

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 12 JUNE 2012

1.30 PM

Bourges/Viersen Rooms – Town Hall

AGENDA

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- 1. Apologies for Absence**
- 2. Declarations of Interest**
- 3. Members' Declaration of intention to make representations as Ward Councillor**
- 4. Minutes of the Meetings held on:**
 - 4.1 10 April 2012** **1 - 8**
 - 4.2 24 April 2012** **9 - 16**
- 5. Development Control and Enforcement Matters**
 - 5.1 12/00028/FUL - 51 Park Road, Peterborough, PE1 2TH** **17 - 22**
 - 5.2 12/00492/HHFUL - 25 Nansicles Road, Orton Longueville, Peterborough, PE2 7AS** **23 - 28**
 - 5.3 12/00531/FUL - Wisteria Farm, 31 West End Road, Maxey, Peterborough** **29 - 38**
 - 5.4 12/00619/LBC & 12/00618/HHFUL - 14 Church Street, Thorney, Peterborough, PE6 0QB** **39 - 48**
 - 5.5 11/01572/FUL - Land at Former Bretton Woods Community School, Flaxland, Bretton, Peterborough** **49 - 68**



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.

In accordance with Standing Orders, Members are asked to determine whether agenda item 5.6, Arborfield Mill, Helpston, 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.

5.6 06/00892/OUT - Arborfield Mill, Helpston

69 - 88

Committee Members:

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

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – 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 10 April 2012

Members Present:

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

Officers Present:

Lee Collins, Area Manager, Development Management
Adrian Day, Licensing Manager
John Wilcockson, Landscape Officer (Item 5.1)
Janet Maclennan, Senior Development Management Officer
Ruth Lea, Lawyer, Growth Team
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Stokes, Councillor Lane and Councillor Martin.

Councillor Winslade was in attendance as a substitute.

2. Declarations of Interests

Councillor Todd declared a personal, non-prejudicial interest in item 5.2, in that she knew Mr Branston, one of the speakers in attendance.

3. Minutes of the Meeting held on 20 March 2012

The minutes of the meeting held on 20 March 2012 were approved as a true and accurate record.

4. Members Declaration of Intention to make Representations as Ward Councillor

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

5. Development Control and Enforcement Matters

The Chairman addressed the Committee and stated that, with Committee's approval, it was proposed to take item 5.2 first. The Committee agreed to the proposal.

5.1 12/00212/FUL – Change of use of storage building to 24 hour taxi call office. 787 Lincoln Road, Peterborough, PE1 3HE

The application site was formed by a large detached single storey store building which was permitted under application reference 03/01334/FUL with a lawful storage and distribution use (Class B8). The site lay to the rear of No. 789 Lincoln Road, a vacant shop unit. The surrounding area was characterised by a mixture of uses, with residential dwellings to the south east, commercial buildings to the north east and a car sales unit directly opposite. Access was currently gated and situated between Nos. 785 and 789 Lincoln Road with an area of hardstanding surrounding the building, used for car parking. This part of Lincoln Road had recently been altered to restrict on-road parking.

The application sought planning permission for a change of use of the site from B8 storage and distribution, to a 24 hour taxi call office. The proposal would only be for the use of employees taking calls and would not be open to members of the public, or be a base for taxis.

The Area Manager, Development Management addressed the Committee and gave an overview of the proposal. The main issues for consideration were highlighted, those being the impact on residential amenity and highways implications. The recommendation was one of approval.

With regards to the impact on residential amenity, a petition had been submitted signed by all those residents living in the immediate vicinity. Two further letters of objection had been submitted and objections had also been raised by the Millfield and New England Regeneration Partnership (MANERP). Due to the nature of the proposal, in that it was not to be used as a taxi base, just for taking calls, it was in the view of Officers that the impact on residential amenity could be mitigated by conditions, as outlined in the report and the update report.

Highways had raised no objections to the proposal as the site had an established access and the proposal would not increase the number of vehicle movements.

Members' attention was drawn to additional information contained within the update report. As previously outlined, there was an amendment to condition C2 requested which would ensure that no private hire vehicles would frequent the site, apart from once a week to drop off takings, and not outside the hours of 08.00 to 18.00. An additional condition had also been requested stating that no more than six members of staff were to work from the site.

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

- The vision of drivers would be obscured due to a low wall at the front of the premises;
- There were a number of children that walked in front of the premises on their way to school. An amendment to the time for the taxi drivers to be

able to drop off their takings was therefore sought, this to be 09.00 in the morning instead of 08.00;

- There was no time specified for drivers being allowed to park on the premises. A time limit was therefore sought of around half an hour;
- There were strong rumours that the owner may wish to close his other business and therefore increase the number of taxis travelling along the road to the premises along Lincoln Road. A temporary three year licence was therefore sought;
- Parking in the area was not restricted to residents only;
- There had been problems experienced with noise coming off the gravel drive when cars passed over and also security lights turning on at night time;
- Cars visiting surrounding businesses only tended to stay for short periods of time;
- From 18.00, the gates to the premises would be closed, where would the vehicles park then, and would they not cause noise?

Mr Branston and Mr Khan, the Agent and Applicant, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- With regards to the obscured vision, splays had been included in the original application but a request to remove these had been made by the Highway Authority;
- The payments were all made through bank transfer so there would be hardly any drop offs at the site;
- It was preferred that the gates be closed early evening as the Applicant did not want taxis coming into the site and also for security reasons;
- There would be no taxis kept on the site;
- There would be one person in the office, so there would only be one car parked in the car park at any time;
- A radio had not been applied for as all of the calls were taken via the telephone and dealt with via computer;
- There would be very few occasions when vehicles would need to access the site;
- Mr Khan had set up the business for his sons, and there would be three to four taxis to start with;
- A taxi licence for the site could not be obtained until planning permission had been granted.

Following questions to the Area Manager, Development Management in relation to the condition outlining the times that private hire vehicles would be allowed to visit the site, the Licensing Manager addressed the Committee and gave a brief overview of the differences between private hire and Hackney taxis, and the legislation around taxis having to return to their base during slow times.

The Legal Officer addressed the Committee and reminded Members that Licensing issues were not to be taken in consideration at this time.

Following brief debate and questions to the Area Manager, Development

Management with regards to conditions which could be imposed to mitigate against possible lighting and noise issues, a motion was put forward and seconded to approve the application subject to an amendment to condition C2 to state that drop offs would only be permitted Monday to Friday, once per week, between the hours of 09.00 to 14.00 and the imposition of additional conditions in relation to the permitted number of staff allowed on site, external lighting and noise levels. The motion was carried by 6 votes with 2 voting against.

RESOLVED: (6 For, 2 Against) to approve the application, as per Officer recommendation, subject to:

1. The conditions numbered C1 and C3 to C5 as detailed in the committee report;
2. The amended condition C2 to state:

‘No taxis or private hire vehicles shall visit or operate from the site, other than a frequency of once per week Monday to Friday only in which to drop off any takings and not outside the hours of 09.00 to 14.00.’

3. The additional condition C6, in relation to the number of employees permitted to work at the premises, as detailed in the update report;
4. An additional condition in relation to the submission and approval of details of any external lighting by the LPA prior to installation; and
5. An additional condition in relation to the level of noise permitted to be emitted from the premises.

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan. Specifically, the proposed use as a 24 hour taxi call office would not give rise to any significant harm to the amenities of neighbouring occupants, would not result in a significant increase in vehicular movements to, within and from the site and would not result in any harm to the safety of the public highway.

The proposal was therefore in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011).

5.2 12/00360/TRE – Fell sycamore tree T20 of TPO Ref 1995_07, 24 Atherstone Avenue, Peterborough, PE3 9TX

The proposal was to fell a mature sycamore tree, protected by a Tree Preservation Order. The tree was located on the grass area abutting the public footway at the front of a detached property with gardens fronting onto 24 Atherstone Avenue.

The Landscape Officer addressed the Committee and gave an overview of the proposal. The applicant had sited that the tree roots had damaged drains and man holes, lifted block paving slabs and that the branches were potentially a threat to school children. The evidence had been supplied in the form of a report provided from a drainage company. The report highlighted the damaged caused, the causes of that damage and the costs of repairs. The tree was in good structural order with

no defects and there was no arboricultural justification for felling the tree. The tree offered high amenity value, this being the main reason for the TPO being placed on the tree in the first instance alongside a number of other trees situated along Atherstone Avenue.

In order for a TPO tree to be approved for felling, the applicant was required to provide evidence in support of the proposal; this had been done so via a Drainage Engineers report. Having assessed this report, it was in the opinion of the Landscape Officer that the findings had not categorically demonstrated that the tree itself was causing the damage. An outline of other possible causes were given to the Committee and it was advised that once repair had been undertaken on the pipes, due to the nature of those repairs, this would prevent future root ingress into those pipes. In respect of all other points of concern raised within the Drainage Engineers report, all could be addressed without the need to fell the tree. The recommendation was therefore one of refusal.

The Committee was invited to ask questions of the Landscape Officer, key points were highlighted and discussed as follows:

- The tree was in the region of 50 to 60 years old and had the potential to live to 250 years plus, dependent on growing conditions and pressures exerted on it in future;
- The tree would grow to a height that it needed to sustain itself, it would not just continue to grow;
- The tree did have the potential to grow a further 5 to 10 metres;
- There were smaller and more appropriate species of tree which could be planted outside houses;
- There had been no other trees with TPOs removed in the area in recent years;
- If consent to be felled was granted, this could set a precedent for felling other trees in the area;
- Replacing the tree with a more appropriate species could be considered;
- It was unknown whether sycamore trees were indigenous to the country;
- Just because a tree was high, this did not automatically make it dangerous;
- The recent dry conditions could have exacerbated the situation with the trees.

Following questions to the Landscape Officer, concern was expressed by Members at the prospect of the tree being felled. 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.

Reasons for the decision:

As the pipes needed to be repaired anyway and the other reasons provided to fell the tree could be addressed through tree management, it was considered that there was insufficient justification to fell a tree that provided substantial visual amenity value.

The felling of the tree was not deemed to be proportionate with the remedial works required.

The meeting was adjourned for ten minutes.

5.3 11/02040/R4FUL – The construction of 21 dwellings comprising of 12 x 2 bed houses and 9 x 3 bed houses, together with associated external works and parking. Recreation ground, Honeyhill, Paston, Peterborough

The site area was approximately 0.6 ha, grassed and formerly part of the Honeyhill Primary School Site, currently used as a Community/Children’s Centre. The site was enclosed to the south and west by a mature hedge and trees. There was a foot/cycle path directly to the west, a recreation ground to the east and Honeyhill Community Complex to the north. The surrounding character was predominantly residential and was comprised of Development Corporation housing, circa 1970s, built as part of the New Town Development for Peterborough.

The application sought permission for residential development comprising 12 x 2-bed and 9 x 3-bed, two storey affordable dwellings with associated parking. The site would be accessed off Paston Ridings.

The Area Manager, Development Management addressed the Committee and gave an overview of the proposal. The main issues for consideration were highlighted, those being the policy context and the principle of development, the design and layout of the scheme, the impact on neighbouring and residential amenity, highway implications, open space, landscaping implications, the impact on the historic environment, contamination and the S106 contribution. The recommendation was one of approval.

Members’ attention was drawn to additional information contained within the update report. It was highlighted that a revision to condition C7 was sought, should the Committee be minded to approve the application.

Following questions to the Area Manager, Development Management it was commented that the application was extremely well thought out and very impressive. A motion was put forward and seconded to approve the application, subject to a revision to condition C7 as detailed in the update report and an amendment to condition C3. The motion was approved unanimously.

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

1. The conditions numbered C1 to C2, C4 to C6 and C8 to C21 as detailed in the committee report;
2. The revision to condition C3 to state:

‘No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation and evaluation by trial trenching has been submitted to, and approved by, the local planning authority in writing’.

3. The amended condition C7 as detailed in the update report.

Reasons for the decision:

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

- This was an allocated housing site in the Local Development Framework Site Allocations Proposed Submission Document and would provide efficient and effective use of land and was in accordance with the spatial strategy for the location of residential development;
- The scale and design of the development would respect the character and appearance of the surrounding area;
- The development made adequate provision for the residential amenity of the future occupiers of the properties;
- The development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings;
- The proposal provided adequate parking provision for the occupiers of the dwellings and visitors and would not result in any adverse highway implications;
- The proposal would provide affordable dwellings and would meet an identified housing need;
- The proposal would not have an unsatisfactory impact on trees; and
- The proposal made satisfactory and justified off site provision for improvement to public transport and made a contribution towards the social and physical infrastructure demands that it would place upon the city.

Hence the proposal was in accordance with policies H15, H16, LNE9, LNE10 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS2, CS8, CS10, CS13, CS14, CS16, CS17 of the Adopted Peterborough Core Strategy DPD and the NPPF.

1.30pm – 3.21pm
Chairman

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Minutes of a Meeting of the Planning and Environmental Protection Committee
Held at the Town Hall, Peterborough on 24 April 2012

Members Present:

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

Officers Present:

Nick Harding, Planning Delivery Manager
Andrew Cundy, Area Manager Development Management
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Lawyer
Alex Daynes, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Martin.

Councillor Shabbir was in attendance as substitute.

2. Declarations of Interests

Councillor Todd declared a personal interest in items 5.2 and 5.4 as they were in her ward.

Councillor Shabbir declared a personal interest in item 5.4 as it was in his ward and also a personal and prejudicial interest in item 5.2 as it was in his ward and he had referred it to the committee. Cllr Shabbir would leave the committee when item 5.2 was considered.

Cllr Stokes declared a personal interest in item 5.3 as it was in her ward.

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

Cllr Todd declared that she would be making representation as ward councillor on behalf of local residents about item 5.2 on the agenda.

4. Minutes of the Meeting held on 6 March 2012

The minutes of the meeting held on 6 February 2012 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 11/02052/WCMM - Variation of Conditions 1, 19, 21 and 31 of Planning Permission 08/01562/WCMM to Allow the Acceptance of Asbestos in Dedicated Cells and to Increase the Catchment Area For Asbestos at Eyebury Quarry, Eyebury Road, Eye, Peterborough

The Planning Delivery Manager introduced the application that was made under Section 73 of the Town and Country Planning Act 1990, for the variation of conditions 1, 19, 21 and 31 (now proposed condition 29) of permission 08/01562/WCMM. The applicant wished to vary these conditions to enable the acceptance of asbestos waste in four dedicated stable non reactive hazardous (SNRHW) cells within the “southern extension area” of the Eye landfill site and to increase the catchment area from which asbestos waste (only) could be accepted.

Mr Mike Harty, the applicant for Biffa Waste Services Ltd, along with Mr Duncan Wright, the operations manager for the site, were available so that the committee could receive further information about the proposal. Responses to questions from the committee included:

- Recycling of asbestos was not the recommended method of disposal by the Environment Agency;
- Water dousing systems would be in operation around the site when the container bags were being moved;
- No sharp edges were allowed on the transportation vehicles which were regularly inspected;
- The asbestos containers were not moved once in place on the ground;
- Three separate lakes provided the water supply for the site so it was not reliant on mains water;
- Washing of vehicles was not required but was done so as an additional measure;
- Procedures were in place to deal with vehicles which may breakdown when transferring the material.

During debate, key points that were raised included:

- Local Friends of the Earth representative had indicated his acceptance of the application;
- Lack of alternative disposal options;
- Biffa was a reputable company.

A motion was put forward and seconded to approve the application with the conditions as set out in the report. The motion was carried unanimously.

