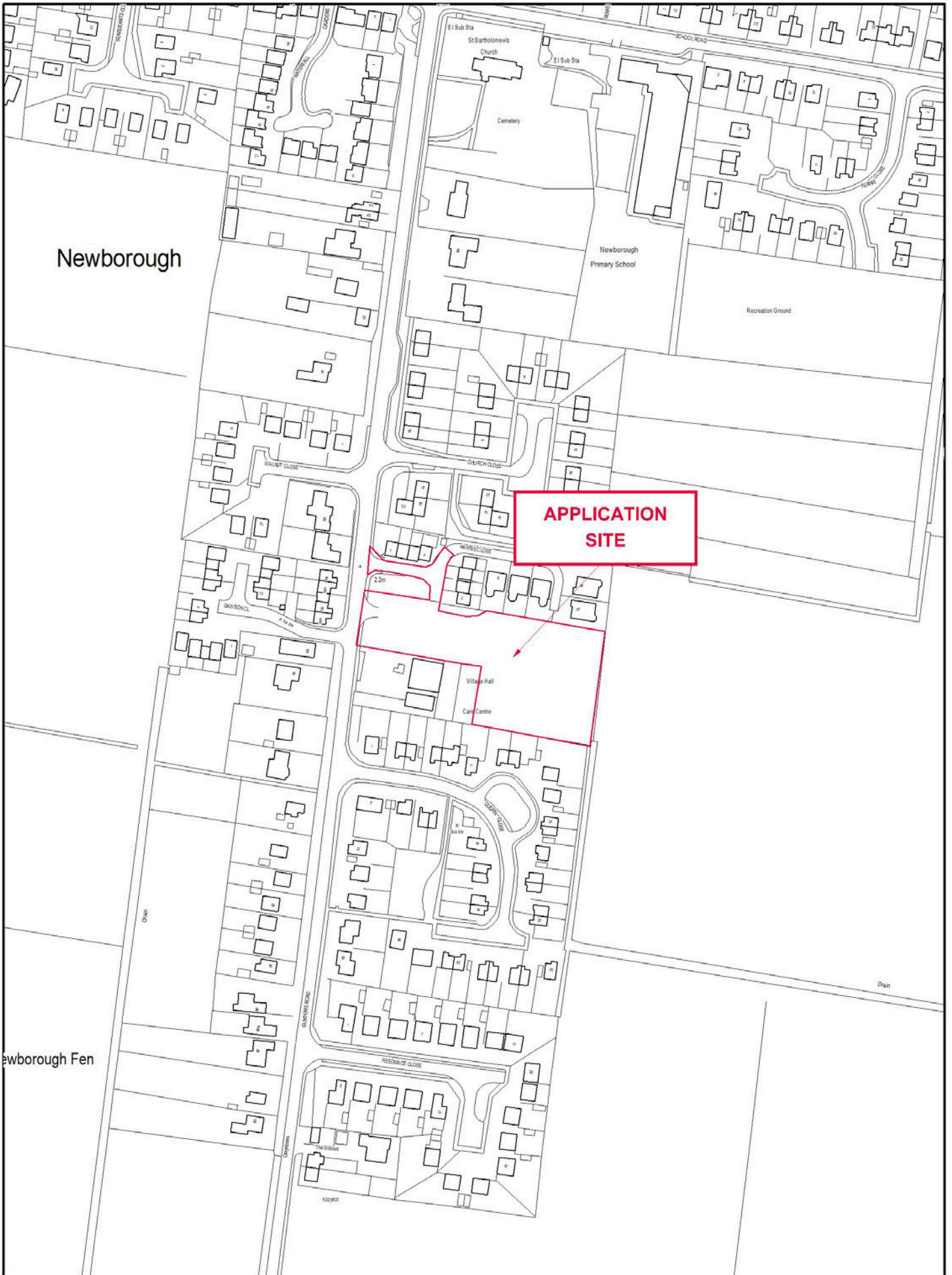
Where Planning Permission is granted for a site on which the presence of contamination is known or suspected, the applicant is reminded that the responsibility for safe development and secure occupancy of the site rests with the developer.

The applicant is reminded that the local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.

Copy to Councillors N North, S Scott OBE, D Seaton

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**LOCATION PLAN** 11/00885/FUL  
 Land to the North of the Village Hall, Guntons Road

**Scale** NTS **Date** 22/11/2011 **Name** AH **Department** Planning Services

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*This report contains appendices which are **NOT FOR PUBLICATION** in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that they contain information relating to the financial or business affairs of a particular person (including the authority holding that information) and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.*

**P & EP Committee: 6 DECEMBER 2011**

**ITEM NO 5.2**

**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**

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## **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.

### **Report Update**

The item was considered by Members of the Planning and Environmental Protection Committee on 8<sup>th</sup> November 2011. Members resolved to defer the item until the next committee and for a financial appraisal to be attached for members as a confidential background paper.

It was also suggested by Members that discussion should take place between the Parish Council and the Developer regarding giving up some of the garden from plots 9-11 for use by the parish hall. This, it was considered, may be a compromise that can be agreed if it is confirmed that no Sec 106 can be reasonably secured. At the time of writing this report, no such discussion has been entered into.

There has been a change in wording to condition 9 requiring a scheme for protecting against noise from the village hall. Otherwise the contents of this report are the same as presented to committee on 8<sup>th</sup> November 2011.

#### **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** Construction work shall not begin until a scheme for protecting the proposed development 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 shall be completed

**before any part of the noise sensitive development is occupied. The scheme should demonstrate that proposed residential properties will be provided with a degree of noise insulation consistent with that protection afforded to the existing dwellings in the locality**  
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.

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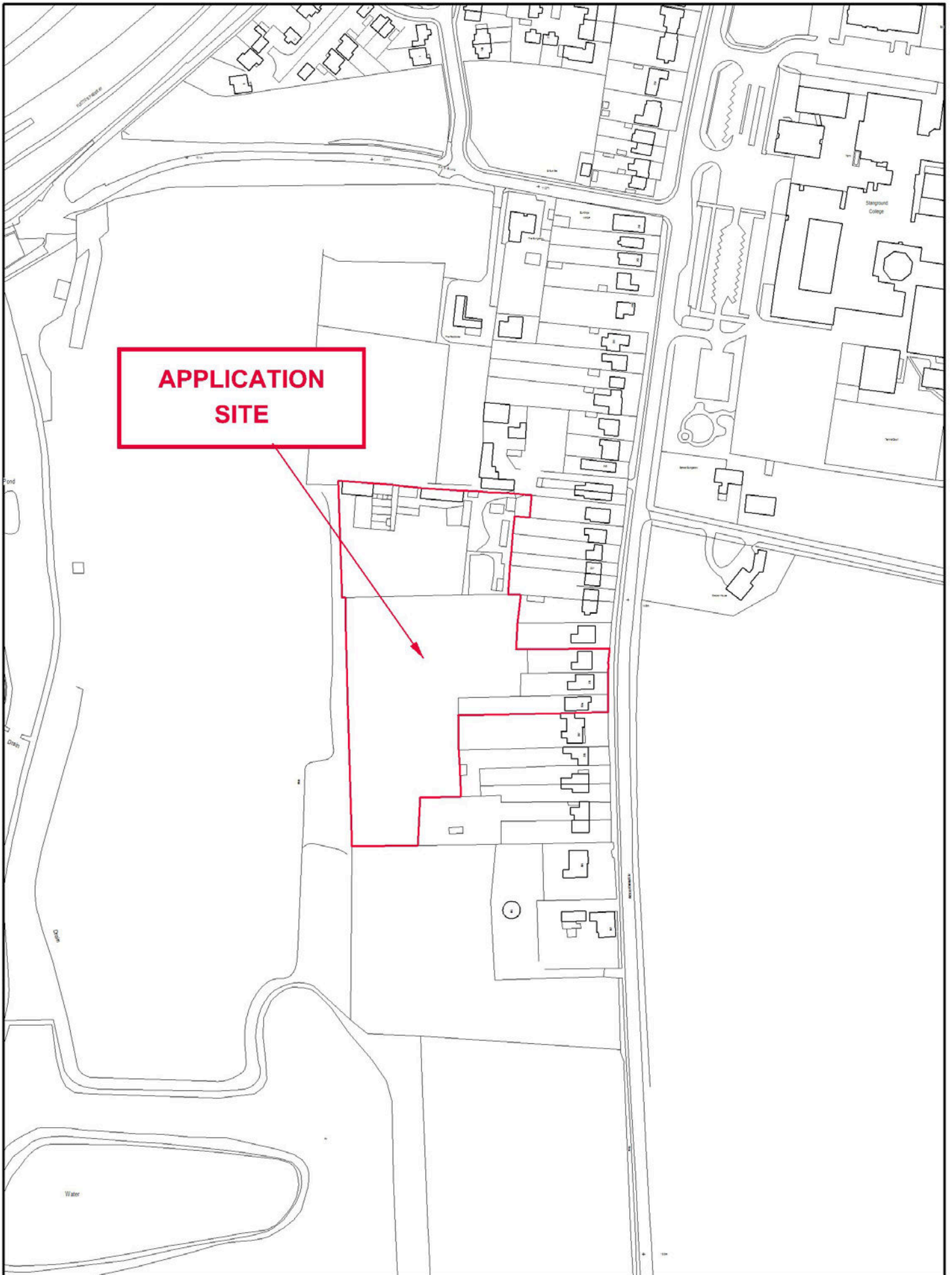
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**LOCATION PLAN**      **11/01520/OUT**  
 Land to Rear of 207-239 Peterborough Road, Stanground

**Scale** NTS      **Date** 22/11/2011      **Name** AH      **Department**      **Planning Services**

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11/01520/OUT: CONSTRUCTION OF CARE VILLAGE, COMPRISING OF CARE HOME, ASSISTED LIVING, SUPPORTED LIVING AND EXTRA CARE ACCOMMODATION – USE CLASS C2 (OUTLINE WITH MATTERS OF APPEARANCE, LANDSCAPING AND LAYOUT RESERVED) AT LAND TO THE REAR OF 207-239 PETERBOROUGH ROAD, STANGROUND, PETERBOROUGH

VALID: 29<sup>TH</sup> SEPTEMBER 2011

APPLICANT: MR P LEONG

AGENT: MR JOHN DADGE, BARKER STOREY MATTHEWS

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES

REASON: DEPARTURE FROM PLANNING POLICY

DEPARTURE: YES

CASE OFFICER: MRS JANET MACLENNAN

TELEPHONE: 01733 454438

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

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

The main considerations are:

- Acceptability of use in principle, specifically scale and density of development
- Highway implications, access and parking
- Impact on the setting of the Listed Building
- Character of the area and impact on neighbouring amenity
- Implications for wildlife and landscape
- Provision of infrastructure requirements

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

## **2 PLANNING POLICY**

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

### **Development Plan Policies**

Key policies highlighted below.