RESOLVED: to approve the application, as per officer recommendations and conditions as set out in the report:

Reasons for the decision:

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

The Cambridgeshire and Peterborough Minerals and Waste Development Plan Core

Strategy DPD policies CS14, CS18, CS19, CS22, CS23, CS25, CS29, CS32, CS33, CS34, CS35, CS36 and CS39;
Saved policy OIW15 of the Peterborough Local Plan (First Replacement); and
The National Planning Policy Framework, PPS 10 Planning for Sustainable Waste Management, EC Waste Framework Directive on Waste 2008, Strategy for Hazardous Waste Management in England 2010, Waste (England and Wales) Waste Regulations 2011 are material considerations.

The proposal had been assessed against the above policies and material considerations and in accordance with the provisions of the Town and Country Planning Environmental Impact Assessment Regulations 2011. The cumulative effects of the proposed changes to the approved scheme together with those elements of the scheme that will remain as previously assessed are considered to be acceptable, as any impacts that have been identified are satisfactorily mitigated against and will be sufficiently controlled by planning conditions or other regulatory requirements. The proposal was in compliance with development plan policy and where there was a possibility of conflict i.e. need for SNRHW and catchment area, it was concluded that there was not sufficient conflict with adopted policy or with material considerations that would justify a refusal of the application.

5.2 12/00134/FUL – Construction of Four Two-Bed and One Three-Bed Affordable Bungalows Including Associated External Works and Parking, Demolition of 15 Eastleigh Road to Provide Access to New Dwellings At Land to The Rear of 9-33, Eastleigh Road and 197-215 Padholme Road, Eastfield, Peterborough

The Planning Delivery Manager introduced the application that sought permission for four 2-bed and one 3-bed affordable detached bungalows, including one bungalow which would be wheelchair compliant. The development would require the demolition of one semi detached dwelling at 15 Eastleigh Road to provide access to the development. 10 car parking spaces would serve the development. The Planning Delivery Manager highlighted that here had been issues with fly-tipping on the land, outbuildings and single story extensions were not included on the plan to assess accurately the proximity to existing residents' dwellings and the bungalows, as single storey buildings would not overlook the existing residents' gardens.

Councillor Todd addressed the committee on behalf of local residents and raised issues including:

- Lack of play areas for children in the area;
- Residents would like to purchase the land for garden space;
- The gardens in the houses most affected were not large enough and the space should be maintained;
- Development would be detrimental to quality of life and environment;
- Retirement bungalows were not consistent with the family sized housing that would surround them; and
- Parking issues Eastleigh Road could mean emergency vehicles would struggle to access the development.

Responses to questions from the committee included:

- Only minor issues with fly tipping – not widespread or frequent, returning the land to gardens would solve this issue;
- Previous offer to buy back the land was opposed by one resident who no longer

lived in the area, more consultation should have been carried out with existing residents;

Mr Brian Cox, a local resident addressed the committee highlighting the following issues:

- Residents desire to resort land to residential gardens;
- Access difficulties along Eastleigh Road for large vehicles turning in and out;
- Trees served as an attractive buffer between the houses of the two roads;
- Removing trees and replacing with streetlights would cause light pollution;
- Lack of alternative play areas nearby;
- Pleasing environment in summer months to have trees;
- Fly tipping not common; and
- Site is not well maintained by Cross Keys, residents would be better to do this.

Responses to questions from the committee included:

- All residents had expressed a desire to purchase the land;
- Children only played in the existing gardens which were not large enough;
- Trees served as a type of oasis in the summer months;
- Not aware of costs to maintain the trees on the site; and
- Could become a communal garden.

The Planning Delivery Manager addressed the committee and advised that the application was not to consider the use of the land as gardens or other alternative uses but to assess the application on planning considerations.

The Senior Engineer (Development) addressed the committee and advised that Eastleigh Road was not a narrow road until residents parked along it and access to the proposed development could be difficult if a car parked opposite the entrance. No objections had been received from the emergency services about the proposal.

The Principal Solicitor addressed the committee and advised that the land was not in the City Council's control and the application must be considered on its own merits.

A motion was put forward and seconded to reject the application on the basis that it contradicted policies CS16 and CS21 of the Core Strategy and also LNE9 of the Peterborough Local Plan. The motion was carried unanimously.

RESOLVED: to reject the application, contrary to officer recommendations.

Reasons for the decision:

The proposal contradicted the principles set out in the following documents:

CS16 of the Core Strategy (Urban Design and Public Realm),

CS21 of the Core Strategy (Biodiversity and Geological Conservation)

LNE9 of the Peterborough Local Plan (Landscaping Implications of Development Proposals)

The meeting adjourned for five minutes.

5.3 12/00402/FUL - Extension of Time of Planning Permission 09/00244/FUL - Two Storey Side, Single Storey Rear and Front and Two Storey Front Extensions at 39 Farleigh Fields, Orton Wistow, Peterborough, PE2 6YB

The Area Manager (Development Management) introduced the application that had previously been approved by the committee on 2 June 2009 and now sought an extension of the time allowed for commencement of the development for a further three years. There had been no material changes to either the site or relevant planning policies which would render the application unacceptable. The committee was further advised that although there was a previous condition concerning the retention of a hedge, it was not considered necessary to impose such a condition again as the hedge could be removed by the occupier of the property without the consent of the Local Planning Authority.

A motion was put forward and seconded to approve the application with the conditions as set out in the report. The motion was carried unanimously.

RESOLVED: to approve the application 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the first floor south facing elevation of the two storey extension hereby approved.

Reason: In order to protect the amenities of the occupiers of the adjoining residential property in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011.

Reasons for the decision:

Subject to the imposition of the 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 extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) (2005); and
- The designs of the various extensions are considered to compliment the general appearance of the dwelling in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) (2005).

5.4 12/00487/FUL - Change of Use to Sui Generis For Use As Private Hire Taxi Business at 93 Fengate, Peterborough, PE1 5BA

Area Manager (Development Management) introduced the application that sought planning permission for the change of use from a light industrial unit (Use Class B1) to a private hire taxi business (sui generis use). It was proposed that up to 10 vehicles would be operated from the site on a 24 hour basis with 2 full time staff and up to 10 part-time staff/drivers (5 full time employee equivalent).

Officers were further recommending that only 6 cars be permitted for use due to restrictions of the site.

In response to questions, the committee was advised that:

- At least one other company was able to operate on a 24 hour basis on the site;
- A tenancy agreement provided that the entrance gate would be locked from 6pm to ensure the security of the site.

A motion was put forward and seconded to approve the application with the conditions as set out in the report. The motion was carried unanimously.

RESOLVED: to approve the application 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 Notwithstanding the details hereby approved, the private hire taxi business shall operate no more than 6 no. private hire/taxi vehicles from within the site at any time.

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

Reasons for the decision:

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

- the proposed use would not result in the loss of high quality employment land and would not prejudice the reuse of the building for an employment use within the General Employment Area in future in accordance with Policy OI6 of the Peterborough Local Plan (First Replacement) (2005);
- sufficient car parking and safe access from the public highway can be accommodated in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T10 of the Peterborough Local Plan (First Replacement) (2005); and
- no detrimental impact will result upon the amenities of neighboring residential occupants in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

6. Six Monthly Appeal Performance Report

The Planning Delivery Manager introduced the report highlighting the following aspects:

- some successful appeals were due to subjective reasoning rather than technical aspects;
- due to the relatively low numbers of appeals, any successful appeared to have a greater impact on percentage figures.

Responses to questions included:

- the appeal for Manor Drive Gunthorpe sought only partial costs from the council as the inspector agreed with one of the grounds for the refusal but considered that the applicant had incurred unnecessary expense as a result of the refusal;

The committee agreed to note the contents of the report.

7. Changes to the Local Validation List

The Planning Delivery Manager introduced the report that set out changes to the Local Validation List.

The committee agreed to note the changes which were to be the subject of public consultation.

1.30pm – 3.20pm
Chairman

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LOCATION PLAN 12/00028/FUL

51 Park Road, Peterborough PE1 2TH

Scale NTS **Date** 30/5/2012 **Name** AA **Department** Planning Services



PETERBOROUGH



CITY COUNCIL

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APPLICATION REF: 12/00028/FUL

PROPOSAL: RE BUILT GARDEN WALL (PART RETROSPECTIVE)

SITE: 51 PARK ROAD, PETERBOROUGH, PE1 2TH,
APPLICANT: MR SHOKAT ALI

AGENT: H A ARCHITECTURAL SERVICES

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES
REASON: TO ALLOW INTERESTED PARTIES THE OPPORTUNITY TO DISCUSS
 THE DEVELOPMENT IN A TRANSPARENT MANNER

SITE VISIT: 20.03.2012

CASE OFFICER: MS L C LOVEGROVE

TELEPHONE NO: 01733 454439

E-MAIL: LOUISE.LOVEGROVE@PETERBOROUGH.GOV.UK

RECOMMENDATION: REFUSE

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is formed by a large semi-detached Victorian property which is situated within a streetscene of properties of similar design and appearance. The character of the area is mixed being in close proximity to the City Centre and thereby benefits from both residential and commercial premises. Parking is provided on road albeit there are parking restrictions in force. An area of hardstanding has been created as part of the current unauthorised development which is noted to have been used for the parking of a vehicle despite there being no dropped kerb access to the highway. The application site is located within the identified Park Conservation Area.

Proposal

The application seeks planning permission for the construction of a front boundary wall. It is important to note that the application has been submitted following the unauthorised demolition of the site boundary walls at Nos.51, 53, 55 and 57 Park Road. Development has already commenced on the replacement wall at all four properties albeit this application relates only to the boundary wall at No.51. The wall has not been completed at present and as such, the application scheme is part-retrospective. The finished wall is proposed to stand at a maximum height of 1.3 metres (to pier caps) and will comprise a 0.6 metre high red brick wall with black arrowhead and ball railings and red brick piers. The piers and wall are proposed to include moulded stone copings and caps. A pedestrian access is proposed to the north east of the front boundary with a 2.5 metre wide opening to the south east.

2 Planning History

No relevant planning history.

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 12 – Conserving and enhancing the historic environment

In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to

viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Peterborough Core Strategy DPD (2011)

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

4 Consultations/Representations

Parish Council

No comments received.

Conservation Officer (14.02.12)

Objection – the unauthorised removal of the front boundary wall at the application site is contrary to the advice provided to the applicant in respect of the unauthorised removal of the boundary wall at the neighbouring properties (Nos. 53-57 Park Road). Whilst the design of the replacement wall is in line with advice provided for the neighbouring properties, the introduction of a new access is not and is considered unacceptable, resulting in harm to the character of the Park Conservation Area.

Transport and Engineering Services (14.02.12)

No objections.

Local Residents/Interested Parties

Initial consultations: 11

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One letter of objection has been received from the neighbouring property. The reasons for the objection are:

- The widening creation of a new access and the removal of the walls are contrary to the Park Conservation Area Management Plan (adopted March 2007)
- The driving of cars over the driveway could be damaging to trees protected by a preservation order
- Vehicles using the hardstanding for parking will mean driving over the footway causing danger to pedestrians

5 Assessment of the planning issues

The main considerations are:

- Impact upon the character and appearance of the Park Conservation Area
- Highways implications

a) Introduction

The planning application has been submitted following enforcement action taken against the applicant with regards to the removal of the original boundary wall and replacement with the application scheme (wall and railings). In 2009, the original front boundary walls and piers to Nos.53-57 (odd) Park Road were demolished without the benefit of Conservation Area consent. This removal took place despite the refusal of Conservation Area Consent for the removal of the boundary walls under application reference 07/00227/CON (same applicant for

Date: 22.05.2012

this and the current applicant). As the original bricks and copings had been disposed of, it was not possible for the wall to be rebuilt and as such, the City Council's Enforcement and Conservation Officers agreed a scheme for a replacement wall at these properties comprising of a wall with stone copings and railings between the pillars. The wall has been constructed however no copings or railings have been erected at present. Given that the scheme for the replacement wall has been agreed by all parties, no further enforcement action is proposed and it is the decision of the applicant as to whether he wishes to regularise the development by way of a retrospective planning application.

In 2011, the remaining original section of the wall to the front of No.51 was demolished, again without the benefit of Conservation Area Consent and the rebuilding in line with the agreed scheme for Nos.53-57 commenced. The applicant has included within the rebuilt wall, an opening 2.5 metres in width which is contrary to the advice given by Officers at the time of the unauthorised works. On this basis, the applicant has submitted the current planning application to obtain permission for the new opening along with the boundary wall.

b) Impact upon the character and appearance of the Park Conservation Area

The overall appearance of the replacement wall in terms of its design is accepted by Officers and the rebuilding will continue along the front boundaries of Nos. 53-57 Park Road. Whilst the wall will appear a modern replacement and the Local Planning Authority would have preferred the retention/rebuilding of the original wall, this is not possible owing to disposal of the original materials. The materials used and proposed for use in the new wall will ensure that the overall character of the area will be maintained and particularly the moulded coping and pier caps will ensure the wall does not appear incongruous or at odds with its surroundings and the Park Conservation Area.

The matter to which the Local Planning Authority objects, is the introduction of a new 2.5 metre wide opening to the south eastern most end of the replacement wall. The applicant proposes that this opening is to provide improved accessibility to the building for mobility scooter users, cycle parking and to provide level access to the entrance door. However it has been noted by the objector and photographic evidence provided that this access and the associated area of hardstanding have been used for the parking of vehicles.

The Park Conservation Area Appraisal and Management Plan (2007) sets out in detail the special character of the Conservation Area and a scheme of management to maintain and enhance the appearance and setting. Within the management plan, front boundary treatments and car accesses are specifically dealt with. The management plan, both at Sections 5.3 and 5.7 clearly identifies that the demolition of front boundary walls and the inclusion of new vehicular accesses along Park Road has had a detrimental impact upon the character of the area. As such, 'the City Council will not support proposals for widening existing entrances or creating new accesses that require the removal of boundary walls or hedges'. The constructed 2.5 metre wide opening the subject of this application, clearly goes against the intentions of the City Council for preserving and enhancing the character of the Conservation Area and will further degrade the historic frontages along Park Road. It is therefore concluded that the access results in a significantly harmful impact upon the character, appearance and setting of the Park Conservation Area and is contrary to the National Planning Policy Framework (2012) and Policy CS17 of the Peterborough Core Strategy DPD (2011).

c) Highways implications

The objection from the adjacent neighbour to the site relates to the access being used by vehicles and causing a danger to highways/pedestrian safety due to the lack of dropped kerb crossing on to Park Road. Whilst the applicant does not propose to use the access and associated hard surfacing for the parking of vehicles, evidence from the objector has shown that this has taken place. Whilst the Local Highways Authority (LHA) have raised no objections to the application scheme, this has been on the basis of the statement provided with the application and is based upon the access not being used by vehicles. Given that it has been evidenced that the access has been used to provide vehicle parking, it is considered that the application scheme would result in a danger to highways and pedestrian safety. Given the height of the wall at 1.3 metres to the height of the pier caps, the access fails to provide the required 2 metre x 2 metre vehicle-to-pedestrian visibility splays either side of the access. As such, any vehicle exiting the site would not have sufficient visibility of oncoming pedestrians

which leads to conflict and potential danger for highway users. On this basis, the proposal is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011).

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**.

- R 1 The partially constructed replacement boundary wall and in particular, the addition of a new access 2.5 metres in width, fails to respect and reflect the character and appearance of the Park Conservation Area. The relevant Conservation Area Appraisal and associated Management Plan clearly identifies the detriment that has been caused to the Conservation Area as a result of the creation of new access and in curtilage parking through the removal of existing front boundary walls and states that new or increased accesses will not be considered acceptable. As such, the application scheme results in significant harm to the character, appearance and setting of the identified heritage asset, contrary to the National Planning Policy Framework (2012) and Policy CS17 of the Peterborough Core Strategy DPD (2011) which state:

Section 12 of the NPPF

Where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Policy CS17

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.