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

- DA16: Development on or in the Vicinity of Landfill Sites** - Planning permission will not be granted for any development on or in the vicinity of closed, existing, or proposed sites for waste disposal by means of landfill, unless the City Council is satisfied that there is no greater than a minimal risk to public safety from migrating gas, either during construction or following completion of the development.
- H15: Residential Density** - Seeks the highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.
- H16: Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.

- H25: Residential Homes** – planning permission would be granted within the urban area provide the site is not within an Employment area, the site would be accessible by public transport and would be accessible to services and facilities, would not be detrimental to nearby properties and would not result in a concentration of residential homes.
- LNE2: Green Wedges** – within areas designated as green wedges, planning permission will not be granted for development that would reduce the degree of physical separation between settlements.
- LNE9: Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.
- LNE10: Detailed elements of landscaping schemes** - Seeks provision of a landscaping scheme suitable for the development, which should include where appropriate, the retention of landscape or ecological features, suitable new planting, protection and management of scheme, provision for natural ecological regeneration and the completion of planting by first occupation or development completion, whichever is sooner.
- T9: Cycle parking requirements** - Seeks provision of high quality off-street cycle provision in accordance with approved standards.
- T10: Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

#### **Adopted Peterborough Core Strategy DPD**

- CS2: Spatial Strategy for the Location of Residential Development** – The overall development strategy is to focus the majority of new development in and around the urban area of the City of Peterborough, creating strong, sustainable, cohesive and inclusive mixed-use communities, making the most efficient and effective use of previously developed land, and enabling a larger number of people to access services and facilities locally.
- CS8: Meeting Housing Needs** - 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.
- CS12: Infrastructure** – planning permission will only be granted if it can be demonstrated that there is sufficient infrastructure capacity to support/meet the requirements arising from the development.
- CS13: Developer Contributions and Infrastructure Provision** - 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.
- CS17: The Built Environment** - The Council will protect, conserve and enhance the historic environment throughout Peterborough, through the special protection afforded to listed buildings, conservation areas and scheduled ancient monuments and through careful control of

development that might adversely affect non-scheduled, nationally important archaeological remains; other areas of archaeological potential or importance; historic features and their settings; buildings of local importance; and areas of historic landscape or parkland (including, but not limited to, those on the English Heritage Register of Parks and Gardens of Special Historic Interest).

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

### **Material Planning Considerations**

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

#### **Central Government Guidance**

##### **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, liveable and mixed communities with good access to jobs and key services for all members of the community.

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

The PPS states 'The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.' Local Authorities should have regard to achieving high quality housing; ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people; the suitability of a site for housing, including its environmental sustainability; using land effectively and efficiently; ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

##### **Planning Policy Guidance (PPS) 5: Planning and the Historic Environment**

The PPS5 states: 'It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside.'

PPS5 contains policies that seek to conserve and exploit the benefits of the historic environment. It recognises the value and importance of heritage assets, whether these are designated or not and provides protection for these through the planning system. They may be listed buildings or scheduled monuments, or currently undesignated or unidentified. Heritage assets can be identified by the local planning authority as having a degree of heritage significance meriting consideration in planning decisions. Non-designated assets may be identified (by a Buildings of Local Interest - local list) or during

the process of determining a planning application. Policy HE8 advises that “.the effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application.”

**Planning Policy Statement 9 (PPS9) Biodiversity and Geological Conservation** - The PPS states that development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate. Planning authorities should ensure that species (identified as requiring conservation action as species of principal importance for the conservation of biodiversity in England) are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.

**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 (Cabinet Decision). 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 by Section 12(1) of the Planning and Compensation Act 1991).

## **Peterborough Site Allocations DPD Proposed Submission Document**

### **3 DESCRIPTION OF PROPOSAL**

The application seeks outline planning permission for a ‘care village’ comprising a 50-bed care home, a 40-bed dementia care unit, 22 supported living units, 22 assisted living units and 29 extra care/residential units. Access and scale are to be considered as part of this proposal; matters of appearance, landscaping and layout are reserved to a later stage. A general indicative layout as to how the development would be accommodated has been submitted and includes 2/3 storey development to the rear (west) of the site, 2 storey development to the east and to the rear of nos. 223 to 237 Peterborough Road and single storey development where units would abut tight to the boundaries of 217, 217a and 223 Peterborough Road. Access to the site would be gained by the demolition of nos. 219 and 221 Peterborough Road and a new 2 storey unit would front the site. The site would include landscaped areas and walkways and would include features such as vegetable, water and small sensory gardens.



The proposal would also include an administrative centre including an on site GP and other related medical services including a visiting chiropodist, optical, health care and well being councillors, care assistants, specialist doctors, nurses, and ancillary staff to service the various units. It is also proposed that within the development there would be a small convenience shop, coffee bar/lounge, hairdressers, laundry service, fitness suite, IT suite and a multi functional room for use solely by residents. Some accommodation would also be provided for 'overnight stays' for relatives or visitors. A mini bus service would be provided with disabled access for trips and visits and will co-ordinate home shopping.

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

The application site is approximately 1.46 ha and is located on land to the rear of properties 207-239 on the west side of Peterborough Road. The site forms the central section of an allocated site for residential development within the Peterborough Site Allocations Submission Document DPD (ref. SA3.40), however part of the site is currently designated as green wedge under the Adopted Peterborough Local Plan (First Replacement) 2005. The site is overgrown and contains grassland, scrub and bramble. Directly to the north of the site are a number of brick built derelict kennels and outbuildings. The western boundary lies adjacent to the former Stanground landfill site and land designated as Green Wedge, beyond which is the new Stanground By-pass (Stanham Way). To the north and south there is currently open land and this land forms part of the site allocation discussed above. The character along Peterborough Road comprises ribbon development mainly detached properties of varied styles including two storey dwellings, chalet bungalows and single storey. Land opposite the site and on the eastern flank of Peterborough Road forms the Stanground south development. The site is on a main transport route with a regular bus service to and from the city. A Grade II listed windmill is situated approximately 50m to the south out the site.

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
05/00067/FUL	Erection of 14 dwellings (including 6 semi-detached houses and 8 detached dwellings)	17.05.2006	Approved
11/00358/OUT	Proposed care village comprising care home, assisted living, supported living and extra care accommodation - use class C2 (outline with matters of appearance, landscaping and layout reserved)	01.06.2011	Withdrawn
11/00506/FUL	Extension of time of planning permission 05/00067/FUL - Construction of 14 dwellings (including 6 semi-detached houses and 8 detached dwellings)		Approved subject to S106

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

##### **INTERNAL**

**Highways** – Clarification is sought regarding the availability of space within the site to provide required footways. It is not recommended that a shared-surface arrangement be provided for a development of this nature. The Local Highways Authority (LHA) request a contribution towards the improvement of cycle links in the Peterborough Road area. The LHA would expect that this site be developed in connection with the adjoining sites within the site allocation, and would therefore provide permeability between the areas by all modes of transport, particularly by pedestrians and cyclists. The care home would not prejudice the delivery of the northern part of the site allocation in terms of access.

**Environmental Health – No objection** - The proposed development is within 100m of Stanground Closed Landfill Site and comprises land that has had previous industrial usage. A ground investigation report submitted with the application does not demonstrate that monitoring has been conducted assessing risks posed by hazardous ground gases to buildings. Cambridgeshire County Council has conducted monitoring and applicant is advised to seek advice from them. In the absence of this information the officer suggests contaminated land conditions.

**Minerals and Waste Officer** - The site is adjacent to a closed landfill site, within a Minerals Safeguarding Area for Brickclay reserves and will impact upon the need for the provision of waste management services. The closed landfill site requires monitoring in accordance with policy DA16. The site falls within a Mineral Safeguarding Area for Brickclay, however, the proximity of the site to the existing residential area and the historic extraction of Brickclay from the adjoining landfill site to the west, indicate that this is not an economically viable reserve in an appropriate location for extraction. The developer should note that a potentially valuable mineral resource is likely to exist on site and due consideration should be given to its use within or as part of the development proposals. The Waste Planning Authority will require a waste management audit and strategy (or similar, such as a Site Waste Management Plan - SWMP) to be submitted (with the full application) to address the management of waste arising during the construction and operational phases to minimise waste arisings and ensure that waste is dealt with in a sustainable manner.

**Strategic housing officer** - Under PPS3 and Policy CS8 of the Peterborough Core Strategy 30% of self-contained units should be provided as affordable housing unless the developer can demonstrate exceptional circumstances which necessitate provision on another site, or the payment of a financial contribution to the council to enable some housing need to be met elsewhere.

**Archaeological Officer – no objection** – the proposal is unlikely to cause significant damage to archaeological remains.

**Wildlife officer – no objection** - The ecological report makes no reference to the presence of the Stanground Newt Ponds County Wildlife Site located to the north of the site which is known to contain a 'good' breeding population of Great Crested Newt (GCN). Discussions have taken place with the author of the report and Wildlife Officer is content that adequate mitigation measures to provide enhancements to the existing vegetation on site can be agreed at reserved matters stage.

**Conservation officer** – Concern regarding the setting of the adjacent windmill which is grade II listed. Long views are possible from Fletton Parkway, Stanham Way and the cycle path to the west of the site and parts of the development may impede views of the windmill. It would be useful to provide comparative heights of the windmill and the proposed development along with an assessment of vistas and viewpoints. Questions the availability of space to provide therapy gardens and car parking due to density of development. A comprehensive landscaping scheme would be required. Since these comments were made an assessment of the visual impacts of the development has been submitted. No information has been provided regarding the comparative heights of the windmill and the three-storey blocks. Whilst we can perhaps concede on the long views from the Parkway the medium to short distance views are clearly more important. The general character of windmills in their settings is that there is open space around them. A tree belt comprising medium to forest sized trees would provide an effective buffer between the mill tower and the Nursing Care home on the southern site boundary.

**Landscape officer - No objection** – The Arboricultural survey has been carried out as per BS5837:2005. Most of the trees on site do not provide a major landscape feature, however, they do provide for some biodiversity on-site which would benefit by additional landscaping. No objections subject to landscaping details being submitted at reserved matters stage.

**Strategic Planning Officer – No objection** - This application is for part of site SA3.40 in the Proposed Submission version of the Peterborough Site Allocations DPD. This document has been approved by full Council and has been subject to Public Examination. We anticipate the Inspectors report to be issued early next year and for the DPD to be officially adopted by the Council in February 2012. The document currently requires a coordinated approach to be taken to the development of this site to ensure individual applications that come forward are not prejudicial to the delivery of high quality schemes across the site as a whole, or to the provision of satisfactory access(es) from the public highway.

**Travelchoice Officer - No objection** - A travel survey should be undertaken within 3 months of first occupation and a full travel plan be submitted with results, new targets and an action plan for how they are going to achieve these targets no later than 6 months after first occupation. 5% of the total number of car park spaces allocated as car share bays. Cycle parking should be provided. Contribution is sought for monitoring the Travel Plan over a 5 year period.