All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value. There will be particular emphasis on the following:

- the use of Conservation Area Appraisals and associated Management Plans to ensure the preservation and enhancement of the individual character of each of Peterborough's conservation areas.

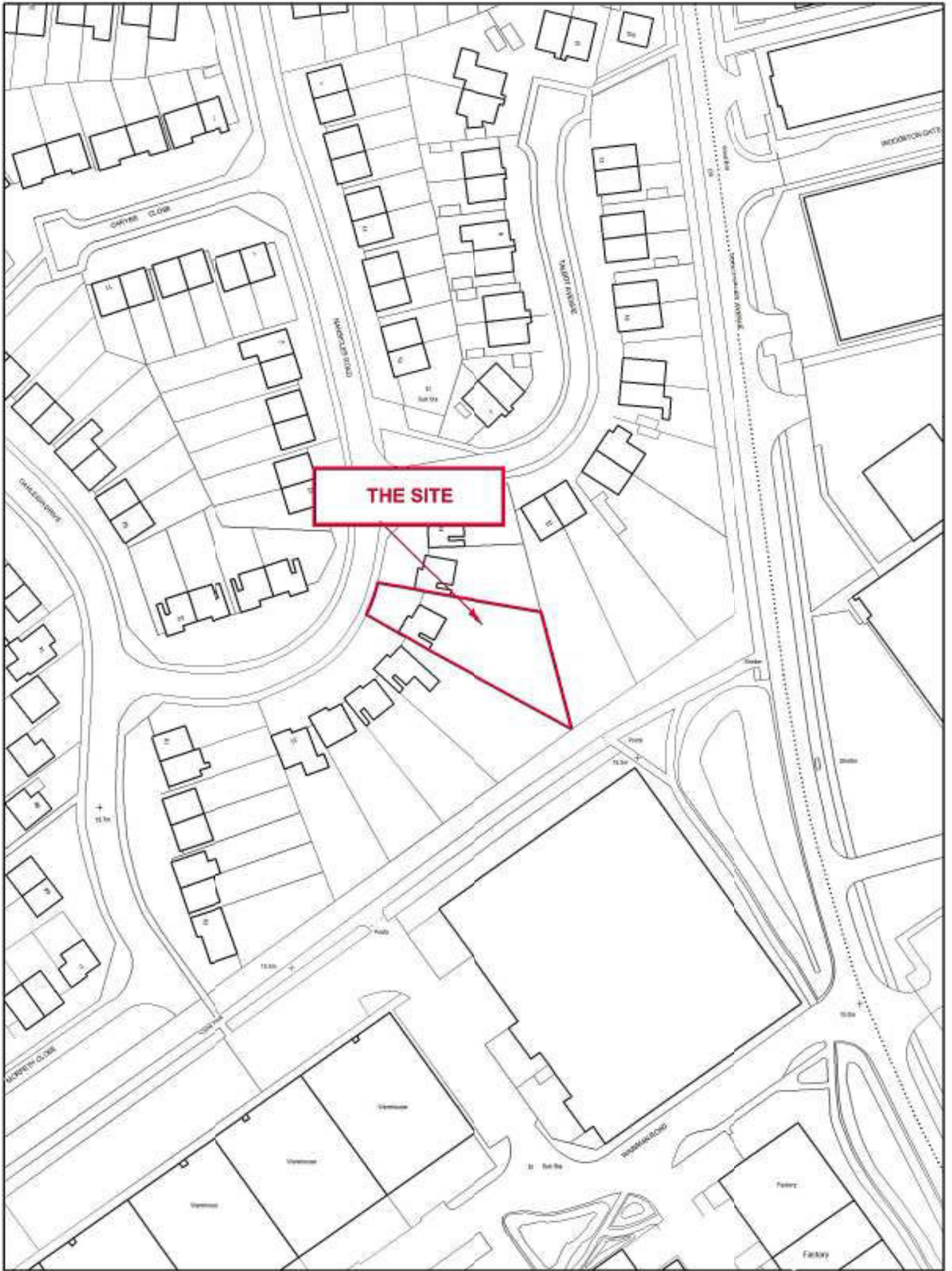
- R 2 The created 2.5 metre wide access within the reconstructed front boundary wall would allow for access and in-curtilage parking by vehicles whilst not providing the required 2 metre x 2 metre vehicle-to-pedestrian visibility splays. As a result, any vehicle using this access would not have adequate visibility of either oncoming pedestrians or vehicles and would result in unacceptable danger to the safety of the public highway. The development is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) which states:

Policy CS14

All new development should demonstrate that appropriate and viable opportunities have been taken to achieve a reduction in the number of personal injury accidents amongst all travellers.

Copy to Councillors M Nadeem, N Khan MBE, M Jamil

Date: 22.05.2012



LOCATION PLAN 12/00492/HHFUL

25 Nansicles Road, Orton Longueville, Peterborough

Scale NTS Date 29/5/2012 Name AA Department Planning Services



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APPLICATION REF: 12/00492/HHFUL

PROPOSAL: CONSTRUCTION OF TWO STOREY SIDE EXTENSION - REVISED APPLICATION

SITE: 25 NANSICLES ROAD, ORTON LONGUEVILLE, PETERBOROUGH, PE2 7AS

APPLICANT: MRS J MCLENNON

AGENT: N P BRANSTON MRICS
BRANSTON ASSOC.

REFERRED BY: CLLR SCOTT

REASON: THERE ARE MANY DIFFERENT DESIGNS OF HOUSES IN THE ROAD AND MANY DIFFERENT EXTENSIONS

SITE VISIT: 03.04.2012

CASE OFFICER: MS L LEWIS

TELEPHONE NO: 01733 454412

E-MAIL: LOUISE.LEWIS@PETERBOROUGH.GOV.UK

RECOMMENDATION: REFUSE

1 Description of the site and surroundings and Summary of the proposal

No. 25 Nansicles Road is set in a stretch of suburban street characterised by detached post-war houses. No. 25 is the third in a run of seven houses on the south side of this part of the street, opposite is a run of four houses being two pairs of semis. These houses all have plain front elevations, with roofs which face front and rear and side gable walls.

There are various small ground floor and side elements and extensions apparent within the street, forming garages, porches and so on. The application dwelling has a small, flat roofed, ground floor element projecting at the front to accommodate a porch and allow for the garage to sit slightly forward of the main house front.

The proposal is for a side extension above the existing garage including a rear projection and a front projection. The front and rear elements would have roofs perpendicular to the main house, so introducing a hipped roof facing the rear garden and a gable facing the street. The main eaves and ridge line of the extension roof would follow the existing roof lines.

The proposed extension would extend 2.5m from the side of house, in line with the existing garage, and project 1.1m at the front and 2.8m at the rear. At ground floor the extension will accommodate a kitchen extension, a new play room and a downstairs WC, upstairs it will accommodate two bedrooms, a shower room and a store.

The proposal is a revision to a previously approved scheme.

2 Planning History

11/01861/HHFUL	Construction of two storey side extension	Approved	11/1/2012
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3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

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.

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

Peterborough Local Plan (First Replacement) (2005)

T10 - Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

4 Consultations/Representations

Transport and Engineering Services (24.04.12)

Objection.

The proposals will result in an increase in bedrooms from 3 to 5, and the loss of the garage. The driveway is of insufficient length to accommodate 2 parking spaces. The LHA would not accept the loss of parking and the resultant provision of only one parking space for a 5-bedroom dwelling, and recommend refusal on the grounds of Highway safety.

Parish Council

No comments received

City Councillors

Cllr Scott has referred this application to the Committee on the grounds that the houses in the road are a mixture of designs and many of the houses have had a variety of extensions erected. Cllr Scott does not agree that the proposal would be out character with surrounding houses. Cllr Scott is a resident in Nansicles Road.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

5 Assessment of the planning issues

Planning History

A recent application for this site was approved earlier this year. The application submitted was the same as the application currently before Members, however following negotiation with the applicant the first floor front extension was removed from the proposal. This is because in your Officer's view the introduction of the front gable element would be out of keeping with the streetscene, which is very uniform in terms of roof design. In other respects the approved scheme is the same as the current proposal.

Impact on the streetscene

As noted above, and as Members will observe on site, the application dwelling has a plain roof in the same style as the roofs in the run of seven houses and the four houses opposite. There are dwellings of a different style round the corner in Oakleigh Drive, and dormer bungalows further up Nansicles Road, but it is considered that the character of this part of the street is very strong, and the houses have a pleasing and regular uniformity.

The introduction of the proposed two storey front extension would introduce an alien feature to the streetscene. Not only would the roof line change, but the main building line would also be affected. Small single storey extensions which project forward are usually balanced by the taller mass of the main house; introducing a projecting two storey element would unbalance the house.

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Side extensions are frequently set back from the front of the main house, in order that they are subservient and to avoid a terracing effect. In this case the terracing effect would be very unlikely to occur, as the neighbouring dwelling is not in line with No. 25, and the design of the house lends itself to a continuation of the existing ridge and eaves lines in order to retain the uniformity of the streetscene.

The previous scheme, which was approved under delegated powers, included a new mono-pitch roof at ground floor to the existing flat roofed front part, together with the conversion of the garage area to living accommodation. This level of change is considered to be in keeping with the character of the street.

Impact on neighbour amenity

The rear part of the extension is the same as previously approved. The extension will project 2.8m from the rear of the house. This will result in a two storey wall running for 12m along the boundary with No. 27.

The neighbour most closely affected would be No. 27 to the south-west. The side of No. 27 is set about 2.5-5.5m from the side of No. 25; the change in impact would come from having a two storey build along the boundary rather than the flat-roofed garage. There is a single storey rear extension to No. 27, which forms a sitting room, and there is a side window to this room. However it is not the only window, and the proposed extension at No. 25 would not go back far enough to be directly opposite the window.

Two windows are proposed in the side of the extension, a high-level window to the kitchen and a bathroom window which are both indicated as obscure glazed and non-opening. If Members resolve to grant consent, Officers would recommend a condition requiring the obscure glazing to be retained, and another withdrawing Permitted Development rights for additional side windows, as a clear ground floor window right on the boundary could be installed without planning consent.

It is considered that impact on neighbours is acceptable.

Highway Safety and Parking

Currently the house has a garage and a driveway about 9.5m long. It is apparent from the marks on the front garden that cars are being parked on the front lawn as well as just on the driveway.

Under the current proposal the garage would no longer be available for parking, however this change could be made without planning consent. The LHA has recommended refusal on the grounds that there would be space for only one car to park on the front driveway, as they normally require 5m for each parking space; and that the loss of one parking space would lead to unsafe parking on the street. However as there is clearly space on the front of the plot to park more than one vehicle (several nearby residents have hard-surfaced their front gardens), the loss of the garage is permitted development, and the street does not have an existing parking problem, it is not considered that the proposal can be resisted on this ground. The LHA is concerned about visibility problems if cars were parked on the bend in the street, but there is space in the street for cars to be parked in safe locations without impairing visibility.

The current parking standard is from the 2005 Local Plan, and is expressed as a maximum standard of 2 spaces for a house of three or more bedrooms.

The LHA raised the same objection to the previous application, and Officers concluded that the application could not be refused on Highway Safety grounds for the reasons set out above.

6 Conclusions

The proposed extension would include a two storey front gable element to the existing house, disrupting the uniformity of the streetscene and introducing an alien feature to the locality. The proposal will have a detrimental impact on the streetscene, and will neither improve nor maintain the quality of the public realm.

7 Recommendation

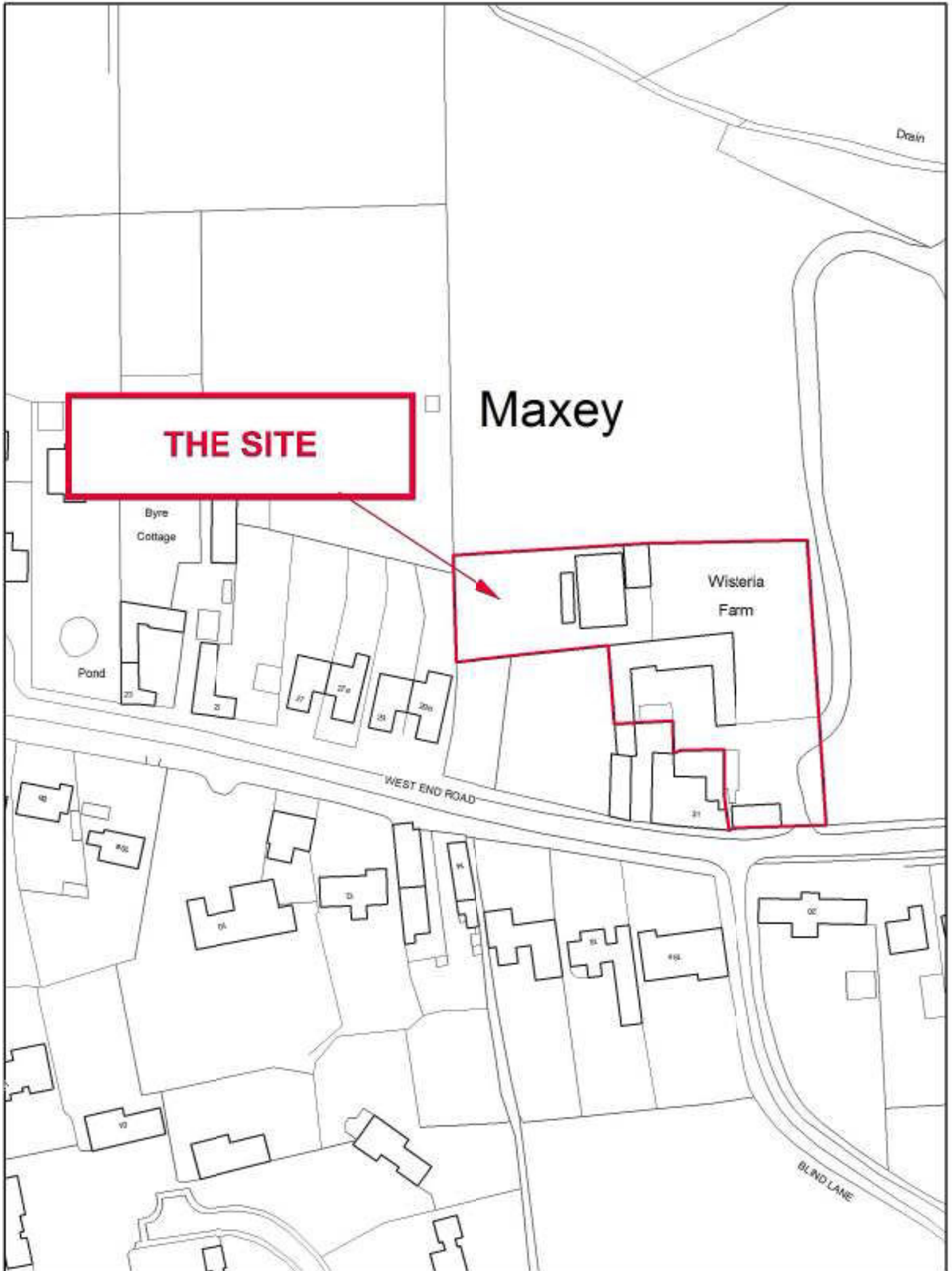
The Head of Planning, Transport and Engineering Services recommends that planning permission is refused for the following reasons:

The proposed extension would include a two storey front gable element to the existing house, disrupting the uniformity of the streetscene and introducing an alien feature to the locality. The proposal will have a detrimental impact on the streetscene, and will neither improve nor maintain the quality of the public realm. The proposal is therefore contrary to Policy CS16 of the adopted Peterborough Core Strategy 2011, which states (inter alia)

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,.....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 improve the quality of the public realm, with the creation of safe and attractive.....street scenes.....