## **EXTERNAL**

**Environment Agency – No objection** – No information has been submitted regarding disposal of foul drainage, therefore suggest condition. Details of surface water management should be submitted for approval. Consider there is negligible risk to controlled waters from the proposed development site. Due to the proximity to the former Stanground Landfill site a full investigation and assessment of the potential for landfill gas migration should be undertaken and remedial measures should be submitted to and approved in writing.

**Senior Police Architectural Liaison Officer – No objection** – The resubmission has overcome concerns over the openness of the site. The site has only one entrance and a secure boundary. It has been stated that the site should be secure with controlled gated access and no pedestrian link to adjacent land.

**Natural England – No objection** – the site is in close proximity to Nene Washes SSSI however, given the scale and nature of the proposal no objection is made. Consideration should be given to protected species and the adjacent wildlife site. There may be opportunities to incorporate features in the design of the proposal which are beneficial to wildlife.

**Fire Community Risk Management Group** - Hydrants required by S106 or Condition

## **NEIGHBOURS**

Two letters of objection have been received raising the following issues:

- The site is in a green wedge which is to contain urban sprawl
- The allocation should come forward as an agreed Masterplan as access from Buntings Lane is too narrow, putting public safety at risk
- Density is too high
- Concern regarding Great Crested Newts on the site to the north
- The site borders a former landfill site and within 50m of contaminated land
- Inappropriate site, the development should be located within a key service centre with facilities

## **7 REASONING**

### **a) The principle of development**

The site is a central part of a site allocation (ref. SA3.40) in the Proposed Submission version of the Peterborough Site Allocations DPD. This document has been approved by Full Council and has been subject to Public Examination. It is anticipated the Inspector's report will be issued early next year and for the DPD to be officially adopted by the Council in February 2012. Planning permission has been granted on the eastern section of the site for 14 no. dwellings (ref. 05/00067/FUL) and an extension of time application is currently under consideration (11/00506/FUL). This is a committed site within the Site Allocations Document DPD (SA3.3). The allocation of this site within the Site Allocations Document and the stages to which the site has progressed through the allocation process is therefore a material planning consideration; however, as part of the site currently lies outside of the urban area boundary, Members of the Planning and Environmental Protection Committee are empowered to determine the application.

The proposed use as care home falls under use class C2 'residential institutions'. The site allocation proposes residential C3 use and would contribute to the overall housing need figures for the Peterborough area. However, in considering the overall housing need for the city the accommodation of an increasingly elderly population forms part of that housing need. Therefore in your officer's opinion the proposed care village (C2) does provide for a housing need and accords with policy CS2 of the Adopted Peterborough Core Strategy.

The principle of the site being suitable for residential needs is already supported under the site allocation proposal. The site lies within a reasonable distance to facilities including the Aldi supermarket, Stanground Local Centre, Stanground Community Centre and local pharmacy and a range of facilities

would be available within the site to meet the needs of the future occupiers. The site is also served by a regular bus service along Peterborough Road and a bus service is to be provided as part of the Stanground South development providing a service to Stanground South Local Centre. The proposal therefore accords with policy H25 of the Adopted Peterborough Local Plan (First Replacement) 2005.

#### **b) Scale and Density**

The Site Allocations Proposed Submission Version proposes a total of 110 dwellings across the site. The density for the development would be considerably higher, however, the accommodation would not be provided as individual dwellings and as the indicative plans illustrate, would be provided within larger buildings within the site. Policy H15 of the Adopted Peterborough Local Plan (First Replacement) 2005 seeks residential development at the highest net density provided the quality of the environment and neighbouring amenity is not compromised. The indicative plans show taller buildings to the rear (west) of the site which are set back some 110m from the Peterborough Road frontage where there would be limited views and given the separation distance from the site to the neighbouring highway network to the north, west and south the scale of the development would not be unduly prominent from the public vantage point. It is considered that the site is of adequate size to accommodate the scale of development and the proposal makes efficient use of land in accordance with PPS3, H15 of the Adopted Peterborough Local Plan (First Replacement) 2005 and CS1 of the Adopted Peterborough Core Strategy.

#### **c) Access, Parking and Highway Implications**

The site is served by one access point which is central to the site off Peterborough Road and would be achieved through the demolition of two detached dwellings nos. 219 and 221 Peterborough Road. The principle of this access point on Peterborough Road is already supported under the previous approval for residential development (ref. 05/00067/FUL). Appropriate vehicle to vehicle and vehicle to pedestrian visibility spays can be provided at the access and is acceptable to the Local Highway Authority.

Parking would be provided within the site for up to 85 vehicles. The precise details of the parking provision would be considered at reserved matters stage when the layout for the development would be decided. Cycle parking would be provided on site, the precise positioning and details shall be secured by condition. The proposal therefore accords with policy CS14 of the Adopted Peterborough Core Strategy.

The LHA would prefer the site to be developed to allow permeability between the whole of the site allocation and linking to land to the north and south of the application site by all modes of transport, particularly by pedestrians and cyclists. However, given the nature of the development and the vulnerability of the future occupiers permeability through the site would not be appropriate. This is also supported by the Police Architectural Liaison Officer.

The transport statement has been submitted in support of this application. The traffic generation figures identify the need for a right-turn lane to access the development off Peterborough Road. However, it is the view of the LHA that as there would be limited numbers of vehicles accessing the site in peak hours, the impact of vehicles turning right at these times would not be sufficient to warrant the cost of this improvement.

It is unlikely that the majority of residents in the development would walk, cycle or use public transport to get to and from the site, however, it is likely that visitors and staff would be encouraged to do so. Improvement works are proposed along Peterborough Road which includes the provision of a footway/cycleway which would link into the cycle way network. As a result the LHA seek a contribution towards these works.

As part of the original submission of the site allocation the supporting text stated that the site must come forward with the benefit of an agreed 'Masterplan' for the whole site as the allocation raised concern regarding the number of land owners and the potential for individual accesses to be sought off Peterborough Road. It is now suggested that the need for a Masterplan is replaced with the wording of having a coordinated approach to be taken to the development of this site to ensure individual applications that come forward are not prejudicial to the delivery of high quality schemes across the site as a whole, or to the provision of satisfactory access(es) from the public highway.

The Highways section have confirmed that a suitable access would be available to serve the remainder of the allocated site to the south of the application site, off Peterborough Road and that access would be available off Buntings Lane to serve the remainder of the allocated site to the north. A survey of the junction of Buntings Lane with Peterborough Road has been undertaken by the LHA. Due to the constraint to development posed by the newt ponds to the north of the site allocation, the number of dwellings likely to be successfully accommodated on the northern part of the site allocation would be no more than 34 dwellings. Having undertaken the survey, the LHA are of the opinion that 34 dwellings would not cause detriment to the public highway and are of the opinion that the care home would not prejudice the northern part of the site allocation being delivered in terms of access. Hence the proposal accords with policies CS2 and CS14 of the Adopted Peterborough Core Strategy.

#### **d) Impact on the Listed Building**

There is a windmill located approximately 50m to the south of the application site. The windmill is a Grade II Listed Building. In accordance with policy CS17 of the Adopted Peterborough Core Strategy and indeed PPS5 the windmill is a heritage asset and the impact of the development on the setting of the Listed Building is a material planning consideration. A visual analysis of the impact of the development on the setting of the Listed Building has been undertaken and submitted for consideration as part of the proposal. The analysis indicates that the heights to parts of the buildings to the rear of the site would be limited to two storeys to allow views through the site towards the windmill. The windmill is visible when travelling along Fletton Parkway to the north, however the analysis has demonstrated that the development would not obscure all views of the windmill from this perspective. Analysis was also given for views when travelling along Stanham Way to the west and the A605 to the south which show no impairment of views of the windmill. The best views of the windmill are from Peterborough Road and the proposed development would be set behind the windmill from these viewpoints. It is therefore important to provide a backdrop to the listed building which has hitherto been provided by open landscape.

The Conservation Officer has advised that it is crucial that adequate space is left for landscaping which is appropriate to the height of the buildings. For a 3 storey development large forest sized trees would be suitable. A tree belt of this scale would provide an effective buffer between the mill tower and the nursing care home on the southern boundary. The impact of the care home on the setting of the listed building could also be addressed by lowering the height of elements of the care home to 2 storeys. It is considered with appropriate landscaping the setting of the Grade II listed building would be protected in accordance with policy CS17 of the Adopted Peterborough Core Strategy and PPS5.

#### **e) Protected Species**

An Ecological Assessment of the application site has been submitted as part of the proposal. The assessment concluded that the only species on site with legal protection were birds which were likely to be nesting in hedgerows. The site was of no ecological interest and contained no other protected species. The proposed development posed no constraints on wildlife. It is likely that the development will provide a net gain for wildlife through the landscape proposals which would introduce food sources for invertebrates and nesting birds. Concern was initially raised by the Wildlife Officer as the report made no reference to the presence of the Stanground Newt Ponds County Wildlife Site located some 160m to the north of the site which is known to contain a good breeding population of Great Crested Newt. A further statement has been provided and the Wildlife Officer is content that appropriate survey work had been undertaken at a suitable time of year to detect the possible presence of Great Crested Newts and no further survey work was required as no evidence of the presence of Great Crested Newts has been found.

It is acknowledged that the existing habitat within the site could be enhanced by the strengthening of hedgerow to the west of the site using native species and a strip of rich grassland. This detail can be provided at reserved matters stage. In addition there is opportunity to biodiversity gain in the provision of nest boxes for birds and roost boxes for bats. As this application is not considering the design aspect of the scheme these matters are reserved to the later stage.

A compliance condition is recommended to ensure that no hedgerow or trees are removed during the nesting season, unless a survey has shown that no nesting birds are present.

The proposal has considered the ecological constraints within the site and the proposal would not result harm to protected species. The proposal provides opportunity for biological gain within the site and accords with policy CS21 of the Adopted Peterborough Core Strategy and PPS9.

#### **f) Landscaping Implications**

There are some trees within the site however due to their location they offer little amenity benefit to the any public vantage points, however they do provide for some biodiversity within the site. There is opportunity to significantly improve the landscaping within the site which can be considered at reserved matters stage. Landscaping details shall be secured by condition in order to enhance the visual amenity and biodiversity and in accordance with policy LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policy CS21 of the Adopted Peterborough Core Strategy.

#### **g) The proximity to landfill site**

The proposed development would be within 100m of Stanground Closed Landfill Site and comprises land that has had previous industrial usage. A geoenvironmental ground investigation report has been submitted in support of the application. However, it has not been demonstrated that any monitoring has been conducted to assess the risks posed by hazardous ground gases to buildings. Therefore land contaminations conditions shall be appended requiring an assessment of the nature and extent of contamination and potential risks and details of a remediation scheme to be approved in writing by the Local Planning Authority in accordance with policy DA16 of the Adopted Peterborough Core Strategy DPD.

#### **h) Impact on surrounding character**

The surrounding character is primarily two storey development and the indicative layout plan indicates a good separation distance from existing neighbouring properties. It is considered that the scale and mass of the development would respect the surrounding built form within the immediate context. Consideration shall be given to the entrance and vista into the site at reserved matters stage, particularly any landscaping features which would enhance views into the site from Peterborough Road. The proposal is compliant with policy CS16 of the Adopted Peterborough Core Strategy.

#### **i) Neighbouring Amenity**

The proposal has revised the indicative layout submitted under a previous scheme which now provides a greater separation distance from the two storey units and their alignment with existing dwellings fronting Peterborough Road. The indicative layout has orientated the buildings thereby reducing the bulk and mass of the development from views from these properties. Significantly improved the relationship. There is a minimum separation distance of 40m to these existing dwellings. In addition the units abutting the rear gardens to nos. 217a and 223 Peterborough Road have been reduced in height to single storey. It is considered that the development would not result in any adverse impact on the amenity of the occupiers of existing neighbouring properties in terms of overlooking, loss of privacy or overbearing impact and the proposal is compliant with policy H25 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policy CS16 of the Adopted Peterborough Core Strategy.

#### **j) Secure by Design**

The site would be secure with controlled gated access and there would be no pedestrian access linkage to the adjacent land. Whilst it would be desirable to have linkage and permeability to all elements of the site allocation, in this instance, this would be incompatible with the needs of the future occupiers of the care village. The Police Architectural Liaison Officer is content that the proposal is a secure site. Hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

#### **k) Affordable Housing**

Due to the nature of the development the provision of affordable housing is not appropriate.

#### **l) S106 contribution**

In accordance with policy CS13 of the Adopted Peterborough Core Strategy the development would have a burden on the services and infrastructural needs of the city council and the following site related contributions, plus monitoring fee, are sought:

- Bereavement services £11,617,01
- Completion of Travel Plan and monitoring fee - £3,750

- Police - £40,000
- Contribution towards Peterborough Road improvements - £10,000

The contributions are considered to be reasonably related to the development and accord with the tests as set out under regulation 122 in respect of Community Infrastructure Levy.

#### m) Miscellaneous

##### Archaeological implications

The site does not fall within an area of archaeological interest.

##### Floodrisk and Drainage

The site lies within flood risk zone one (low risk). Details of surface water drainage will be required by condition.

##### Waste Management

It is anticipated that all waste from the site would be dealt with by private contractor. Although the residents of some units would be able to prepare their own food, waste disposal would be handled on a communal basis.

## 8 CONCLUSIONS

- The site forms part of a site allocation for residential development within the Site Allocations Submission Version DPD and would provide efficient and effective use of land;
- The proposal would provide for the residential needs of the elderly population;
- The scale of the development would respect the character and appearance of the surrounding area;
- the development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings;
- the proposal provides adequate parking provision within the site and would not result in any adverse highway implications;
- the proposal does not have an unsatisfactory impact on any ecological feature or trees of significant value; and
- the proposal makes satisfactory and justified off site provision towards improvement to the cycleway network and a contribution towards the social and physical infrastructure demands that it will place on the city.

Hence the proposal accords with policies DA16, H15, H16, LNE9, LNE10, T9 and T10 of the Adopted Peterborough Local Plan (First Replacement), policies CS2, CS10, CS8, CS12, CS13, CS14, CS16, CS17, CS21 and CS22 of the Adopted Peterborough Core Strategy and PPS1, PPS3, PPS5, PPS9.

## 9 RECOMMENDATION

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

**C 1 Approval of the details of the siting, appearance of the building(s), layout of the site and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

**C2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the details of the siting, appearance of the building(s), layout of the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.**

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

**C3 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

**C4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

**C5 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:**

**(i) a survey of the extent, scale and nature of contamination;**

**(ii) an assessment of the potential risks to:**

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with PPS23

**C6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.**

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with PPS23

**C7 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within one month of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.**

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with PPS23.

**C8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.**

**An assessment must be undertaken in accordance with the requirements of condition 5**



and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 6.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 7.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with PPS23

**C9 The landscaping scheme to be submitted as a reserved matter shall include the following details**

- **Proposed finished ground and building slab levels**
- **Planting plans including retained trees, species, numbers, size and density of planting, and shall include details of the trees along the southern and eastern boundary to provide a backdrop to the listed building.**
- **An implementation programme**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE10 of the Peterborough Local Plan (First Replacement) and under Core Strategy Policy CS20 - Landscape Character.

**C10 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE10 of the Peterborough Local Plan (First Replacement) and under Core Strategy Policy CS20 - Landscape Character.

**C11 Development shall be carried out in accordance with the recommendations contained within the Tree Survey, Arboricultural Implications Assessment & Arboricultural Method Statement (Doc Ref: 1879.Farcet.BSM.AIA).**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE10 of the Peterborough Local Plan (First Replacement) and under Core Strategy Policy CS20 - Landscape Character.

**C12 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.**

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

**C13 Notwithstanding the details hereby approved and in accordance with the recommendations provided in Ecological Assessment and letter dated 16<sup>th</sup> November 2011 enhancements shall be made to encourage biological gain within the site. The details shall be provided at reserved matters stage and the enhancements shall include:**

- **a range of bird and bat boxes**
- **the strengthening of the boundary hedgerows with a range of native species and habitats such as species-rich grassland buffers**
- **the planting of locally native species or more ornamental species known to attract wildlife.**

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy and PPS9

**C14 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, a scheme for the provisions of fire hydrants**

should be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full before the dwellings are occupied.

Reason: In the interests of the health and safety of occupiers of the site and in the vicinity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

- C15 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.**

As an alternative to the above energy efficiency requirement, a proposal which exceeds other requirements in policies CS10 and CS11 of the Adopted Peterborough Core Strategy and which is considered by the Local Planning Authority to be of greater benefit in achieving those policy objectives may be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

- C16 Details of the surface water drainage system shall be submitted with the reserved matters application. Once approved the details shall be implemented prior to the first occupation of the development and maintained in perpetuity.**

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1 of the Peterborough Local Plan (First Replacement).

- C17 Prior to the commencement of development, a scheme for foul drainage disposal from the proposal development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the approved scheme.**

Reason: To protect the quality of water in the local area and in accordance with policy U1 of the Adopted Peterborough Local Plan (First Replacement) and PPS 23.

- C18 Notwithstanding the details hereby approved the design of the care home to the south of the site as indicated as Phase 3 on drg. no. AP0002\_P04 shall incorporate 2 and 3 storey elements. The details shall be provided at reserved matters stage and development shall be carried out in strict accordance with the approved details.**

Reason: In order to protect the setting of the Listed Building and in accordance with policy CS17 of the Adopted Peterborough Core Strategy and PPS5.

- C19 An adequate space shall be provided within the site to enable vehicles to load and unload clear of the public highway. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

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

- C20 An adequate space shall be provided within the site to enable vehicles to enter and leave in forward gear, including a hard-surfaced area for the turning of refuse collection vehicles. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

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

- C21 An adequate space shall be provided within the site to enable a minimum of 82 vehicles to park clear of the public highway, including 2 allocated (replacement) parking spaces for 217a Peterborough Road. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policies T10 & T11 of the Adopted Peterborough Local Plan (First Replacement).

- C22 An adequate space shall be provided within the site to enable a minimum of 16 bicycles to be parked. This provision shall be in accordance with details which have been approved in writing by the Local Planning Authority.**  
Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policy T9 of the Adopted Peterborough Local Plan (First Replacement).
- C23 Development shall not commence before details of the siting of the buildings and means of access thereto have been submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a replacement vehicular access to 217a Peterborough Road. The new buildings shall not be brought into use until these new accesses have been constructed, in accordance with the approved details.**  
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).
- C24 The building shall not be occupied until a means of access for pedestrians has been constructed in accordance with the approved plan (AP0001\_P08).**  
Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.
- C25 Notwithstanding the details shown on plan AP0001\_P08, development shall not begin until details of the junction between the proposed access road and Peterborough Road have been approved in writing by the Local Planning Authority; and the buildings shall not be occupied until that junction has been constructed in accordance with the approved details.**  
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).
- C26 The existing access to 217a Peterborough Road shall be permanently closed to vehicular traffic before the new buildings are brought into use. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.**  
Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.
- C27 The gradient of the access shall not exceed 1 in 20 for a distance of 5m from the edge of the existing carriageway.**  
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).
- C28 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 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;
  - a scheme of working hours for construction and other site works;
  - a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load, unload and turn clear of the public highway and details of any haul routes across the site;
  - a scheme for parking of contractors vehicles, clear of the public highway;

- a scheme for access and deliveries including hours; and
- details of the proposed temporary construction access to the site.

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

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

**C29 The new buildings shall not be brought into use before a RTPI screen and sustainable travel information point have been installed in the main reception(s). This information point shall be kept up-to-date with the latest information leaflets for cycle and walking routes and bus timetables.**

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy, T4 of the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Guidance (PPG13 Planning and Transport).

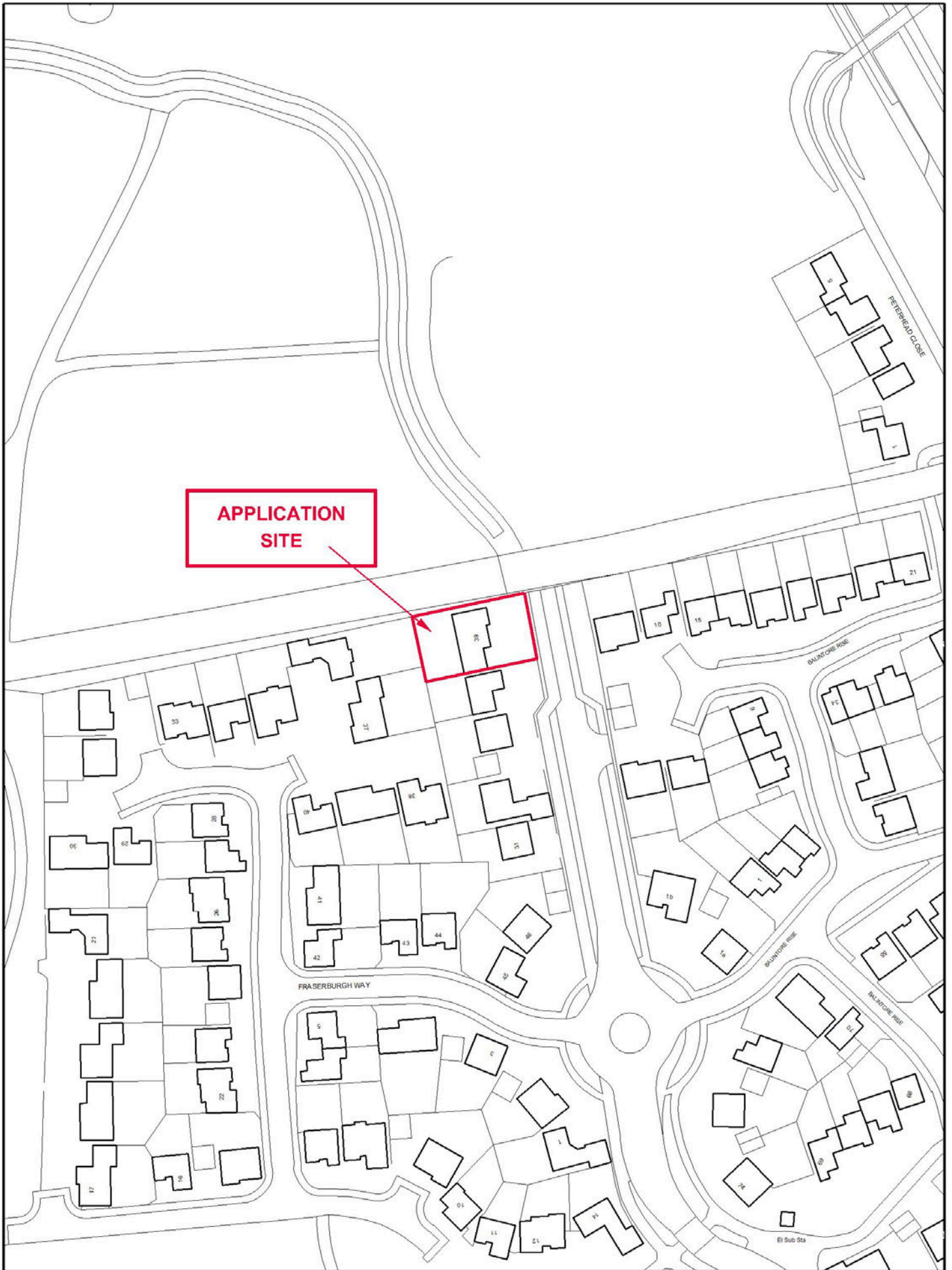
**C30 If gates are to be provided to the vehicular access they should be set back a minimum of 15m from the edge of the carriageway.**