Copies to Councillors G Casey, L Forbes, J Goodwin



LOCATION PLAN 12/00531/FUL

Wisteria Farm, 31 West End Road, Maxey

Scale NTS

Date 30/5/2012

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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APPLICATION REF: 12/00531/FUL

PROPOSAL: 2 BARN CONVERSIONS AND 3 NEW DWELLINGS

SITE: WISTERIA FARM, 31 WEST END ROAD, MAXEY, PETERBOROUGH
APPLICANT: MILTON ESTATES CO

AGENT: HEReward HOMES

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES
REASON: OFFICERS OPINION IS THAT THE CURRENT SCHEME IS NOT ACCEPTABLE NOTWITHSTANDING IMPROVEMENTS OVER PREVIOUSLY APPROVED SCHEME. OFFICERS FEEL COMMITTEE SHOULD BE GIVEN THE OPPORTUNITY TO DISCUSS THE MERITS OF THIS SCHEME.

SITE VISIT: 22.05.2012

CASE OFFICER: MR D JOLLEY

TELEPHONE NO: 01733 453414

E-MAIL: DAVID.JOLLEY@PETERBOROUGH.GOV.UK

RECOMMENDATION: REFUSE

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The site lies within the Maxey conservation area and occupies a position to the rear of the listed building known as Wisteria Farm, with an established access onto West End Road. The site currently contains a main threshing barn with other attached barns in a U shaped configuration and a detached barn to the rear of the threshing barn. An additional open cart shed barn lies adjacent to the sites access. A 5.0 metre strip to the far north of the site lies outside of the village envelope.

Proposal

Permission is sought for the conversion of the main threshing barn and attached smaller barns, for the conversion and extension of the barn to the rear of the threshing barn and the conversion and extension of the cart shed adjacent to the access. Permission is also sought for the construction of two new dwellings.

2 Planning History

Reference	Proposal	Decision	Date
04/00807/LBC	Part demolition and conversion of barns and outbuildings, and erection of new buildings to create 5 dwellings	Application Permitted	27/07/2005
04/00809/FUL	Conversion of barns and outbuildings, and erection of new buildings to create 5 dwellings	Application Permitted	27/07/2005

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

Peterborough Local Plan (First Replacement) (2005)

LNE09 - Landscaping Implications of Development Proposals

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

T10 - Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

H16 - Residential Design and Amenity

Permission will only be granted for residential development (including change of use) where adequate amenity for the residents is provided.

4 Consultations/Representations

Refuse and Recycling

No comments received

Building Control Surveyor (01.05.12)

The following matters will need to be addressed at Building Regulations approval stage:

- Surfacing from parking areas to principal entrances is level and suitable, and that each property has a level access.
- The fire engine turning area between Plots B and C appears to have inadequate radiuses.
- Ensure access road is suitably surfaced and suitable for 12.5 tonnes.
- Escape windows are required to
 - Study and first floor bedrooms to Plot A
 - All first floor bedrooms to Plots B and C
 - Gallery and guest bedroom Plot D.

Landscape Officer (18.05.12)

Requests that the applicant provides an appropriate tree survey as per BS5837:2012 addressing existing tree cover, retained trees, tree removals and mitigating planting.

Conservation Officer (17.05.12)

Objection - Seek amendments

Plot B

The new build element of this projects too far beyond the retained barn, harming the significance of the heritage asset. Also, the westernmost element of the new build element should be moved into the site and used as the parking for the property. The garage for plot B could then be given to plot

Date: 22.05.2012

C therefore the proposed new garage to plot C barn visible from the site access could be removed.

Plot C

This has a number of rooflights (four) on the eastern elevation close to the boundary which creates a cluttered appearance. It is suggested that they could be reduced in number.

Plot D

Whilst elements of the proposed conversions have some merit the East elevation within the courtyard does not show the necessary sensitivity to the existing stable buildings. To overcome this, it is suggest that boarding is used instead of brick infill and the number of windows is reduced.

Rights of Way Officer

Objects - The 1.8m high close boarded fence and 1.5m (minimum footpath width) will correspond to a section of 1.8m close boarded fence on the opposite side and form a narrow corridor with little amenity value. Suggest that a wider path is made available of 2 to 2.5m width with open slotted fencing which would provide a less 'solid' intrusive surface.

Transport and Engineering Services (21.05.12)

Objects - The proposed access to the site should have visibility splays with an x distance of 2.4m and a y distance appropriate to the 85th percentile speed of West End Road. The applicant should provide details of the proposed waste collection arrangements for the site including the location of the waste collection storage area. A more detailed site plan should be provided to demonstrate clearly the parking provision for each dwelling.

Wildlife Officer (18.05.12)

No objection - I am satisfied with the proposed recommendations and mitigation measures set out in the report and would therefore recommend that the following mitigation measures with respect to bats and birds be secured through the use of a suitably worded planning condition to include:

- Provision of additional ledges suitable for nesting swallows within the open fronted car ports which are open to the ridge.
- Four House Sparrow nest boxes to be erected across the development.
- Incorporation of two under-felt bat roosts on the south facing roof pitch of building C (as per drawing in report).

I would also support the following recommendations highlighted within the ecology report including:

- External lighting for the development to be directional and not illuminate the bat roosts or vegetation on site.
- Landscape planting to include native species or species known for their pollen/ nectar production.
- The north boundary of the development should be a hedge and not timber fencing.

Archaeological Officer (10.05.12)

No objection – Requests a 'watching brief' condition to attached to any permission as there is a known historic and archaeological background to the site.

Education Department

No comments received

FAO Emma Doran Pollution Team

No comments received

Ramblers (Peterborough)

No comments received

Peterborough Local Access Forum

No comments received

Police Architectural Liaison Officer (09.05.12)

No objection - I have examined Police Records for this address and surrounding area. No

objection history in relation to crime and anti-social behaviour. The proposed boundary treatments are appropriate for this rural, low crime area. The layout and orientation of the homes will provide an acceptable level of cross surveillance between homes which I anticipate will provide for a high 'self policing' element to the development.

Auto-Cycle Union

No comments received

Cyclists Touring Trust

No comments received

The British Horse Society

No comments received

The Open Spaces Society

No comments received

British Horse Society (Central Office)

No comments received

Welland & Deeping Internal Drainage Board

No comments received

The Wildlife Trust

No comments received

Natural England (10.05.12)

Please consult standing advice

Parish Council

We are concerned to notice the number of roof windows in the properties. Some are one and a half stories, which is acceptable but others are not. At meetings with the developers we were assured that there were no plans to build the properties in such a way to make the use of the roof space easily convertible in to a third story. MPC requests that this made a condition of the granting of permission.

Local Residents/Interested Parties

Initial consultations: 11

Total number of responses: 0

Total number of objections: 1

Total number in support: 0

We object. Buildings are too large for plot. Some of the building are too high and should be single story, no upstairs/loft conversion else skyline / view out of Maxey across farm and open space is impacted.

Proposed plot next to public foot path leading from West end Road shows a garden boundary fence that is far too high and encroaches on public foot path effectively enclosing path between existing property and new fence creating perception of an unsafe and dark place as path is no longer open. There should not be a fence and there never has been, the farm does not have one.

Proposal is backfill and infill which local policy is against and is no different that someone with a large garden selling off plots to build on which again in not meant to be local policy.

Proposal blocks view across and out of the village from public footpath, 12a and 14 West End Road upper floors. There are too many proposed properties and the 2 existing barns could be designed to have a larger footprint on one ground floor only with larger grounds/gardens and better materials/finish providing a profit margin for developer in order that 3 new properties are not needed to be built.

Plan alters plot to much and takes away the historic local value the farm has. Space next to the public footpath bordering West end Road should not be included in any development even if just garden space and should be handed over to parish under covenant to leave as open space so public footpath boundary does not have a garden fence built along it as this alters the existing spaces appearance from the street view too much and the plan should be designed such that the existing street view is unaltered.

Date: 22.05.2012

Proposed materials are poor quality.

Space will be polluted by additional lighting.

Existing space houses wildlife.

Plan has too much impact on what is historically an open space and a non residential use should be sought with agricultural links is in keeping with its farming history.

Do not need 5 houses with 3 cars each (15 in total) plonked in the middle of farm with local community historic value.

Consideration needs to be given to the impact to neighbouring properties view from upper floors as although some consideration has been given to the height of the proposed properties affecting view from ground level there is a considerable impact to 12a and 14 West end Road upper floors that currently have and uninterrupted view across and out of the village.

5 Assessment of the planning issues

The main considerations are:

- The impact upon the character of the area
- The impact upon heritage assets
- The impact upon neighbouring dwelling
- Impact upon trees and protected species
- Impact upon highway and pedestrian safety

The impact upon the character of the area

The site occupies a position close to the village boundary and much of the development would be visible from either the right of way to the side of plot A or West End Road. It is considered that in the broadest sense the design ethos for the new builds and the additional elements to the converted barns would integrate properly with the retained heritage assets and the character of the wider conservation area. The additional 5.0 metre strip taken from outside of the village envelope allows for space between the rearmost elevations of the dwellings and the edge of development. This is considered to be preferable to the extant permission which has no buffer between development and the open countryside. The scheme is therefore not considered to be harmful to the character of the area.

The parish council have objected to the proposal stating that some of the proposed dwellings should not have roofs that are convertible to accommodation and that this should be a condition of the application.

The impact upon heritage assets

The site comprises the curtilage of a listed building containing existing barns with heritage value, the applicant has failed to explain and justify a series of alterations proposed as part of the conversion of the existing curtilage listed farm buildings. Given the value of these heritage assets and the proximity of the range to the listed Wisteria Farmhouse a Heritage Statement should have been provided to explain rationale for the overall design of the scheme, individual buildings and how this has been achieved so as not to compromise the setting of the heritage assets or destroy the original character of these buildings. The setting of this development in the wider landscape also appears not to have been considered.

The Conservation Officer has a number of concerns regarding the proposal and these shall be examined below:

Plot B

The new build element of plot B projects almost 4 m further forward than the building line of the original barn. At a site meeting prior to the submission of the application, it was suggested to the applicant that a forward projection of one metre could be considered. The length of this projection affects the setting and views of the smaller barn but also the north elevation of the threshing barn (Plot D) and diminished the significance of the retained heritage asset. This element would need to be reduced to the 1.0 metre projection beyond the barn as previously stated to the applicant.

The single storey family room proposed for the same unit (Plot B) should also be amended to provide integral garaging. With the element moved back into the site this will enable the double garage on the layout plan to be removed from what is really the curtilage of Plot C. The freestanding garage along the drive on the eastern boundary proposed for Plot C can therefore be removed. The location of this garage again was against pre-application advice as it is considered that a garage in this location would be detrimental to views into the development from the street. Also it would leave little space for additional structure planting. This boundary is important as it is clearly visible from the public realm and would provide separation from the adjacent domestic curtilage.

Plot C

Plot C has a number of rooflights on the eastern elevation close to the boundary which creates a cluttered appearance. The bedroom which has the largest roof light already has a window and so this could be dispensed with. One of the two rooflights to the small hall could also be removed.

Plot D

Whilst we are willing to overlook the insertion of a door into the west side of the east range of the courtyard barns for the sake of future occupiers amenity. A new door and ensuite window have been inserted within the eastern elevation of the western range and an existing door has been part filled to form a window and a large opening part filled without a proper justification. These alterations unacceptably alter the character of this part of the barn and could be dealt with in a more sensitive manner. In designing barn conversions new openings are generally best avoided so that the traditional character of the outbuildings with long unbroken elevations and roof pitches are retained in accordance with English Heritage guidance. The ensuite window could be replaced with a roof light. The doorway (for which it is proposed to insert a window and half fill) could have full-length glazing or timber cladding beneath the window so that the evolution of the building could still be clearly read. Cladding may also be the best option for the solid infill of the open bay for the same reasons.

The impact upon neighbouring dwellings

The new build plot A will be located approximately 20 metres from the rear elevation of 29a West End Road. This distance in combination with the orientation of the dwellings is considered to adequately mitigate for any potential overlooking that might occur. The first floor windows of plot A will not permit views directly into the primary habitable room windows of 29a.

A dwelling has been constructed on the paddock land to the east of the application site. To avoid overlooking plot C has been designed with a 1.5 storey projecting element to the rear. All west facing windows in this rear projection are rooflights above 1.8 metres from the floor level at first floor. It is therefore considered that the amenity of the occupiers of the new build within the paddock will not be harmed by construction of plot C.

None of the proposed conversions or new build dwellings will cause unacceptable levels of overshadowing to neighbouring dwellings.

Impact upon trees

The proposed development will result in the removal of a number of trees on the site, in particular a number of trees on the northern boundary with the open countryside beyond. The Landscape officer has objected to the proposal on the grounds that no assessment of the worthiness of the trees to be lost or retained was submitted with the application and no mitigation proposal have been submitted. Whilst it is agreed that this information would normally have to be submitted, the impact on the trees is no greater than the impact of the previously approved and commenced developments. It is therefore not reasonable to insist upon the submission of the information or refuse the application on the basis of its non submission.

Ecology

The submitted bat and breeding bird survey and report found there is no evidence of bats or active nesting birds and as such the wildlife officer has no objection to the proposals subject to mitigation measures highlighted in the report being conditioned on any approval.

Rights of Way

Date: 22.05.2012

The rights of way officer has made comment stating that he is concerned that the 1.8m high close boarded fence and 1.5m (minimum footpath width) will correspond to a section of 1.8m close boarded fence on the opposite side and form a narrow corridor with little amenity value. He suggests that a wider path is made available of 2 to 2.5m width with open slotted fencing which would provide a less 'solid' intrusive surface. It is considered onerous to insist that the path is widened as the section of path lies within the village boundary. As a compromise it is suggested that a 'hit and miss' fence is used instead of the close boarded fencing and that this be conditioned if the application is approved by committee.

Impact upon highway and pedestrian safety

The Local Highways Authority have stated that visibility splays; details of bin collection points and a more detailed site plan showing clearly the parking for each property should be provided. The Local Planning Authority considers that the bin collection point is adequate and that parking provision for each dwelling is acceptable. In respect of these items, the current scheme is not materially different to the previously approved and commenced scheme. This scheme did not show vehicle to vehicle visibility splays and therefore it is not considered reasonable in this instance to insist upon the provision of vehicle to vehicle splays in what is in effect amendments to an approved scheme. It is also acknowledged that West End Road is a quiet rural lane which runs parallel to the main arterial route through Maxey and is generally lightly trafficked.

Fire Safety

Building Control comments state that the turning area for fire vehicles is inadequate. Whilst this may be so, given the highly rural nature of this development it would be detrimental to the design of the scheme to require large turning areas to be provided for the exceptional situations where a fire tender has to leave the site.

Letter of Objection & Parish Objection

The letter of objection received raises many points. These shall be dealt with below;

The objector has stated that:

- the buildings are too numerous, large and tall to the extent that they encroach into and cause the loss of view out of Maxey from the road and footpath across the paddock to the countryside beyond is significantly impacted upon.
- The proposal will result in the loss of wildlife habitat and impact upon the historically open space of the site
- The materials are inappropriate

In response, officers wish to highlight the fact that the site already has an extant planning permission for a similar development on the site which in the context of the scale of development is not materially different to that which has been applied for now. Secondly, the lost views are not of such significance in the context of the character of the conservation area or important views of listed buildings as to warrant refusal of the scheme. Thirdly the site does not have any significant ecological value. Fourthly, the materials proposed are not considered to be of poor quality, as natural stone is proposed for the development.