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

**C31 A Waste Management Audit and Strategy (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details.**

Reason: To aid waste minimisation, reuse and recovery of waste and in accordance with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

Copy to Councillors B Rush, I Walsh, M Cereste



**LOCATION PLAN 11/01598/HHFUL**

39 Dunblane Drive, Orton Southgate

Scale NTS

Date 22/11/11

Name AA Department Planning Services



**PETERBOROUGH**



CITY COUNCIL

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11/01598/HHFUL: CONSTRUCTION OF GROUND AND FIRST FLOOR SIDE EXTENSION AT  
39 DUNBLANE DRIVE ORTON SOUTHGATE PETERBOROUGH PE2 6SW  
VALID: 7 OCTOBER 2011  
APPLICANT: MR S NITHYTHASAN  
AGENT: PDG ARCHITECTS LTD  
REFERRED BY: CLLR ALLEN  
REASON: REVISED PROPOSAL IS ACCEPTABLE  
DEPARTURE: NO

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

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on neighbour amenity
- Impact on the streetscene
- Parking

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

## 2 PLANNING POLICY

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

### Development Plan Policies

Key policies highlighted below.

#### **The Peterborough Core Strategy**

**CS16 Urban Design and the Public Realm** – Development should be of a high quality design appropriate to the area without having any unacceptable impact on neighbour amenity.

### Material Planning Considerations

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

Planning Policy Statement 1 – requires high quality design

## 3 DESCRIPTION OF PROPOSAL

The proposal is to extend the existing side garage by bringing the front wall forward by an additional 1.65m to within 250mm of the front of the main house, and extending the roof upwards. The proposed new roof would have a pitch the same as that of the main house; the ridge would be set 1.5m below that of the main house and to the rear of it. This would then allow for a long roof slope at the front which would terminate in an eaves line just above the lintels of the garage doors, which is at about the same level as the ground floor door and window lintels.

There would be two dormers in this roof slope.

The application as initially submitted included a single storey extension labelled as “preparation kitchen”. Some comments have been made about this, however it is important to note that this extension could be constructed as Permitted Development, and it has therefore been removed from the application.

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

The house dates from the 1990s, and is part of a large residential development on former Showground land. The area residential with houses of various designs. No 39 is the northernmost house of a row of detached houses. The row is laid out so that, although the houses are of varying designs, there is a pattern of houses with gaps between. These gaps are achieved by using single or one-and-a-half storey garages, and by setting elements back from the main building line.

The dwelling subject of this application is a two storey dwelling with rooms in the roof, with a single storey, shallow roofed garage to the site, separating it from No 37 to the south. The garage is currently set back from the front wall of the main house.

Dunblane Drive stops immediately to the north of No 39, however there is a link in place which will be opened once the development area to the north is occupied. There is a private drive serving the four houses at the top of Dunblane Drive.

#### **5 PLANNING HISTORY**

No relevant history.

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

##### **EXTERNAL**

**Parish Council** – No objection to the revised scheme.

##### **NEIGHBOURS**

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

- Why do they need 8 bedrooms – who will live there. Could it be to rent out rooms or turn the property into a mini-hotel.
- Understand that the road is eventually to be a bus route and if this is the case where will additional cars park - access for vehicles is limited
- Extension would reduce the amount of sky visible from 37 Fraserburgh Way
- Proposed extension is on the boundary – understood this was not allowed
- Ground floor extension comes towards the boundary of 37 Fraserburgh Way, to the rear, concern that this might be for cooking things for the shop that the house owners run and that the property might become effectively part of that business.
- Businesses are not allowed from the houses.

##### **COUNCILLORS**

Cllr Allen has asked that the application be referred to Committee in the event of an Officer recommendation for refusal, as in her view the proposal is acceptable and complies with planning policy.

#### **7 REASONING**

##### **a) Introduction**

This application was originally submitted with a single storey rear extension marked on the plans as “preparation kitchen”. This has been removed from the application as it is Permitted Development. The proposal has been amended since submission, and any consultation responses on the revised scheme will be included in the Update Report.



**b) Policy issues**

The only relevant Policy is CS16, which relates to the design of development and its impact on the public realm. This policy also requires that development does not have a detrimental impact on neighbour amenity.

There is no policy which restricts the number of bedrooms in a dwelling. There is no reason in principle why a dwelling should not have 8 bedrooms.

**c) Impact on neighbour amenity**

The proposed extension above the garage would result in there being two additional first floor windows at the rear of the property, in the same plane as existing windows. The separation distance between these windows and the facing windows on the properties to the rear is a minimum of 21 metres, which means that the proposal meets the usual minimum standard. It is not considered that at this distance the increase in height of the garage element would have any impact on light reaching neighbouring properties to the rear.

The only neighbour to be directly affected would be No 37, to the south (there has been no objection from this address). There is a small side window in that house, which is obscure glazed and therefore is most likely to serve a bathroom. The increase in height of the garage, and the forward extension, would result in there being a gable wall about one metre from this window. If this was a primary window to a habitable room then the impact of the extension would be sufficient to refuse the application. As it is, although there will still be sufficient space for a small amount of light to reach the window, and to allow for ventilation, it is considered that the impact on neighbour amenity is sufficient to form a reason for refusal.

**d) Impact on the streetscene**

There is a clear pattern, in the existing layout, of gaps between the mass of the houses. The proposed extension would almost completely fill in the gap between the application dwelling and that to the south. There would be a slight set back of the roof slope at the front, which would reduce the impact to an extent, but the front of the garage element would be in line with the front of the house, instead of set back. With the house to the south being so close (about 1m at ground level, less when the projecting eaves and roof verges are accounted for), the space would be visually filled in creating a 26m long run of building, instead of 10m then a gap then 9m.

Policy CS16 makes explicit reference to the "...scale and massing of building and the arrangement of spaces between them...".

It is considered that the bulk of the proposed extension would have a detrimental impact on the streetscene and the public realm, in particular by creating an unbroken mass of building and infill of the existing gap, thus disrupting the pattern of this part of the street.

**e) Parking**

The dwelling has, and would have as proposed, a double garage. The front of the garage would be 1.65m further forward if extended, but there is sufficient driveway space remaining to allow for manoeuvring and parking. The double garage and the driveway space would allow for 4 vehicles to be accommodated. The current Local Plan standard is for two parking spaces for larger houses; the emerging parking standard is for 3 spaces for larger houses.

The proposed site plan shows an additional area of concrete block paving, to be installed where there is currently some lawn in front of the house. There is no reason in principle to object to this, and the work would be Permitted Development if permeable surfacing was used.

As the dwelling is at the end of a private drive, there would be no impact on the highway network.

**f) Other matters**

The kitchen extension is no longer part of this application, but it could be constructed as Permitted Development. The Local Planning Authority has noted residents' comments in respect of the use of the kitchen and would state that the normal planning controls applying to businesses run from home would apply.

Renting out rooms to one or two lodgers is not normally a planning matter; the house could be operated as a small scale House in Multiple Occupation (HMO) for six persons or fewer as it is, without planning consent being required. Change of use to an HMO for more than six residents would require planning consent.

## **8 CONCLUSIONS**

It is considered that the bulk of the proposed extension would have a detrimental impact on the streetscene and the public realm, in particular by creating an unbroken mass of building and infill of the existing gap, thus disrupting the pattern of this part of the street.

The proposal would also result in a loss of light to the north-facing gable window of No 37 Dunblane Drive.

## **9 RECOMMENDATION**

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

It is considered that the bulk of the proposed extension would have a detrimental impact on the streetscene and the public realm, in particular by creating an unbroken mass of building and infill of the existing gap, thus disrupting the pattern of this part of the street.

The south facing gable wall of the proposed extension would be situated about one metre from a side window on 37 Dunblane Drive. Although this window appears to be secondary, serving a bathroom, it is considered that the impact in terms of loss of light would have a detrimental impact on occupiers of 37 Dunblane Drive.

The proposal is therefore contrary to Policy CS16 of the adopted Peterborough Core Strategy DPD, which states (intern alia):

### **Policy CS16**

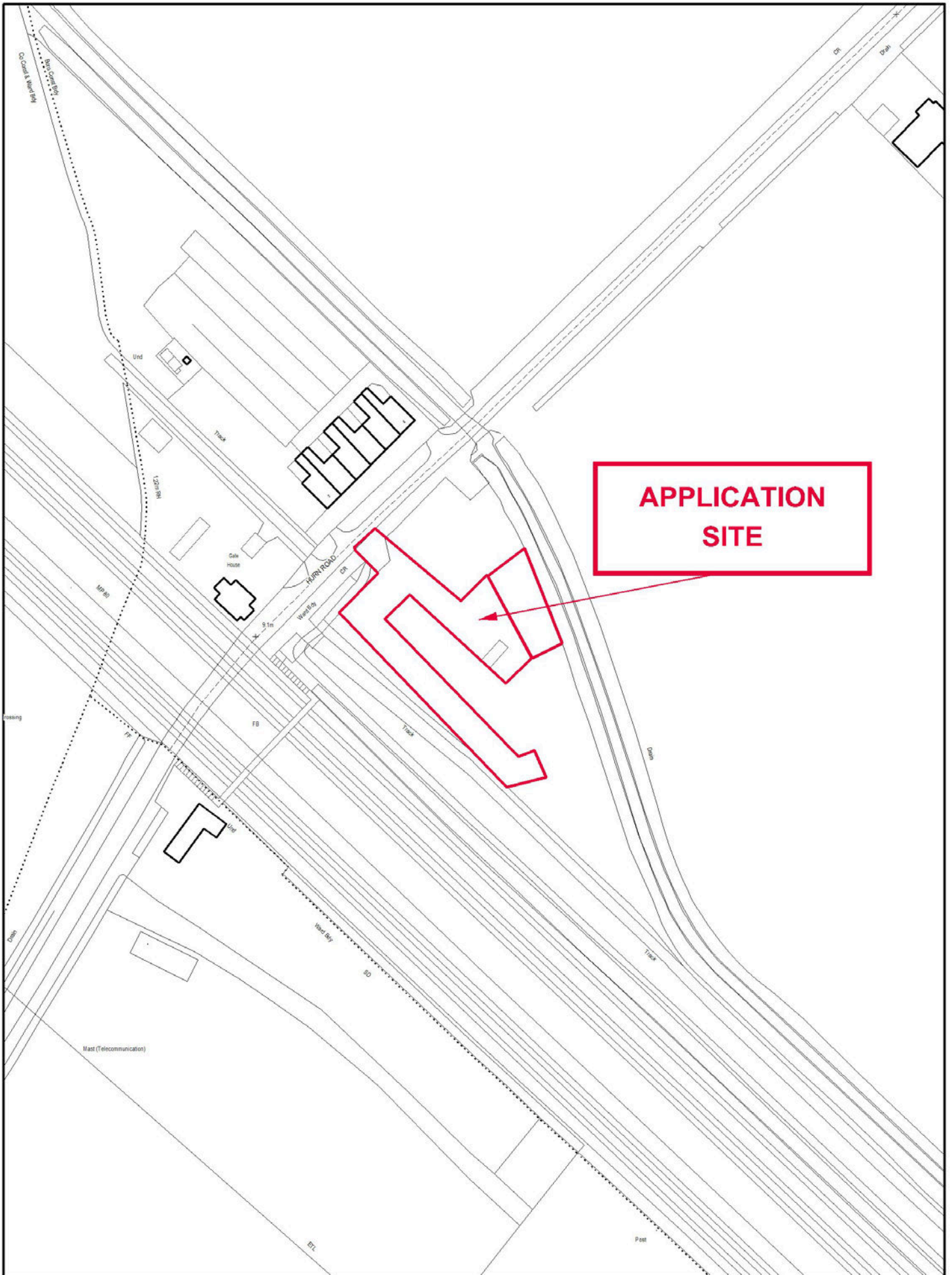
#### **Urban Design and the Public Realm**

High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. Design solutions should take the following principles into account:

... 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....

...New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties....

Copy to Councillors J Stokes, G A Elsey, S Allen



**APPLICATION  
SITE**

**LOCATION PLAN**     **11/01704/FUL**  
Land Opposite 3 Hurn Road, Werrington

Scale   NTS     Date   22/11/2011   Name   AH     Department   Planning Services

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**PCC GIS**



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11/01704/FUL: USE OF LAND FOR ONE EXTENDED GYPSY FAMILY COMPOSED OF 2 STATIC CARAVANS AND 1 TOURING CARAVAN AT LAND OPPOSITE 3 HURN ROAD, WERRINGTON, PETERBOROUGH

VALID: 25 OCTOBER 2011

APPLICANT: MR C WILSON & EXTENDED FAMILY

AGENT: ARCHITECTURAL & SURVEYING SERVICES LTD

REFERRED BY: CLLR BURTON

REASON: DETRIMENTAL TO THE CHARACTER AND APPERANCE OF THE AREA, INADEQUATE NOISE ABATEMENT, LACK OF SERVICES –WATER, SEWAGE, GAS & ELECTRICITY, IMPACT ON NEIGHBOURING AMENITY E.G. NOISE FROM GENERATORS.

DEPARTURE: NO

CASE OFFICER: ANDREW CUNDY

TELEPHONE: 01733 454410

E-MAIL: andrew.cundy@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is for the use of land for one extended gypsy family composed of 2 static caravans and 1 touring caravan.

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology
- Noise – Residential Amenity (occupiers)
- Residential amenities of the occupiers of close by existing residential properties.
- Access to local services

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.

### Development Plan Policies

**Relevant policies are listed below with the key policies highlighted.**

#### Peterborough Core Strategy DPD (2011)

CS9 – Gypsies and Travellers

CS14 – Transport

CS17 – The Historic Environment

CS20 – Landscape Character

CS22 – Flood Risk

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

H16 Residential design and amenity  
LNE9 Landscaping implications of development proposals  
LNE10 Detailed elements of landscaping schemes  
U1 Water supply, sewage disposal and surface water drainage  
U9 Pollution of Watercourses and Groundwater

#### Other Guidance & Policies

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

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

Design Gypsy and Traveller Sites: Good Practice Guide May 2008

East of England Plan (May 2008) (Secretary of States proposed changes March 2009)

- Policy H3 – Provision for Gypsies and Travellers

Cambridge Sub-Regional Gypsy & Traveller Accommodation Needs Assessment (2011)

The criteria of Policy CS9 of the Core Strategy which will be used to consider planning applications for new Gypsy and Traveller Caravans and associated facilities are:-

- a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality
- b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities including a primary school
- c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway and adequate space for vehicle, parking, turning and servicing
- d) the site should be served, or be capable of being served by adequate mains water and sewerage connections
- e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of the occupiers of nearby properties or the appearance or character of the area in which it would be situated.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is seeking planning permission for the erection of two static caravans for residential occupation. The application details have stated that the lengths of the caravans would be between 8.6m and 9.8m (depending upon exact model chosen) and width of 3.8m. A third caravan 6.5m by 2.29m is to be used as a shared family room facility. All three caravans are to be used by one extended family. A foul water treatment plant is also proposed. The site area is approximately 0.07 hectares and is 'L' shaped in plan form. The vehicular access is proposed directly opposite no.3 Hurn Road and is shown with a width of 8m. Entrance gates are to be set approximately 6m from the edge of Hurn Road. The two 'living' caravans are to be located approximately 26m and 32m from Hurn Road. They are to be positioned at right angles to each other and immediately adjacent to each other. The family room caravan is to be located at the very rear of the site approximately 50m from Hurn Road. Parking provision is shown for 5 vehicles and a 6m diameter turning circle is identified within the access road. The 'living' caravans are proposed at a distance of approximately 43m from the nearest line of the London to Edinburgh mainline railway and the family room would be approximately 40m.

The agent has provided evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers.

The original application for the development ref:- 10/00412/FUL was withdrawn by the applicant as a result of a refusal recommendation to Committee by the Head of Planning, Transport and Engineering Services. It was considered that the occupation of the site, in very close proximity to the mainline London to Edinburgh railway, would not provide for a satisfactory living environment for occupiers of the site given the exposure to high noise levels from the passing trains. No measures were proposed in that application to mitigate against the noise from the trains.

Since this application there have been two further planning applications. Planning applications ref: 10/01065/FUL and 11/01320/FUL both proposed two noise barriers to protect the living environment for occupiers. Both applications were refused as it was considered initially by members 23<sup>rd</sup> November 2010 (application ref: 10/01065/FUL) and then by officers 13<sup>th</sup> October 2011 (application ref: 11/01320/FUL) that the proposed acoustic noise barriers, due to their height, length and siting, would stand out as incongruous, dominant and alien features within the immediate rural setting to the detriment of the character and appearance of the countryside.

Turning to the subject application, the applicant has now deleted both noise barriers. As an alternative to the barriers the applicant proposes to: -

- 1 - clad the mobile homes to improve their sound resistance
- 2 – re-site the amenity space 6 metres further away – the static caravans along side 1.8m high fence surrounding the amenity space are to act as a sound barrier
- 3 – install either a noise reduction strip/triple glazing to the static caravan windows
- 4 – Install trickle ventilators – with a mechanical option for warmer months to the static caravan windows
- 5 – add to existing boundary planting

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

The sole vehicular approach to the site is via Hurn Road which is a very lightly trafficked road of a single carriageway width. The road has a mature hedge along its northern side whereas to the south there are clear views into the open countryside. The application site is located within a triangular shaped area of land. This land is generally overgrown with various vegetation including scrub type, shrubs, hedging and small trees. Immediately to the north of the application site is a row of 6 modest sized terrace houses the frontages of which are set back 9m from the vehicle carriageway. A detached dwelling is located very close to the railway line to the west of the terraced row. To the east/south east of the site is arable farmland. The nearest line of the East Coast mainline railway is approximately 35m from the western boundary of the application site. In total there are three mainline tracks with two further railway lines to the west that connect Peterborough with Leicester via Stamford. The Peterborough Green Wheel Footpath/Cycleway passes by the site along Hurn Road to connect Marholm to Werrington.

#### **5 PLANNING HISTORY**

(a) Application ref: 11/01320/FUL - Use of land for one extended gypsy family comprising of 2 static caravans and 2 touring caravans – Refused – 13<sup>th</sup> October 2011

Reason - The proposed acoustic noise barriers, due to their height, length and siting, would stand out as incongruous, dominant and alien features within the immediate rural setting to the detriment of the character and appearance of the countryside. Therefore the proposal would be contrary to policies CS16 and CS20 of the Peterborough Core Strategy DPD Adopted 2011

(b) Application ref: 10/01065/FUL - Use of land for one extended gypsy family comprising two residential caravans and one family room caravan – Refused by members of the planning and environmental protection committee 23<sup>rd</sup> November 2010

Reason – As above

(c) Application ref:- 10/00412/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan – WITHDRAWN – 28<sup>th</sup> July 2010

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

##### **INTERNAL**

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

**Highways Officer** – No highway objections. The proposal will not generate significant traffic volumes and the proposed access arrangements are acceptable. Suggest condition re: setting back of gates.

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

**Environmental Health Pollution Control Team** – No objection – The caravans have been positioned on site so that they themselves are noise barriers to the railway. That and a 1.8 metre high close boarded fence will ensure an acceptable external amenity area sufficiently protected from noise can be provided. Windows provided on the elevations of the caravans furthest from the railway line prevent the need to open those windows facing the railway line for ventilation. In addition the applicants have listed a number of possible noise attenuation measure that they could use – double glazing, cladding and vents to protect their homes from noise. Recommend a condition requiring the applicant to submit details of the exact noise protection measures and a 35db noise level condition.

**Landscape Officer** – No objections

## **EXTERNAL**

**Environment Agency** – No objections. The applicant should note in future if they wish to culvert any watercourse it would require approval of the Environment Agency. Consent would also be required from the Environment Agency for any works/structures within 9 metres of the Brook Drain that runs close to the eastern boundary of the site.