Both the objector and the parish council have objected to the height of the proposals and that loft space could be converted to living accommodation. This is not a concern of officers unless new windows were inserted that were too many in number or size as this would impact on the appearance of the dwellings and may result in overlooking (the conversion of roof voids to accommodation would not result in the increasing of the height of the units proposed unless a planning application were submitted to specifically do this). The insertion of windows in the roof can be controlled through the removal of permitted development rights.

6 Conclusions

The proposal has some significant improvements over the previously approved scheme; however it is unacceptable for the following reasons:

1. The new build extension to Plot B is oversized to the detriment of the existing barn
2. The garage to Plot C is too visually obtrusive in a sensitive location
3. The alternations to Plot D are unsympathetic due to the number of window and skylight openings and the treatment of some of the retained openings

Date: 22.05.2012

7 Recommendation

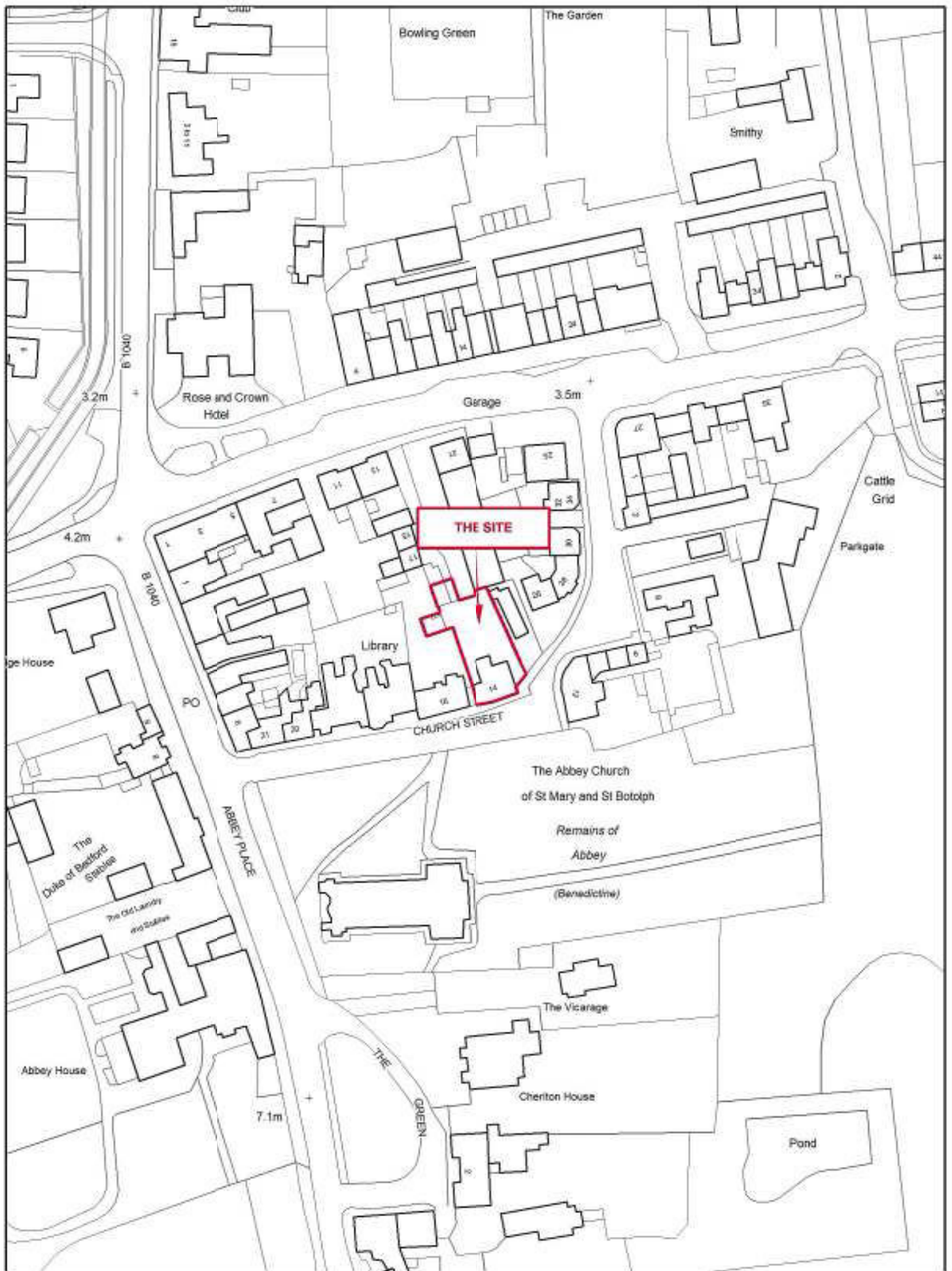
The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED** for the following reason:

1. The proposal is contrary to policy CS17 of the Peterborough Core Strategy (DPD) 2011 as:

- a) The new element of Plot B extends too far beyond the retained existing retained barn, diminishing the significance of a heritage asset
- b) The positioning of garaging of Plot C would be visually obtrusive and would leave little space for additional structure planting. This boundary is important as it is clearly visible from the public realm and would provide separation from the adjacent domestic curtilage.
- c) The proposed alterations to the stable block element of Plot D unacceptably alters this part of the building, to the detriment of the significance of a heritage asset.

Policy CS17 of the Peterborough Core Strategy (DPD) states that all new development must respect and enhance the local character and distinctiveness of an area in which it would be situated and as the application site falls within the Maxey Conservation Area, the design and appearance of the development is of particular importance.

Copies to Councillor P Hiller



LOCATION PLAN 12/00618/HHFUL
 14 Church Street, Thorney Peterborough PE6 0QB

Scale NTS **Date** 30/5/2012 **Name** AA **Department** Planning Services



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APPLICATION REFS: 12/00618/HHFUL & 12/00619/LBC

PROPOSAL: DEMOLITION AND REBUILDING OF 2NO. OUTBUILDINGS AND ERECTION OF 1 NEW OUTBUILDING

SITE: 14 CHURCH STREET, THORNEY , PETERBOROUGH, PE6 0QB

APPLICANT: MRS SARA FALCO

AGENT: NOT APPLICABLE

REFERRED BY: HEAD OF PLANNING, TRANSPORT & ENGINEERING
REASON: APPLICANT'S SON IS AN EMPLOYEE IN PLANNING SERVICES

SITE VISIT: 01.05.2012

CASE OFFICER: MR M ROBERTS

TELEPHONE NO: 01733 454410

E-MAIL: MIKE.ROBERTS@PETERBOROUGH.GOV.UK

RECOMMENDATION: **GRANT** PLANNING PERMISSION AND LISTED BUILDING CONSENT SUBJECT TO RELEVANT CONDITIONS

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application dwelling is located within the Thorney Conservation Area and dates back to the 18th Century and is of brick construction with a pantiled roof throughout. The dwelling and that which adjoins it (i.e. no.16 Church Street) are both grade II listed. The properties were listed primarily due to their group value within the street scene. The application dwelling has recently been extended at two storey level to the side/rear. The property lies at a prominent corner within Church Street at the eastern end of a row of terraced housing and Thorney Library. Immediately to the east of the dwelling is a Pharmacy business within a small building that was formerly a telephone exchange. The Pharmacy has a reasonably large forecourt area and is set slightly rearwards of the application dwelling. A curved style 1.8m high fence and a smaller 1.2m high fence with adjoining good sized shrubbery forms the eastern boundary with the Pharmacy.

To the rear of the site is a car repair business (which has a part brick/part asbestos sheeting rear elevation) and the rear curtilage of a dwelling at 17 Wisbech Road. The curtilage of no.17 Wisbech Road is at a slightly lower level than the application site. To the west of the site is the garden of No 16 Church Street and existing Outbuilding 1 is located such that it steps in to this garden and forms part of the property boundary as does existing Outbuilding 2. To the north of the site lies the grounds of Thorney Abbey.

The rear of no.14 Church Street is currently in a cluttered untidy state as building works to complete the house approved house alterations are underway. The occupiers of the property are taking steps to remove the building materials some of bricks of which are proposed for the replacement outbuildings.

The outbuildings within the curtilage of the dwelling are barely visible from Church Street due to their location to the rear of the property with the main view of them being from within the curtilage of no.16 Church Street. Outbuilding 1 has an off centre pitched roof with a part clay/part concrete pantiled roof with walls of a variety of brick types. The ridge height is 3.6m. The footprint of this outbuilding measures 4.4m by 5.3m. Its north elevation forms a boundary with no.16 Church Street. It has two non opening obscure glazed windows in its rear elevation. This outbuilding does have a degree of character but overall it is in a dilapidated state with the external walls parting company, a leaking roof and a chimney that is heavily leaning such that it is a potential safety hazard. Outbuilding 2 is a lean to structure that forms part of the rearmost eastern boundary with

no.16 Wisbech Road. It has an old mono-pitched corrugated sheet metal roof and the walls are of a variety of brick types/timber construction. The rear elevation is part brick/part corrugated metal. The footprint of this outbuilding measures 5.1m by 3.85m with a ridge height of 3.2m. It is considered to be in an unsafe condition. A small timber shed lies adjacent to the aforementioned two outbuildings.

The Proposal

The proposal seeks to demolish Outbuildings 1 and 2 and replace them with new outbuildings with approximately the same footprint areas. A new third outbuilding is also proposed.

Outbuilding 1 - This outbuilding is to replace an existing outbuilding and would be a wholly brick walled structure with a clay reclaimed orange pantiled roof with a footprint of 4.4m by 5.4m and a ridge height of 3.8m. The building will have a traditional pitched roof with a symmetrical appearance. The bricks are to be reclaimed to match those of the existing dwelling house. The doors and windows are to be of timber construction. Two obscure glazed non opening windows are proposed in the rear elevation of the outbuilding in the same style as the existing rear windows of the outbuilding.

Outbuilding 2 - This outbuilding is to replace an existing outbuilding and is to be of a wholly brick walled construction with a footprint of 4.8m by 5.1m and the ridge height is to be 3.8m. The building is to have a traditional pitch roof. The bricks are to be reclaimed to match those of the existing dwelling house. The doors and windows are to be of timber construction.

New Outbuilding 3 – This is to be a new outbuilding to be located in the north east corner of the property immediately adjacent to the industrial unit to the rear and the rear flank wall of the pharmacy to the east. The outbuilding is to have a mono-pitched roof with the down slope of the roof facing into the garden. It is to have a footprint of 2.85m by 5.2m with a ridge height of 3.8m Reclaimed materials are to be used for its construction with the doors and windows to be of timber construction. The building is to be used primarily as a summerhouse with a log store alongside.

2 Planning History

Reference	Proposal	Decision	Date
10/00060/FUL	Construction of two storey and single storey rear extensions	Application Permitted	10/03/2010
10/00070/LBC	Two storey and single storey rear extensions	Application Permitted	10/03/2010
11/00660/DISCHG	Discharge of condition C2 (Windows and Doors) and C4 (Rainwater Goods and Fixings) of planning permission 10/00070/LBC - Two storey and single storey rear extensions	Determined Discharge of Conditions	17/05/2011
11/00730/FUL	Amendments to previous planning permission (Construction of two storey and single storey rear extensions Ref. 10/00060/FUL dated 10/03/10) including insulating and re-facing of north elevation and change to W54 size windows (no leaded glazing)	Application Permitted	28/07/2011
11/00731/LBC	Amendments to previous planning permission (Two storey and single storey rear extensions Ref. 10/00070/LBC dated 10/03/10) including insulating and re-facing north elevation, and change to W54 size windows (no leaded glazing)	Application Permitted	28/07/2011

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

Date: 10.05.2012

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

4 Consultations/Representations

Conservation Officer – No objection. Outbuilding 1 is curtilage listed and is in a poor condition and retains little of its original historic fabric. Whilst the replacement building will not feature a chimney (the existing structure has one), to require one is considered excessive. Outbuilding 2 is not curtilage listed and is in a much worse condition than Outbuilding 1. Although the footprint is going to be a little greater than the existing building, this has no conservation impact. New outbuilding 3 would help improve the setting of the listed house as it part screens the adjacent commercial building next door. Request conditions regarding materials (including mortar type and a sample panel), details of doors and windows)

Landscape officer – The submitted Arboricultural Method Statement, to ensure that the two adjacent apple trees in the rear garden of 16/17 Church Street will not be affected as a result of the construction of Outbuilding no.1, is acceptable.

Thorney Parish Council – No objections

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No.16/17 Church Street, Thorney - No objections to the proposed works. The roofs should be of clay pantiles to match that of nos.16/17 Church Street and the windows of the outbuilding, that is located mid-way within the rear curtilage of no.16/17 should be painted white as existing.

5 Assessment of the planning issues

The main considerations are:-

- The impact of the outbuildings upon the character and appearance of the Conservation Areas and the setting of the two listed dwellings at 14/16 Church Street
- The impact of the outbuildings upon the amenities of the adjoining neighbouring properties

1. The impact of the outbuildings upon the character and appearance of the Conservation Areas and the setting of the two listed dwellings at nos.14 and 16/17 Church Street.

Outbuilding no.1

This in a very poor state of repair, has structural issues and retains little of its historic fabric. The replacement outbuilding would be of an improved design to that of the existing outbuilding and the proposed detailing, to include the use of reclaimed clay pantiles and bricks materials and black aluminium rainwater goods, would provide for an outbuilding that would enhance the character and appearance of the conservation area and that of the setting of the listed dwellings.

Outbuilding no.2

This outbuilding is in a perilous condition and is a safety hazard. The proposed replacement outbuilding has a footprint that is slightly larger than the existing outbuilding. The proposed design and scale of the replacement outbuilding would be appropriate for the property and is to be constructed from the same materials as Outbuilding 1. The building is such that it would serve to improve the character and appearance of the immediate conservation area and also its relationship to the setting of the listed dwellings.

Outbuildings nos.1 and 2 are intended to be used for storage purposes and possibly also as small scale workshops for the occupiers of the application dwelling.

Outbuilding no.3

This is an entirely new outbuilding to serve principally as a summerhouse with an attached log store alongside. Its scale and location are such that the rear elevation of the industrial/car repair unit will virtually be entirely screened from view from both within the application dwelling and also from views looking north from within Church Street. Thus it is considered that both the character and appearance of the conservation area would be enhanced as well as improving the setting of the listed dwelling. Materials to be used will be the same as per Outbuildings 1 and 2.

2. The impact of the outbuildings upon the amenities of the adjoining neighbouring properties

Outbuilding no.1

The design and scale of the proposed outbuilding is similar to that of the existing outbuilding and so it has no greater impact upon the amenities of the occupier of no.16. The south elevation of the existing outbuilding comprises a mix of brick types which detract from its appearance whereas the proposed outbuilding will be of matching reclaimed bricks to provide for a uniformity and a rustic appearance, similar to the existing outbuilding. There would be some disturbance to the neighbour's shrub bed alongside the existing outbuilding due to the construction of the foundations of the new outbuilding, but this is not a matter that can be controlled by way of planning condition. However, at a site meeting the neighbour was assured by the applicant that any damage to shrubs within the existing border would be replaced at their cost. The resident of no.16 Church Street accepted this. The two apple trees in the rear garden of no.16/17 would not be affected during the reconstruction of that outbuilding as a result of the proposed protection measures of the submitted Arboricultural method statement.

Outbuilding.2

The replacement of this outbuilding would be barely visible from within the adjoining houses. It would only be seen from within the curtilages of no.16/17 Church Street, no.17 Wisbech Road and the car repair yard of the commercial premises to the north. Currently the building is in such a poor state of repair that it is considered to be detrimental to the outlook from within the curtilages of both adjoining neighbours. The rear of the existing outbuilding forms a boundary with no.16/17 Church Street. The rear of the proposed replacement outbuilding would also form the boundary with no.16/17. The occupier of no.16/17 has verbally confirmed that she has no objection to this with the caveat that any damaged shrubs are to be replaced. The applicant has advised that any damaged plants would be replaced which the neighbour was content with. Physically the replacement outbuilding would have more impact upon the rear garden area of the dwelling at no.17 Wisbech Road but it is to be very similar in scale and location of the existing out such that the relationship of the new outbuilding would not be materially different. The occupiers of no.17 Wisbech Road have not raised any objections to the proposal.

Outbuilding.3

The new outbuilding, no.3, is proposed in a location of the garden that would abut close to the industrial building to the north of the application property and the rearmost of the west facing flank wall of the adjoining Pharmacy and as such would have no impact upon the

use of either business. The store would significantly improve the outlook to the rear of no.14 by the outbuilding screening the southern elevation of the industrial/car repair business to the south.

This new outbuilding would also restrict views of the commercial premises from within the conservation area i.e. within Church Street and would also serve to improve the setting of the listed dwelling.

6 Conclusions

The existing outbuildings are in a poor condition and their demolition and replacement together with the construction of a new third outbuilding will not be detrimental to the :

- Appearance of the conservation area
- The setting of the Listed Buildings
- Amenity of neighbouring properties

7 Recommendation

Planning application ref:- 12/00618/HHFUL

The Head of Planning, Transport and Engineering Services recommends that planning permission is GRANTED subject to the following conditions:

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 new and reconstructed outbuildings would not adversely impact upon the amenities of the Thorney Village Conservation Area or the setting of the Listed Buildings in accordance with policy CS17 of the Peterborough Core Strategy DPD.

The proposed new and reconstructed outbuildings would not adversely impact upon the amenities of the occupiers of the adjoining properties in accordance with policy CS17 of the Peterborough Core Strategy DPD.

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 The brick to be used for the construction of the new and reconstruction of the existing outbuildings shall be entirely of the reclaimed type submitted to the Local Planning Authority on 21 May 2012.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

C 3 Surface water shall be disposed of by way of a soakaway unless percolation tests demonstrate that this would be inappropriate. In such a situation, the new/ replacement buildings shall not be erected unless alternative methods have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with such approved details.

Reason: To prevent flooding in accordance with the NPPF.

C 4 The roofs to be used for the construction of the new and reconstruction of the existing outbuildings shall be entirely of the reclaimed clay pantile type submitted to the Local Planning Authority on 21 May 2012.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 5 The doors for the reconstruction of the existing two outbuildings shall be of vertically planked stained timber construction and the doors to the new summer house building shall be part glazed and part timber construction both in accordance with the details submitted to the Local Planning Authority on 17 April 2012.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 6 All new brickwork shall be pointed using a lime-based mortar finished in accordance with "Cambridgeshire Conservation Note 4 – Repointing".

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 7 All windows shall be of timber construction with the frames set back 50mm from the face of the masonry, in accordance with details submitted to the Local Planning Authority dated 24 May 2012 unless otherwise agreed in writing.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 8 Notwithstanding the submitted information the rain water goods shall be of Brett Martin Cascade Cast Iron Style. The water from outbuilding no.1 shall drain into a water butt alongside the north elevation of this outbuilding. Surface water shall be disposed of by way of soakaway unless percolation tests demonstrate that this would be inappropriate. In such a situation, the new/ replacement buildings shall not be erected unless alternative methods have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with such approved details.

Reason: To prevent flooding in accordance with the NPPF.

- C9 The erection of the outbuilding no.1 shall be undertaken entirely in accordance with the Arboricultural Method Statement submitted on 25 May 2012.

Reason: In the interests of safeguarding the health of the trees within the curtilage of no.16/17 Church Street, Thorney in accordance with policy LNE9 of the Peterborough Local Plan (First Replacement).

Planning application ref:- 12/00619/LBC

The Head of Planning, Transport and Engineering Services recommends that Listed Building Consent permission is GRANTED subject to the following conditions:

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 new and reconstructed outbuildings would not adversely impact upon the amenities of the Thorney Village Conservation Area or the setting of the Listed Buildings in accordance with policy CS17 of the Peterborough Core Strategy DPD.

- C 1 Works to which this consent relates shall be begun no later than the expiration of three years beginning with the date of the decision notice.

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

- C 2 The brick to be used for the construction of the new and reconstruction of the existing outbuildings shall be entirely of the reclaimed type submitted to the Local Planning Authority on 21 May 2012.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 3 The roofs to be used for the construction of the new and reconstruction of the existing outbuildings shall be entirely of the reclaimed clay pantile type submitted to the Local Planning Authority on 21 May 2012.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 4 The doors for the reconstruction of the existing two outbuildings shall be of vertically planked stained timber construction and the doors to the new summer house building shall be part glazed and part timber construction both in accordance with the details submitted to the Local Planning Authority on 17 April 2012.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 5 All new brickwork shall be pointed using a lime-based mortar finished in accordance with "Cambridgeshire Conservation Note 4 – Repointing".

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 6 All windows shall be of timber construction with the frames set back 50mm from the face of the masonry, in accordance with details submitted to the Local Planning Authority dated 24 May 2012 unless otherwise agreed in writing.

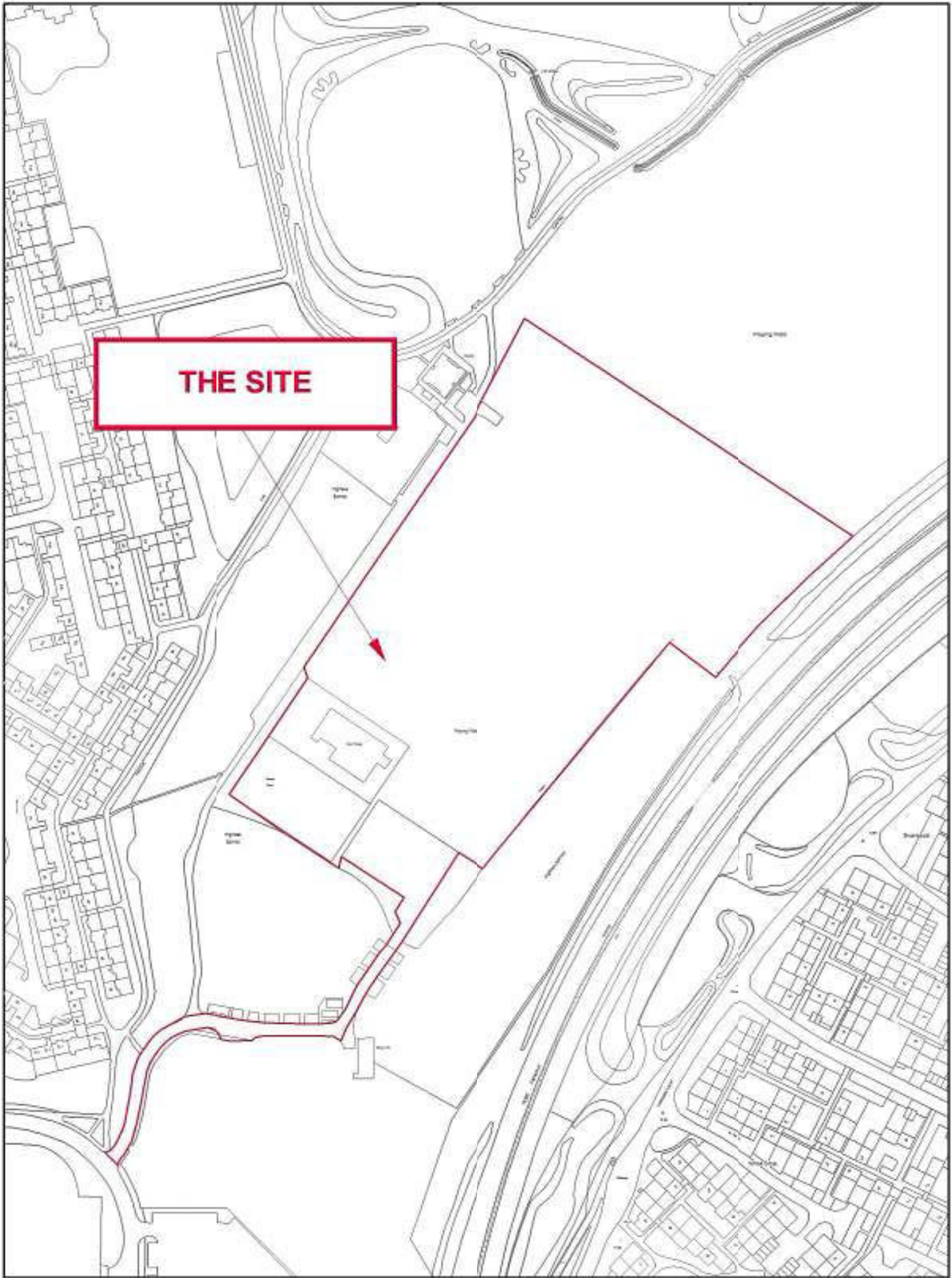
Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

- C 7 Notwithstanding the submitted information the rain water goods shall be of Brett Martin Cascade Cast Iron Style.

Reason: To ensure that the development is in keeping with the conservation area and Listed building setting and to accord with Policies CS16 and CS17 of the Peterborough Core Strategy (2011).

Copies to Councillors D Sanders, D McKean

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LOCATION PLAN 11/01572/FUL

Land at Former Bretton Woods Community School, Flaxland, Peterborough

Scale NTS **Date** 29/5/2012 **Name** AA Department Planning Services



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APPLICATION REF: 11/01572/FUL

PROPOSAL: CONSTRUCTION OF PERMANENT RUGBY CLUBHOUSE WITH CAR PARKING AND TENNIS COURTS TO REPLACE TEMPORARY FACILITIES

SITE: LAND AT FORMER BRETTON WOODS COMMUNITY SCHOOL, FLAXLAND, BRETTON, PETERBOROUGH

APPLICANT: MOORE STEEL DEVELOPMENTS ON BEHALF OF PETERBOROUGH

AGENT: DAVID SHAW

REFERRED BY: COMMITTEE DEFERRED APPLICATION TO REQUEST FURTHER CONSULTATION REGARDING THE IMPACT OF THE FOUL SEWER ROUTE ON THE WOODLAND THROUGH WHICH IT WOULD PASS

REASON:

SITE VISIT: 17.11.2011

CASE OFFICER: MS L LEWIS

TELEPHONE NO: 01733 454412

E-MAIL: LOUISE.LEWIS@PETERBOROUGH.GOV.UK

RECOMMENDATION: GRANT SUBJECT TO RELEVANT CONDITIONS

1. Background

This application was presented to the Committee on the 7 February, the proposal being to redevelop the area currently occupied by the parking, tennis courts and marquee, and incorporate a further 2800sq m or so of adjacent land into the developed area. The proposal includes:

- Provision of 100 car parking spaces as well as 11 disabled parking spaces, parking for 3 coaches and allowance for cycles and motorcycles
- A new, solid construction, club house set slightly further away from the dwellings, to include changing rooms and support offices, a kitchen, bar and function room, and upstairs a further bar area and lounge
- Banked seating along the north elevation of the club house, overlooking the pitches
- Floodlighting around the main pitch (the one closest to the clubhouse)
- A new foul drainage connection
- A small grounds maintenance store
- A new security fence around the site perimeter
- Reinstatement of four tennis courts (these are currently underneath the temporary marquee club house).

It came to light that some consultations had not been carried out early in the application process, and Members resolved to grant consent subject to there being no objection from the Woodland Trust and the Forestry Commission. The concern mainly related to the impact of the new foul drainage connection, which was proposed to be installed through the woodland.

The Woodland Trust objected to the proposal and therefore the application must be brought back to Committee.

2. Consultations/Representations since 7 February 2012

Forestry Commission

No comments received

The Woodland Trust (12.03.12)

Objection.

Date: 22.05.2012

1. There would be a loss of woodland due to the laying of the drainage pipe.
2. Request a buffer of at least 30m between the wider development, i.e. the clubhouse, car park and tennis courts; if this is not possible a planted buffer of 15m should be provided in addition to the Root Protection Area.

The woodland does not appear on current maps showing Ancient Woodland but has many of the characteristics of Ancient Woodland. Further research should be carried out to determine whether or not the woodland is ancient.

Landscape Officer (07.02.12)

No objection.

The pipeline can be implemented without major concern, the route of the pipeline has a very small footprint in terms of Highlees as a whole and the path of least resistance was identified in terms of larger trees.

The Arboricultural Method Statement follows best practice in terms of BS5837:2005 Trees in Relation to Construction.

Having spent 10 years managing 2,000 Ha of Ancient Woodland, I am fully aware of the operation types that can be detrimental to woodlands and the effects thereafter. I am also fully aware of the resilience of these woodlands and consider that this pipeline route affects a very small part of the woodland and that the Method Statement demonstrates both a pragmatic and appropriate solution.

3 Assessment of the planning issues

a) The proposed foul sewer pipe run

The Woodland Trust has objected on the grounds that a small amount of the woodland would be "lost" (their terminology). Although the woodland is not formally classified as Ancient Woodland it is considered to have many of the characteristics of Ancient Woodland, and in the opinion of the Woodland Trust the installation of the drainage connection through the woodland would disturb the soil – undisturbed soil being one of the main characteristics of Ancient Woodland. This would damage the flora in the area.

The Landscape Officer has commented that in his view the sewer connection can be implemented without major concerns. The route of the pipeline has a very small footprint in terms of Highlees as a whole, and the path of least resistance has been identified in terms of larger trees. This Officer has several years experience of managing Ancient Woodland, and is aware of the resilience of these areas. He concludes that the Arboricultural Method Statement demonstrates both a pragmatic and appropriate solution.

The Officer recommendation is that it would be acceptable for the sewer connection to pass through the Woodland.

Should Members conclude that this is not acceptable, then the applicant has indicated willingness to consider alternative arrangements, a) an on-site solution (eg a biodigester) or b) running the sewer connection under the hardstandings and roads. The Rugby Club is concerned about the additional costs of the alternatives and would prefer the direct route through the Woodland.

If Members wish to grant consent based on the alternatives, then Officers would recommend a condition requiring full details of the drainage system to be approved prior to development. The following wording might be appropriate:

Prior to the commencement of development, and notwithstanding the approved plans, a method for disposing of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to avoid harm to the adjacent woodland, in accordance with Policy CS19 of the adopted Peterborough Core Strategy DPD.

b) Suggested Buffer Area

The Woodland Trust has also requested a buffer area, however as most of the development will take place on existing areas or a similar distance away, and the only items to be closer to the

Date: 22.05.2012

Woodland are a fence and some lights and a small shed, and most of the site will remain as grassland, Officers do not consider that any additional buffer is required.

Other matters are unaltered, and a copy of the Committee Report from February is attached (Appendix 1).

At that meeting Members resolved that Condition 20 (functions and amplified music) should be removed, so that condition is removed from the Recommendation below. Members may note that the justification for some conditions has changed; this is because the National Planning Policy Framework has been introduced, and the Planning Policy Guidance Notes and Statements are no longer in force.

4 Conclusions

Although the laying of the foul sewer through the woodland would have some impact, footprint of the pipe run is narrow and can follow a route that avoids significant risk to the woodland.

5 Recommendation

The Head of Planning Transport and Engineering recommends that this application is GRANTED for the following reason and subject to the imposition of the following conditions:

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:

- a) The principle of having a rugby club on part of the Park is acceptable as it is a use that is compatible with the open space/recreational use of the park
- b) Adequate access and parking can be provided
- c) The design of the building is appropriate to the use and location
- d) Impact on the amenity of nearby residents can be adequately controlled by conditions relating to noise, lighting and hours of use
- e) It has no significant impact on the adjacent County Wildlife Site
- f) There is no significant impact on important trees

The proposal is therefore in accordance with Policies CS14, CS16, CS18 and CS21 of the adopted Peterborough Core Strategy DPD and Saved Policies T8, T9, T10, LNE10 and U1 of the Peterborough Local Plan 2005 (First Replacement).