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

**Werrington Neighbourhood Council** – No comments received

## **NEIGHBOURS**

Six objections to the proposal have been received from occupiers of properties on Hurn Road. The occupiers raise the following planning issues:

- The dictionary definition of 'gypsy' would indicate that the applicant does not conform to this culture
- Site is too close to main east coast railway line – potential for an accident occurring because of children or livestock straying onto the railway line, there has already been the death of a child on the railway line
- No school or medical facilities nearby
- Hurn Road is a single country road which is unsuitable for an increase in regular traffic which would be generated, this could impact on emergency services access
- Parking may be an issue as there limited space at present
- The availability of the sewage service has to be taken into consideration – there are no waste disposal facilities in Hurn Road
- The water pressure in the road is low as it is and this will create even further demands upon the supply
- Not in keeping with the area
- Will create a precedent for similar development in the area.
- Privacy
- The application does not make clear how many people are proposed to live on the site
- Loss of agricultural land



- Previous objections still relevant, previous planning applications on the site have been refused, one of which is current being appealed
- Noise pollution from adjacent railway line. The measures proposed for noise protection do not seem sufficient
- The shrubs and trees proposed will take some time to mature to provide suitable noise protection
- Impact on property values
- The cladding of the caravans to provide noise protection could be visually poor and out of keeping with character of area
- Developing the site would reduce the wildlife potential of the site

### **Councillors**

**Cllr Burton** – Asks that this application be referred to planning committee for decision for the following reasons:- detrimental to the character and appearance of the area, noise abatement for the site is inadequate, no provision of water, sewage, gas and electricity to the site, impact on the amenity of neighbouring properties e.g. noise created by the use of generators.

## **7 REASONING**

### **a) Principle of development**

The application site is located within the open countryside i.e. outside of a village envelope. The application should, be determined on the basis Core Strategy Policy CS9 and the guidance in Government Circular 01/06.

The Cambridge Sub-Regional Gypsy & Traveller Accommodation Needs Assessment (2011), identifies a need for 10 pitches between 2011 and 2016 in the Peterborough City Council area.

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

### **b) Landscape Impact**

The application site is not located in an area of the district that has been identified as having the best landscape value although the immediate area does have a rural quality that affords a pleasing visual amenity. The present condition of the site is somewhat overgrown but it has had a long history of agricultural use and has established itself by way of its hedging and trees such that its condition is considered compatible with the rural nature of the immediate area. In determining the previous application officers and members agreed that the relationship with the immediate area would be significantly altered by a proposed noise barrier/s. Following discussions, the applicant has deleted the concept of a noise barrier from the application. It is considered that the proposed development will not unacceptably impact on the character or appearance of the rural setting.

### **c) Access to Services**

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

The site is within approximately 1.1km from the nearest shops at the Loxley Centre, off Lincoln Road Werrington. The nearest Primary School is William Law School that is 1.5km away from the site. The Primary School in Glinton is approximately 2.6km away. It is considered that these distances are reasonable travelling distances to these services. Circular 01/06 states that issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Other considerations include the wider benefits of easier access to GP's, other health services and children attending school on a regular basis with the provision of a settled base that reduces the need for

travel by car. On balance it is considered that the location of the site is sustainable. The site is locationally comparable to that of a Gypsy caravan site proposed off the A47 near to Wansford which the Local Planning Authority (PCC) refused planning permission. The applicant appealed the decision and whilst the Planning Inspectorate dismissed the appeal the Inspector was satisfied the location was sustainable in that the site was within walking distance and only a short car journey away from the services in Wansford which contains various shops and a health centre.

**d) Highways**

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

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

**e) Drainage**

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

The Environment Agency raises no objection to this application. The site could in principle be serviced with mains water and the use of a small sewerage treatment plant would be acceptable. The latter could be secured by a planning condition.

**f) Impact on surrounding sites**

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

The nearest residential properties are sited 39 metres from the nearest caravan. It is considered that at this distance the proposed development would not adversely impact on the amenities of the occupiers of nearby residential properties.

**g) Archaeology**

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

**h) The Residential amenities of the future occupiers of the caravans.**

In general terms it is not considered desirable to locate residential caravans in close proximity to main line railways where impact noise levels are high from the passing of high speed trains and the fact that the sound insulation afforded to caravans is poor due to their lightweight construction. In this case there would be a frequent high level noise source 35m to the west of the application site.

The applicant proposes to mitigate the impact of noise by:

- 1 - cladding the mobile homes to improve their sound resistance
- 2 – re-siting the amenity space 6 metres further away – positioning the caravans along side the 1.8m high fence surrounding the amenity space are to act as a sound barrier
- 3 – installing either a noise reduction strip/triple glazing to the static windows
- 4 – Installing trickle ventilators to the static caravans– with a mechanical option for warmer months
- 5 – add to existing boundary planting

Having studied each of these options the Environmental Health Team is satisfied that each of the options would lower the noise levels from the passing high speed trains sufficiently to provide for a satisfactory living environment within the site and provided that noise reducing acoustic ventilators are fitted to the caravans the internal caravan living accommodation would be satisfactory. The inclusion of the acoustic ventilators would reduce the need for the occupants of the caravans having to open doors/windows, in hot weather for example, which if occurred would expose them to unacceptable levels of noise.

Consideration has also been given to the potential for the caravans to be affected by ground vibration from the passing trains and also to occurrences of resonate excitement of fixtures/lightweight structures/contents. The Environmental Health team have concluded that both are unlikely to be a problem for the occupiers of the caravans provided the noise mitigation barriers are provided. This conclusion has been reached based upon experiences of the residents of the mobile homes in the Dukessmead Mobile Home Park where a number of the homes in the Park are within comparable proximity to the same railway lines as the proposed caravans. No such problems have been highlighted by the occupiers of the homes and there are no noise mitigation barriers between the mobile homes and the railway lines.

**i) The impact of the proposal upon the amenities of the occupiers of close by existing residential properties.**

Concern has been expressed from a resident of Hurn Road that the occupation of the site would adversely impact upon their general amenities for example by way of the activities of the occupiers upon the site, specifically the local resident argues that Hurn Road is a single country road which is unsuitable for an increase in regular traffic. As the site is located directly opposite existing residential properties the use of the site could be expected to generate levels of activity either from within the site and as a result of vehicle movements to and from the site that could impact upon the general amenities of the occupiers of those properties. However, whilst there will be some impact, consideration has to be given as to whether such impacts would lead to conditions that would cause actual detriment to their amenities. It is anticipated, given the labouring types of trades that Travellers are generally involved in, that the vehicles of the occupiers of the site could be generally larger than the private motor vehicle to include, for example, transit vans and small lorries. No objection has been raised by the Highways Officers who are satisfied that given the site is to be occupied by a single extended family would not generate a level of traffic along Hurn Road that would inconvenience existing users of the road either on foot or by vehicle. In addition there would be sufficient space within the application site to permit vehicles to enter and leave in a forward gear such that vehicles generated by the occupation of the site would not have to manoeuvre at the entrance to the site which could otherwise have inconvenience existing residents.

The existing dwellinghouses to the north of the site are to be located 39m away from the two residential caravans and would be located at a distance of 62m away from the family caravan. Given the separation distances the occupation/use of the caravans would be unlikely to have an adverse impact upon the amenities of the occupiers of the existing dwelling houses.

**j) Miscellaneous**

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

- Concern has been expressed that the safety of children living at the site may be compromised through access to the mainline railway. However, the railway is secured by security fencing along its boundary to restrict access.

## **8 CONCLUSIONS**

Planning application ref: 11/01320/FUL - Use of land for one extended gypsy family comprising of 2 static caravans and 2 touring caravans was refused on 13<sup>th</sup> October 2011. Officers considered that the proposed acoustic noise barriers, due to their height, length and siting, would stand out as incongruous, dominant and alien features within the immediate rural setting to the detriment of the character and appearance of the countryside.

It is considered that the removal of the sound barrier from the proposal and the new noise mitigation proposals addresses the previous reason for refusal. It is therefore considered that there will be no

unacceptably adverse impact on the amenities of neighbours or the character or appearance of the land. The site is within a reasonable distance of local services and facilities, has a suitable vehicular access and utilities can be provided. The proposal is therefore in accordance with Policy CS9 of the Peterborough Core Strategy DPD 2011

## **9 RECOMMENDATION**

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

There will be no unacceptably adverse impact on the amenities of neighbours or the character or appearance of the land. The site is within a reasonable distance of local services and facilities, and has a suitable vehicular access. Utilities can be provided. The proposal is therefore in accordance with Policy CS9 of the Peterborough Core Strategy DPD 2011.

**C1 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).

**C2 This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined by paragraph 15 of ODPM Circular 01/2006.**

Reason: In order to control development in the open countryside, in accordance with Policy CS9 of the adopted Peterborough Core Strategy DPD.

**C3 No more than three caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.**

Reason: In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy CS9 of the adopted Peterborough Core Strategy DPD.

**C4 No development shall take place until details of cladding materials, including roof and wall materials, details of the type, design and external finish of all windows, external doors, means of ventilating the caravans 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 shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: For the Local Authority to ensure a satisfactory external appearance and level of amenity to the occupiers of the caravans, in accordance with Policy CS9 and CS16 of the adopted Peterborough Core Strategy DPD.

**C5 Notwithstanding the details hereby approved, if gates are to be provided to the vehicular access they should be set back 6 metres from the edge of the carriageway.**

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

**C6 No external lighting shall be installed on the site unless it is in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure that any such lighting has no detrimental impact on adjacent railway, in accordance with Policy CS14 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 has been submitted to, and approved by, the local planning authority in writing.**

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 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:**

- **Planting plans including retained trees, species, numbers, size and density of planting**
- **An implementation programme**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy CS21 of the adopted Peterborough Core Strategy DPD.