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 No development shall take place until details of the materials to be used in the external surfaces of the building, the fencing and the stands, 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 Peterborough Core Strategy DPD.

C3 Development shall not begin until details of the improvements to the junction between the proposed access road and the highway (Flaxland) have been submitted to and approved in writing by the Local Planning Authority; and the buildings shall not be brought into use until that junction has been amended in accordance with the approved details.

The improvements shall include the realignment of the kerb line to provide an over-run area for the coaches, and the relocation of the footpath and cycleway crossing of the access road including the realignment for the routes to access this crossing.

Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Peterborough Core Strategy and Saved Policies T4 and T8 of the Peterborough Local Plan (First Replacement).

- C4 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority prior to the commencement of the development.**

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

- C5 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy.

- C6 Prior to first occupation of the approved clubhouse, parking for 40 cycles shall be provided in accordance with details to be agreed in writing with the Local Planning Authority.**

Reason: To encourage travel by non-car modes in accordance with Policy T9 of the Peterborough Local Plan 2005.

- C7 Lighting is to be provided to the car park area before occupation of new club house, in accordance with details to be submitted to and agreed in writing by the Local Highway Authority.**

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

- C8 Prior to first occupation of the approved clubhouse, a lift between the ground and first floors, and a first-floor toilet suitable for use by disabled persons, shall be provided and available for use.**

Reason: In order to ensure equality of access for all persons, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

- C9 The development shall be constructed so that it achieves a Target Emission Ratio of at least 10% better than building regulations at the time of building regulation approval being sought.**

Reason: To support Peterborough City Council's Environment Capital agenda in accordance with Policy CS10 of the Peterborough Core Strategy DPD.

- C10 The approved car parking provision, with associated turning, loading and circulation areas, shall be available for use no later than first occupation of the new clubhouse.**

Reason: In order to ensure that sufficient car parking is available in accordance with Policies T9 and 10 of the Peterborough Local Plan 2005 (First Replacement).

- C11 Prior to the commencement of development, a noise abatement scheme (consisting of physical and management measures) shall be submitted to the Local Planning Authority and approved in writing. Development shall thereafter proceed in accordance with the approved details.**

Reason: To ensure that noise created by activities within the building will be contained within the building, in the interests of the amenities of occupiers of nearby dwellings in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

- C12 All ventilation of steam and cooking fumes to the atmosphere shall be suitably**

filtered to avoid nuisance from smell, grease or smoke. Details of the nature and location of such filtration equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details before the first occupation of the clubhouse.

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

C13 The existing temporary facilities shall be removed from the site within three months of the first occupation of the new clubhouse.

Reason: In order to reinstate the original use of the land or site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

C14 The tennis courts shall be made good and brought into public use no later than four months after removal of the temporary facilities.

Reason: In order to reinstate the original use of the land or site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD, and to provide additional sports facilities, in accordance with Policy CS18 of the Peterborough Core Strategy DPD.

C15 The works within and adjacent to the woodland, as shown on the approved plans, shall be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To ensure proper planning for tree protection where underground infrastructure is to be installed, in accordance with Policies U1, LNE9 and LNE10 of the Peterborough Local Plan 2005 (First Replacement).

C16 Prior to first occupation of the new clubhouse, bat boxes and bird boxes shall be provided in locations and in accordance with details to be agreed with the Local Planning Authority.

Reason: In order to mitigate for the disturbance to wildlife caused by the Development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD.

C17 Prior to the commencement of development, details of the landscaping of the site, and a timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include planting, signage, hard surfacing materials, measures to prevent parking on areas other than approved parking spaces, boundary treatments and the appearance of the grounds maintenance store.

Reason: In the interests of the amenity of the area in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C18 The total noise generated from the site shall not exceed these limits:

The $L_{Aeq,5min}$ level measured 1 metre outside a window to a habitable room, with entertainment taking place, shall be no more than 3dB higher than the representative $L_{Aeq,5min}$ level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

The $L_{eq,5min}$ level in the 63Hz and 125Hz octave bands measured 1 metre outside a window to a habitable room, with entertainment taking place, shall be no more than 3dB higher than the representative $L_{eq,5min}$ level in the 63Hz and 125Hz octave bands measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

Reason: In order to control the impact on the amenity of nearby residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

C19 No external public address system shall be installed or operated without the written consent of the Local Planning Authority.

Reason: In order to control the impact on the amenity of nearby residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

C20 The site shall not be used for any non-sport related activity during the hours of 7am – 6pm Monday to Friday.

Reason: The traffic assessment submitted with the application did not assess the impact

that such activity may have on peak hour flows. Such assessment would be necessary before this activity could take place, in order to ensure that there was no detrimental impact on the Highway network, as required by Policy CS14 of the Peterborough Core Strategy DPD.

C21 The floodlighting shall not be installed until details have been submitted to and agreed in writing by the Local Planning Authority. The details shall include:

Siting and height of the columns

Type and appearance of lamps

Light levels across and adjacent to the site

A management programme including the times of operation of the floodlighting.

The floodlighting shall not be operated other than in accordance with the approved details.

Reason: In the interests of amenity and of protecting the wildlife using the adjacent woodland, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD; and to ensure that light does not affect users of the adjacent Highway network, in the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

C22 Notwithstanding the approved plans, the additional stands indicated on the plans shall not be constructed and are not approved under this consent.

Reason: In order to ensure that, should the club develop to the extent that more than the approved 382 seats are required, the associated traffic and parking impacts can be properly assessed in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

C23 Notwithstanding the approved plans, the boundary fence shall not enclose the turning head adjacent to the main Pavilion building.

Reason: In order that vehicles can turn safely to leave the Park in a forward gear, in the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

Copies to Councillors S Martin, W Fitzgerald, A Sylvester

11/01572/FUL: CONSTRUCTION OF PERMANENT RUGBY CLUBHOUSE WITH CAR PARKING AND TENNIS COURTS TO REPLACE TEMPORARY FACILITIES, LAND AT FORMER BRETTON WOODS COMMUNITY SCHOOL FLAXLAND BRETTON PETERBOROUGH

VALID: 1 NOVEMBER 2011

APPLICANT: MOORE STEEL DEVELOPMENTS ON BEHALF OF MR A MOORE

AGENT: DAVID SHAW

REFERRED BY: CLLR MARTIN AND PARISH COUNCIL

REASON: ACCESS, NOISE, IMPACT ON WOODLAND, PRINCIPLE OF USE OF PARK

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- Highway impacts
- Parking
- Design
- Neighbour amenity
- Landscaping
- Ecology
- Re-instatement of tennis courts

The Head of Planning, Transport and Engineering Services recommends that, subject to it being demonstrated that the necessary junction improvements are deliverable, 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

Peterborough Core Strategy DPD (2011)

CS10- Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS14 Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and improve quality of life for people.

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.

CS18 Culture, Leisure and Tourism

Development of new cultural, leisure and tourism facilities will be encouraged particularly in the city centre.

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)

T8 Connections to the Existing Highway Network

Permission subject to the access being onto a highway whose design/function is appropriate for the level of traffic which would be using it.

T9 Cycle Parking Requirements (Outside the City Centre)

High quality off street cycle parking to be provided in accordance with the identified standards

T10 Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

LNE10 Detailed Elements of Landscape Schemes

A landscaping scheme suitable for the nature of the development should be proposed.

U1 Water Supply, Sewerage Disposal and Surface Water Drainage

Development will only be permitted if adequate capacity or will be provided without detriment to the environment prior to occupation.

Material Planning Considerations

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

National Planning Policies

Planning Policy Statement 1 – Securing Sustainable Development seeks good quality development

Planning Policy Guidance 17 – Planning for Open Space, Sport and Recreation seeks the provision of good quality facilities, and states that floodlighting and other impacts on neighbour amenity should be considered.

Planning Policy Guidance 24 – Planning and Noise. The impact of noise can be a material planning consideration, and conditions can be used to control noisy activities where necessary. Gives technical guidance on noise levels which are likely to be acceptable.

Regional Policy

There are no relevant policies in the Regional Spatial Strategy.

3 DESCRIPTION OF PROPOSAL

The proposal is to redevelop the area currently occupied by the parking, tennis courts and marquee, and incorporate a further 2800sq m or so of adjacent land into the developed area. The proposal includes:

- Provision of 100 car parking spaces as well as 11 disabled parking spaces, parking for 3 coaches and allowance for cycles and motorcycles
- A new, solid construction, club house set slightly further away from the dwellings, to include changing rooms and support offices, a kitchen, bar and function room, and upstairs a further bar area and lounge
- Banked seating along the north elevation of the club house, overlooking the pitches
- Floodlighting around the main pitch (the one closest to the clubhouse)
- A new foul drainage connection
- A small grounds maintenance store
- A new security fence around the site perimeter

- Reinstatement of four tennis courts (these are currently underneath the temporary marquee club house).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is close to the Bretton Centre, and is accessed from Bretton Way along Flaxland to the north of the Local Centre, and then along a narrow unadopted road which leads to the park, a scout hut, and the former Bretton Woods School site. This access road is about 5.5m wide.

The area used by the rugby club is the southern part of Bretton Park. It is leased out by the City Council (although it is understood that there is currently no lease in place) and has been used by the rugby club for several years. The site currently includes a car park with about 64 spaces, an unused area which is laid out as four tennis courts, and a temporary structure, effectively a large marquee, which is laid out over a further four tennis courts and which is used as a club house and for holding functions. Together these areas cover about 5730 square metres. The pitches are beyond this. The area is immediately adjacent to a County Wildlife Site and the park is surrounded by a wooded area known as Highlees Spinney. There are dwellings within 50m of the site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/01239/FUL	Erection of temporary sports club house including catering, bar and changing facilities	10/06/2009	Consent
10/00835/WCPP	Removal of condition C1 of planning permission 08/01239/FUL dated 09/06/09 - (Erection of temporary sports club house including catering, bar and changing facilities) - to allow for a further year before reinstatement	31/08/2010	Consent
11/00121/FUL	Construction of permanent rugby clubhouse with car parking and tennis courts to replace temporary facilities	24/03/2011	Withdrawn

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Local Highway Authority

No objection, subject to conditions including a requirement to improve the junction of the site access with Flaxland. There is a frequent bus service along Flaxland, and it is considered that the junction should be improved so that coaches could manoeuvre into the access road without encroaching on the opposite lane of Flaxland.

Landscape Officer

No objection. An assessment of the work necessary to install the foul drain is required, as this will run through the tree belt. This, and a Method Statement, have been submitted. These are acceptable and a condition should be imposed requiring that the excavation work through the woodland is carried out in accordance with the Method Statement.

Wildlife Officer

No objection. The results of the bat survey, which show that limited use of the flood lighting will not have any detrimental impact, are accepted. A condition is recommended to control use of the flood lighting so that there will be no detrimental impact on the bats. A condition is also recommended to require that works to the trees are not carried out in the bird nesting season. Bat and bird boxes are recommended as mitigation for the disturbance, and the applicant is encouraged to provide some interpretation material around the County Wildlife Site for public information.

Pollution Team

No objection. There have been noise complaints in the past but none since the applicants re-set their levels and bought new equipment. Conditions recommended in order to control noise, light pollution.

Strategic Property

No objection. Some matters will be controlled through the lease as well as by planning condition, such as provision of the tennis courts and the hours of functions.

The fence line matches the existing and matches the area to be granted under the lease.

The fencing should be appropriately coloured.

EXTERNAL

Parish Council

Concerns on the following grounds, and request that the application be referred to Committee:

- a) The 1.5m path around the edge is insufficient and should be no less than 2m
- b) The boundary fence is shown incorrectly as it is up against the road side when in fact it is at least 2m from the road edge
- c) There is an insufficient detail in the traffic plan to show the effect the traffic would have on a busy match day
- d) The plan does not recognise that the club is surrounded by a Nature Reserve. Highlees Spinney is part of an ancient woodland and the club may wish to mitigate this in the development of the building
- e) The revised plan seems to have reduced the size of the disabled toilets on both floors; they now seem to be smaller and insufficient. The original proposal should be the one that should be agreed to and not the revised plan.
- f) The tennis courts should be made up to the original standard before they can be used.

Highways Agency

No objection, subject to conditions. The information submitted has shown that there will be no detrimental impact on the A47, however conditions are required to control daytime activities which might lead to unacceptable traffic levels, and to secure details of the floodlighting so that it will not cause a hazard to drivers on the A47.

Sport England

No objection. Sport England seeks to ensure that there is no overall loss of sporting facilities, taking into account both the quantity and quality of provision. This proposal satisfies the Sport England policy, as it would provide permanent ancillary facilities to support the playing field use, without adversely affecting the quantity or quality of pitches.

Sport England also pass on comments from the Rugby Football Union (RFU) regarding the internal layout of the building. The RFU has commented that the changing facilities are not in accordance with their normal criteria. (This cannot be used as a planning reason to object to the application; it is purely informative).

Sport England has requested that the tennis courts are made available for use prior to the completion of the club house. The provision of tennis courts will compensate for the loss of tennis courts at the time of the temporary consent.

Natural England

No objection. This proposal does not appear to affect any statutorily protected sites or landscapes or have significant impact on the conservation of soils, not is the proposal EIA development.

Wildlife Trust

No objection. The re-submitted application has considered the impacts on the County Wildlife Site (CWS) in terms of lighting, increased traffic and installation of a drainage pipe. It is however disappointing that the application does not acknowledge the presence of the CWS.

The proposals can be carried out without significant negative impacts on the CWS. However there will be some effect and possible need for future maintenance of the pipeline, and a contribution is suggested towards the ongoing maintenance of the CWS.

The Wildlife Trust would like to ensure that the Rugby Club is aware of the importance of the CWS and its value for wildlife.

Police Architectural Liaison Officer

No objection, however the following should be considered/conditioned:

- a) There is no lighting proposed for the car parking areas. Column lighting (not bollard lighting) should be provided to illuminate the parking areas and access doors.

- b) Details of the cycle stands should be provided to ensure that secure cycle parking provision is made.
- c) This venue may be considered a Crowded Place as far as Counter Terrorism Security Advice is concerned. Site security and control between public and private areas should be provided to a high standard, including management practices to include regular security inspections.

NEIGHBOURS

Representations have been received from one household making the following comments:

- a) Several applications have been received for similar things, deadlines have been missed or applications withdrawn. Will there be an investigation – is the applicant attempting to play the system by continuing use of a temporary premises
- b) The continual use is detrimental to the community as there is a deteriorating noisy scruffy building in a slowly declining site – is this a breach of condition?
- c) Some form of control should be used to ensure construction completion or a penalty for failure to meet the planning deadline, before any favourable decision is made

COUNCILLORS

Cllr Martin has referred the application to Committee and made the following comments:

- a) Narrow access to the site – if the club developed the access would be inadequate for number of people attending. Plans for the redevelopment of the Bretton Woods school site would be compromised by any development increasing traffic.
- b) Local residents have complained about and had problems with noise not just on match days but also when the site is used for social functions. The site is too close to housing to be a permanent fixture.
- c) The site is adjacent to ancient woodland and there have been problems in the form of litter thrown from the site.
- d) The proposed development is not on land that formerly belonged to Bretton Woods School, but is part of Bretton Park that the school was allowed to use for sports. The area remained publicly accessible until it was fenced off by the rugby club for their private use. When Peterborough Development Corporation handed over the parks and green spaces they placed a covenant on all those areas prohibiting any further development taking place. Bretton Park is an important part of our heritage from the PDC and once part of it has been parcelled off the floodgates will be open for further piecemeal development until we have nothing left.