- C9 The caravans shall be so designed as to provide sound attenuation against externally generated noise of not less than 35; dB with windows shut and other means of ventilation provided.**

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

- C10 No development shall take place until drawings/specifications have been submitted to and approved in writing by the Local Planning Authority which shows a detailed bin storage facility. The approved scheme shall be provided prior to the first occupation of the caravans which it serves. It shall be retained thereafter for the storage of refuse and recycling bins only.**

Reason: In order to ensure that adequate bin storage space is available and to protect the visual appearance of the street scene in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C11 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout. Detail will be as per NJUG10 Guidelines for the planning installation and maintenance of utility apparatus in proximity to trees and British Standard 5837:2005 section 11.7.**

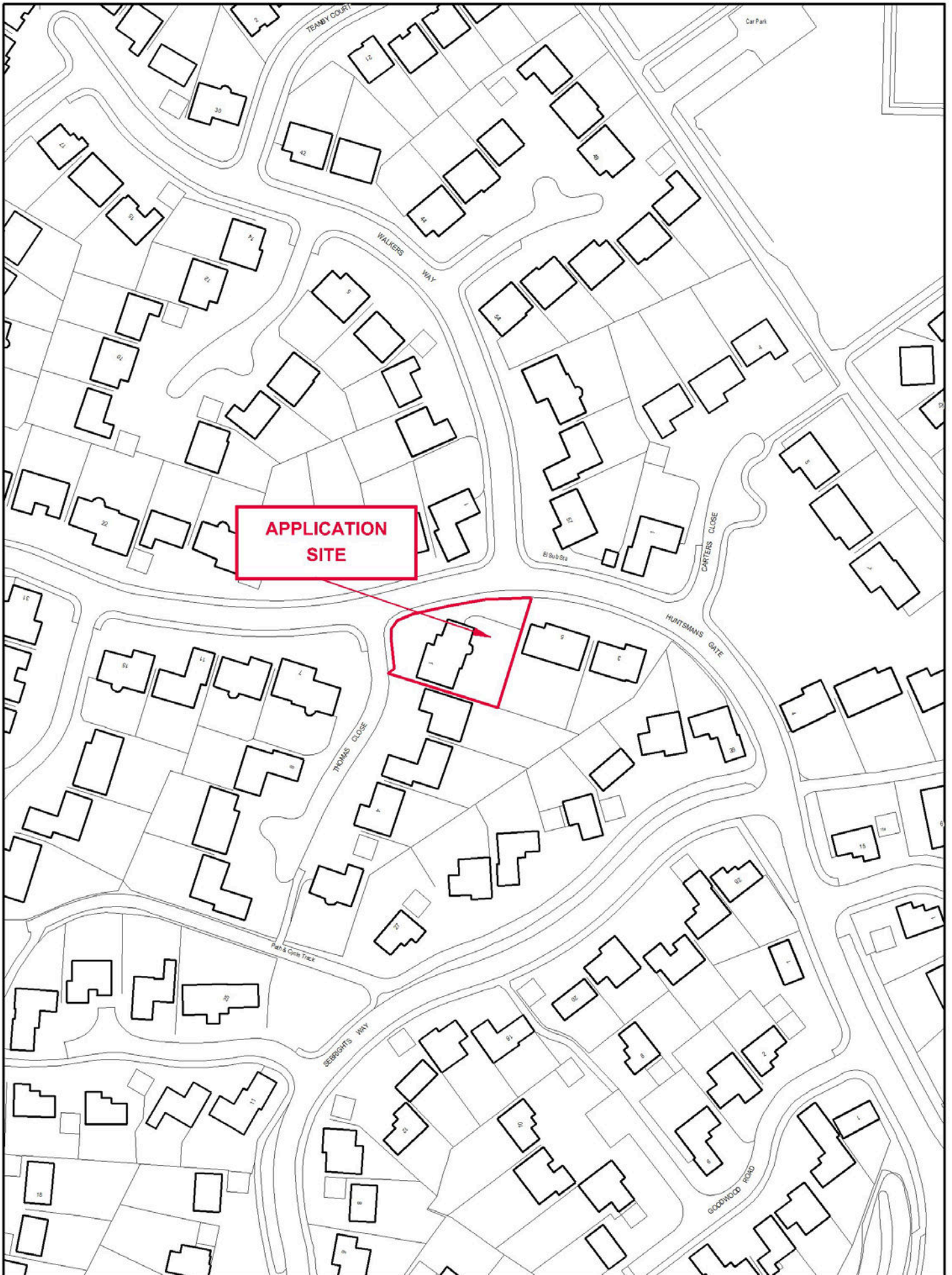
Reason: To ensure proper planning for tree protection where underground infrastructure is to be installed, in accordance with Policy CS20 of the adopted Peterborough Core Strategy DPD.

## **Informatives**

**1 – Under the terms of the Water Resources Act 1991 and local land drainage byelaws the Environment Agencies prior written consent is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank of the Brook Drain, designated a ‘Main**

**River'. Furthermore the Environment Agency consent is also required for any proposed culverting. Further information can be obtained by contacting Emma Kirk on 01522785533.**

Copy to Councillors: D Fower, C J Burton, P V Thacker MBE



**LOCATION PLAN**      11/01786/HHFUL

1 Thomas Close

**Scale** NTS      **Date** 22/11/2011      **Name** AH      **Department** Planning Services

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**PCC GIS**



**PETERBOROUGH**



CITY COUNCIL

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11/01786/HHFUL CONSTRUCTION OF FIRST FLOOR FRONT EXTENSION AT 1 THOMAS CLOSE, BRETTON, PETERBOROUGH  
 VALID: 10 NOVEMBER 2011  
 APPLICANT: MR WALJI  
 AGENT: MR PANJWANI  
 REFERRED BY: CLLR FLETCHER  
 REASON: CONSIDERS THAT THE DEVELOPMENT IS AN ACCEPTABLE DESIGN AND WILL NOT RESULT IN A DETRIMENTAL IMPACT ON THE CHARACTER OF THE AREA OR NEIGHBOUR AMENITY  
 DEPARTURE: NO  
 CASE OFFICER: MISS ASTRID HAWLEY  
 TELEPHONE: 01733 454418  
 E-MAIL: astrid.hawley@peterborough.gov.uk

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

The main considerations are:

- Design and impact on the character of the area
- Impact of the development on neighbour amenity

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

## **2 PLANNING POLICY**

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

### **Development Plan Policies**

**Key policies highlighted below.**

#### **The Adopted Peterborough Core Strategy DPD**

**CS16 Urban Design and the Public Realm** - High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. New development should be designed in a way that is accessible to all potential users and by a range of modes of transport, taking into account the transport user hierarchy of the Peterborough Local Transport Plan 3. New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

## **3 DESCRIPTION OF PROPOSAL**

Permission is sought for a first floor front extension. The proposal is to enclose the existing first floor balcony to create an internal room, proposed for use as a lounge. It is proposed that the extension will have a hipped style roof and incorporate 3 large first floor windows to the front elevation and 1 large first floor window to the north side elevation. It is proposed that the extension will be clad with white PVC.

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

The application dwelling is a large detached two storey property situated in a prominent position within the street scene to the corner of Thomas Close and Huntsman Gate. The property has been significantly

extended, with the creation of a first floor extension above the original garage and a front porch extension with a first floor balcony above. The dwelling has a hipped roof and is constructed from brick and tile. A hard paved driveway is located to the front of the dwelling that provides two incurtilage car parking spaces. The property has an open front curtilage, with grassed front lawn flanked by trees to the north and west site boundaries.

The application site is located within a modern residential development comprising of large detached two storey properties. The design of the nearby properties varies but there are a number of dwellings that are the same design as the application dwelling, prior to its earlier extension.

It should be noted that an earlier application (ref: 11/01434/FUL) for the same development was withdrawn on 27 October 2011 following discussions with the applicant regarding amending the design of the extension in order to address Officer Concerns about the likely adverse impact of the extension on the character of the area. There has been no change to the resubmitted application.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
06/01898/FUL	First floor extension over garage, front porch extension with balcony over	26.01.2007	Permitted
11/01434/FUL	First floor front extension	27.10.2011	Withdrawn

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

No internal consultation required.

### **EXTERNAL**

No external consultation required.

### **NEIGHBOURS**

At the time of writing the Committee report no letters of objection have been received from neighbouring residents. No representations were received in response to the earlier withdrawn application. The consultation period on the current application however does not expire until 06 December 2011. Members are therefore requested to consider the application for decision, subject to receiving any neighbour representations.

### **COUNCILLORS**

Cllr Michael Fletcher has referred the item to the Planning and Environmental Protection Committee as he considers that the development will not result in an adverse impact on the character of the area or neighbour amenity and as such accords with local plan policy.

### **Parish Council**

At the time of writing the Committee report no consultation response has been received from the Parish Council. However, the consultation period does not expire until 1 December 2011. No objection was received to the earlier withdrawn application. The Parish Council response will therefore be included in the Committee Up Date Report.

## **7 REASONING**

### **a) Design and Impact of the development on the character of the area**

The application dwelling is located at a prominent location within the street scene, at the junction of Thomas Close and Huntmans Gate, and is readily visible when viewed on the approach. There is a group of trees within the front curtilage that offer some screening, albeit it is recognised that these could be removed or die at anytime.

The application dwelling has already been significantly extended with the creation of a first floor extension above the double garage and the creation of an extended front porch with balcony above. The

proposal, when taken in conjunction with the existing extensions would result in a dwelling approximately doubled in size from the original host property, and would result in a large increase to the massing of the roof. However, it is recognised that the footprint for the extension now sought has been created by the earlier planning approval (ref: 06/01898/FUL) and that it would now be difficult to resist the development subject to securing an appropriate design. As submitted it is considered that the design is not acceptable as the proposed fenestration and materials would appear out of keeping with the character of the host property and would result in a detrimental impact on the character of area. Discussions have taken place with the planning agent about amending the proposed design however, the applicant has advised that the application should be determined as submitted by the Planning and Environmental Protection Committee.

As submitted it is considered that the development should be refused, however, in principle it is considered that the development could be supported subject to securing the following amendments:

**1) Replace the first floor windows to the front elevation with windows of the same size and design as the existing. The windows should be positioned so that they reflect the pattern of the existing fenestration.**

The proposed fenestration is not in keeping with the style, size or positioning of the existing windows within the property. It is considered that the wide expanse of glazing proposed to the first floor front elevation would appear out of keeping with the character of the host property and create an alien feature at odds with the character of the host property to the detriment of the character and appearance of the street scene.

**2) Remove the first floor window to the north facing side elevation or replace with one window of the same size and design as the existing ground floor window beneath.**

The design and size of the proposed first floor window is out of keeping with the design and size of the windows within the host property and its size is considered out of proportion with the size of the elevation within which it sits.

**3) Remove the proposed white UPVC cladding and construct the extension so that it is of a buff brick finish that matches the character of the host property.**

Whilst it is recognised that white UPVC is a feature of the host dwelling it is considered that the proposal to clad the extension in white UPVC would exacerbate the prominence of the extension within the street scene and result in an unacceptable finish.

#### **b) Impact of the development on neighbour amenity**

There are existing windows in the front elevation of the dwelling hence it is not considered that the additional windows proposed to the front elevation will result in an adverse impact on the amenities of the dwellings located to the west side of the dwelling. A first floor window is also proposed to the north side elevation of the extension. This will introduce a window to the previously blank north side elevation of the dwelling. Whilst this will overlook the frontage of the properties to the north it is recognised that these are already overlooked by neighbouring dwellings. Further given the separation distance of approximately 18 metres to the nearest dwelling (number 12) it is not considered that this relationship would be sufficiently detrimental to the amenities of the occupiers of this dwelling.

Given that the proposed extension will be located to the central part of the property, between the existing end walls of the dwelling it will not result in any adverse impact on neighbour amenity in terms of loss of light/overbearing.

The proposal will not therefore result in any adverse impact on neighbour amenity and is therefore in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD in this regard.

## **8 CONCLUSIONS**

The proposal is unacceptable as:

-The development by reason of the proposed materials, design, size and location of the proposed fenestration would appear out of keeping with the character of the host dwelling and result in a detrimental impact on the character and appearance of the street scene.

## **9**      **RECOMMENDATION**

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

-The development by reason of the proposed materials, design, size and location of the proposed fenestration would appear out of keeping with the character of the host dwelling and result in a detrimental impact on the character and appearance of the street scene.

The proposal is therefore contrary to Policy CS16 of the Adopted Peterborough Core Strategy DPD.

Copy to Councillor M Fletcher