7 REASONING

a) The principle of development

Bretton Park is intended for recreational use, and there is no reason in principle why part of it should not be used for a rugby club. The area would be leased to the rugby club by the City Council, and certain aspects of use would be controlled through the lease.

Comments have been made about the existing but currently unused tennis courts. As part of the development it is proposed to bring these back into use (this could also be secured through the Lease between the Club and PCC); this is supported by Sport England. The Parish Council has commented that the courts should be made up to the original standard.

A condition is recommended requiring that the courts are brought back into public use within a certain period of time, to allow for the temporary building to be removed from site after the Club have moved their equipment and activities into the new building.

The site is within easy reach of the City Cycle network, and the Bretton Centre where there are bus connections to various areas around the City.

The principle of development is in accordance with Policy CS18.

b) Highways Impacts

The site is accessed off Bretton Way, along Flaxland. Flaxland also serves a new Aldi store, and may in due course be the main access to housing development on the Bretton Woods School site.

There is an extant resolution to grant Outline planning consent for up to 150 dwellings on the School site; the land is currently the responsibility of the City Council, Growth and Regeneration team. During the process of the withdrawn application, the Local Highway Authority (LHA) and the Highways Agency requested a Transport Assessment. Information about traffic generation has been submitted, although not a formal Transport Assessment (TA). Following discussion, it has been agreed that a formal TA need not be submitted as this application is materially different as it includes fewer parking spaces. Neither the Highways Agency nor the LHA object on the grounds of capacity.

This assessment is based on travel to and from the site taking place outside peak hours. It is considered that a condition should be imposed restricting non-ancillary events (eg the building could be let out for conferences) during peak hours as no assessment on peak hour traffic impact has been submitted.

The Highways Agency has also expressed a concern about the floodlighting causing glare to drivers on the A47. Due to the presence of the woodland this is unlikely, and the measures necessary to control impact on bats (see section g below) should help to direct light away from the A47.

Tracking plans have been submitted, showing coaches and refuse collection vehicles accessing the site via the access road. There is a pinch point at the junction with Flaxland and the LHA has requested amendments to the junction so that it is wide enough for a coach and a car to pass, and for a coach to manoeuvre round the junction safely. The access road is not within the area that would be leased to the club, but it is understood that they would be granted a right of way over it.

A condition is recommended to secure the junction improvements prior to the new building being brought into use.

The LHA has also requested conditions to control impacts on the highway during construction.

Subject to the conditions set out above, Officers consider that the Highway impacts of the development are acceptable.

c) Vehicle parking

The applicant has stated that cycle parking will be available in the building, but this is not shown on the submitted plans. It is not certain whether satisfactory cycle parking can be provided within the building, and in any case this should only be for staff and home players, as visitors would need cycle parking to be in an obvious, publicly accessible place.

There is sufficient space outside the building for public cycle parking to be provided, and therefore a condition is recommended requiring the provision of suitable parking, in accordance with details to be agreed.

The layout plans show 103 car parking spaces, of which 11 are allocated for disabled parking, with additional adjacent areas which are not shown as laid out for parking but could be used for overspill or informal parking for about 21 vehicles. A landscaping condition is recommended, to ensure suitable landscaping generally, and also treatment of these areas so that they cannot be converted to parking spaces without consideration of the impacts.

Space is set aside for motorcycle parking.

The adopted Local Plan policy does not give a parking standard for this kind of development. The traffic impact assessment has been carried out on the basis of an “unusually busy” scenario generating 111 cars; therefore 103 spaces is not unreasonable. There are also three places marked out for coach parking, as visiting teams will sometimes come by coach.

The plans show two stands, with a total of 370 seats and 12 wheelchair spaces. Two locations for “additional stands” are indicated, however it is considered that should the club expand to the extent that these additional stands are required then the traffic and parking impacts of the expansion should be considered. It is therefore recommended that a condition is imposed to exclude the two indicated additional stands from this consent.

In respect of vehicle parking for rugby matches, the proposal is considered to be in accordance with Policies T9 and T10 of the Local Plan.

The site is currently used for occasional events (eg wedding parties), and it is likely that the new building, as it would offer better facilities, would also be so used. Information has been submitted which shows that the car parking would be adequate for the slightly different travel patterns associated with, for example, an evening wedding party.

Overall, it is considered that the proposed vehicle parking is acceptable and in accordance with Saved Policies T9 and T10 of the Local Plan.

d) Design of the Building

The building would be mainly single storey, with a central two storey element. It would be about 25m long and 15-18m deep. The length of the building would be across the site forming a visual barrier between the car park and the pitch area.

The two storey part would have circulation areas and toilets, with a bar/lounge upstairs and kitchen and bar downstairs. The single storey elements would be the function room on one side and the changing rooms on the other. To the long north elevation of the building would be the stands, which would be about as high as the two storey part of the building (7.5m) with lightweight roofs over them to protect spectators from inclement weather. The sides and rear of the stands, where not against the wall of the building, would be clad

A comment has been made regarding the provision of disabled toilets and lift inside the building, as the submitted plans do not allow for disabled access to the upstairs area. The applicant has commented that equivalent facilities are provided downstairs, but the plans show a bar upstairs with a view over the pitch, and a lounge area, which facilities are not available downstairs. It is common for sports clubs to have hospitality events in areas such as upstairs bars with views over the pitch, and disabled people should not be prevented from accessing this area. Therefore a condition is recommended requiring the provision of a lift, and a disabled toilet upstairs.

Overall the proposal is considered to be in accordance with Policy CS16 of the Core Strategy.

e) Impact on Visual and Residential Amenity

There will be little impact on visual amenity from outside the park, as the park is set within woodland. The design of the building is appropriate and subject to the approval of suitable materials it will not have any detrimental impact on visual amenity.

The banked seating will face north across the park and will be generally visible. Although this is not an intrinsically attractive feature, it is a reasonable addition to the area and will not appear out of place.

The new fence is shown on the plans along the boundary of the area to be leased, as confirmed by Strategic Property, with the exception of a turning head adjacent to the main Park Pavilion (this is not in the area to be leased). It is recommended that a condition is imposed requiring that the fence does not enclose the turning head.

The existing fence line is not all marked by permanent fencing, some of it is marked by temporary fencing which is failing in places close to the woodland. Subject to approval of the fencing and the colour, the new fence is acceptable.

The main impact on residents and users of the park will be noise, both from playing activities and from evening functions.

Noise during matches will be mostly vocal, with shouts from players and spectators. This will not take place at night time, and is not an unreasonable type of noise to have emanating from a park/playing field. The tree belt will help to screen nearby residents from this noise and it is not considered necessary to control this.

The applicant has not stated that a public address system will be used, nevertheless a condition is recommended to control this potential noise source should the club decide to install one.

The most likely source of noise disturbance is use of the function room and bar for evening functions. There is a history of noise complaints from nearby residents. The proposed building, being of solid construction rather than a marquee-type structure, will contain noise much better, but in order to ensure that there is no disturbance to residents some conditions are recommended.

It is recommended that a time restriction is put in place, requiring that the building is not used for functions after 11pm at night. All amplified music and similar equipment should be turned off at this time.

It is recommended that an overall noise limit is imposed. In order that this can more easily be kept to, a further condition is recommended requiring a scheme of noise mitigation – this could include for example air-conditioning, so that windows do not have to be opened to regulate the internal temperature, insulation, and a lobby to provide a noise buffer. Any plant such as air conditioning would make its own noise, but this would be controlled by the overall noise restriction.

A further condition is recommended to secure details of any extraction equipment that might be necessary for the kitchen, to ensure that noise and smells from this source are controlled.

These conditions will ensure that the development is in accordance with the Amenity requirements of Core Strategy Policy CS16.

f) Landscaping

The site is surrounded by Highlees Spinney, and it will be necessary for the new foul drainage connection to be run through the woodland. Information has been submitted to show that this can be carried out by suitable methods to avoid damage to trees. A condition is recommended to require compliance with the Arboricultural Method Statement.

g) Ecology and Impact on the County Wildlife Site

The application does not refer explicitly to the County Wildlife Site (CWS). However there is information submitted regarding the trees and the local wildlife, therefore the impact on the CWS can be assessed.

As the bat population appear to be using the woodland for commuting and foraging, it is concluded that the proposed development (in particular the floodlighting) would not have any detrimental impact on the bats. Use of the floodlighting would not have any detrimental impact on bats if it is restricted to short, early-evening periods in winter when bats are hibernating, however the Club may wish to use the lighting for evening training sessions. In order to control the impact when bats are active, a lighting plan will be required to show that lux levels are controlled to below 2 lux adjacent to the woodland. A condition is recommended to secure these details.

The Wildlife Trust has requested a contribution towards maintenance of the adjacent County Wildlife Site. It is not considered that this can reasonably be imposed on the applicant, however conditions will be imposed to ensure that use of the site, particularly relating to floodlighting and the new foul drain, will not have any unacceptable impact.

The applicant has been approached, following comments from the Wildlife Trust, to see if they would be willing to support some information boards or other similar features. They have indicated that they would, but this is not a planning matter so any agreement will have to take place outside the planning process.

h) Sustainability

The applicant has not submitted any information on how the development will contribute towards the City Council's Environment Capital aspiration. Policy CS10 requires this contribution from developments of more than 100 square metres; the proposed Clubhouse has a floor area of about 1120 sq m. As no site-specific information has been submitted, a condition requiring a 10% improvement in carbon emissions above the requirements of the Building Regulations is recommended.

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:

- a) The principle of having a rugby club on part of the Park is acceptable as it is a use that is compatible with the open space/recreational use of the park
- b) Adequate access and parking can be provided
- c) The design of the building is appropriate to the use and location
- d) Impact on the amenity of nearby residents can be adequately controlled by conditions relating to noise, lighting and hours of use
- e) It has no significant impact on the adjacent County Wildlife Site
- f) There is no significant impact on important trees

The proposal is therefore in accordance with Policies CS14, CS16, CS18 and CS21 of the adopted Peterborough Core Strategy DPD and Saved Policies T8, T9, T10, LNE10 and U1 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

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

- C2 No development shall take place until details of the materials to be used in the external surfaces of the building, the fencing and the stands, 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 Peterborough Core Strategy DPD.

- C3 Development shall not begin until details of the improvements to the junction between the proposed access road and the highway (Flaxland) have been submitted to and approved in writing by the Local Planning Authority; and the buildings shall not be brought into use until that junction has been amended in accordance with the approved details.**

The improvements shall include the realignment of the kerb line to provide an over-run area for the coaches, and the relocation of the footpath and cycleway crossing of the access road including the realignment for the routes to access this crossing.

Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Peterborough Core Strategy and Saved Policies T4 and T8 of the Peterborough Local Plan (First Replacement).

- C4 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority prior to the commencement of the development.**

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

- C5 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy.

- C6 Prior to first occupation of the approved clubhouse, parking for 40 cycles shall be provided in accordance with details to be agreed in writing with the Local Planning Authority.**

Reason: To encourage travel by non-car modes in accordance with Policy T9 of the Peterborough Local Plan 2005.

- C7 Lighting is to be provided to the car park area before occupation of new club house, in accordance with details to be submitted to and agreed in writing by the Local Highway Authority.**

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

- C8 Prior to first occupation of the approved clubhouse, a lift between the ground and first floors, and a first-floor toilet suitable for use by disabled persons, shall be provided and available for use.**

Reason: In order to ensure equality of access for all persons, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

- C9 The development shall be constructed so that it achieves a Target Emission Ratio of at least 10% better than building regulations at the time of building regulation approval being sought.**
Reason: To support Peterborough City Council's Environment Capital agenda in accordance with Policy CS10 of the Peterborough Core Strategy DPD.
- C10 The approved car parking provision, with associated turning, loading and circulation areas, shall be available for use no later than first occupation of the new clubhouse.**
Reason: In order to ensure that sufficient car parking is available in accordance with Policies T9 and 10 of the Peterborough Local Plan 2005 (First Replacement).
- C11 Prior to the commencement of development, a noise abatement scheme (consisting of physical and management measures) shall be submitted to the Local Planning Authority and approved in writing. Development shall thereafter proceed in accordance with the approved details.**
Reason: To ensure that noise created by activities within the building will be contained within the building, in the interests of the amenities of occupiers of nearby dwellings in accordance with Policy CS16 of the Peterborough Core Strategy DPD.
- C12 All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke. Details of the nature and location of such filtration equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details before the first occupation of the clubhouse.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance Notes (PPG23 Planning and Pollution Control and PPG24 Planning and Noise) and Policy CS16 of the Peterborough Core Strategy DPD.
- C13 The existing temporary facilities shall be removed from the site within three months of the first occupation of the new clubhouse.**
Reason: In order to reinstate the original use of the land or site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.
- C14 The tennis courts shall be made good and brought into public use no later than four months after removal of the temporary facilities.**
Reason: In order to reinstate the original use of the land or site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD, and to provide additional sports facilities, in accordance with Policy CS18 of the Peterborough Core Strategy DPD.
- C15 The works within and adjacent to the woodland, as shown on the approved plans, shall be carried out in accordance with the approved Arboricultural Method Statement.**
Reason: To ensure proper planning for tree protection where underground infrastructure is to be installed, in accordance with Policies U1, LNE9 and LNE10 of the Peterborough Local Plan 2005 (First Replacement).
- C16 Prior to first occupation of the new clubhouse, bat boxes and bird boxes shall be provided in locations and in accordance with details to be agreed with the Local Planning Authority.**
Reason: In order to mitigate for the disturbance to wildlife caused by the Development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD.
- C17 Prior to the commencement of development, details of the landscaping of the site, and a timetable for implementation, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include planting, signage, hard surfacing materials, measures to prevent parking on areas other than approved parking spaces, boundary treatments and the appearance of the grounds maintenance store.**
Reason: In the interests of the amenity of the area in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.
- C18 The total noise generated from the site shall not exceed these limits:**

The $L_{Aeq,5min}$ level measured 1 metre outside a window to a habitable room, with entertainment taking place, shall be no more than 3dB higher than the representative $L_{Aeq,5min}$ level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

The $L_{eq,5min}$ level in the 63Hz and 125Hz octave bands measured 1 metre outside a window to a habitable room, with entertainment taking place, shall be no more than 3dB higher than the representative $L_{eq,5min}$ level in the 63Hz and 125Hz octave bands measured from the same position, under the same conditions and during a comparable period with no entertainment taking place.

Reason: In order to control the impact on the amenity of nearby residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and PPG 24 – Planning and Noise.

C19 No external public address system shall be installed or operated without the written consent of the Local Planning Authority.

Reason: In order to control the impact on the amenity of nearby residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and PPG 24 – Planning and Noise.

C20 No functions shall be held or amplified music be played between 11pm and 7am the next morning.

Reason: In order to control the impact on the amenity of nearby residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and PPG 24 – Planning and Noise.

C21 The site shall not be used for any non-sport related activity during the hours of 7am – 6pm Monday to Friday.

Reason: The traffic assessment submitted with the application did not assess the impact that such activity may have on peak hour flows. Such assessment would be necessary before this activity could take place, in order to ensure that there was no detrimental impact on the Highway network, as required by Policy CS14 of the Peterborough Core Strategy DPD.

C22 The floodlighting shall not be installed until details have been submitted to and agreed in writing by the Local Planning Authority. The details shall include:

Siting and height of the columns

Type and appearance of lamps

Light levels across and adjacent to the site

A management programme including the times of operation of the floodlighting.

The floodlighting shall not be operated other than in accordance with the approved details.

Reason: In the interests of amenity and of protecting the wildlife using the adjacent woodland, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD; and to ensure that light does not affect users of the adjacent Highway network, in the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

C23 Notwithstanding the approved plans, the additional stands indicated on the plans shall not be constructed and are not approved under this consent.

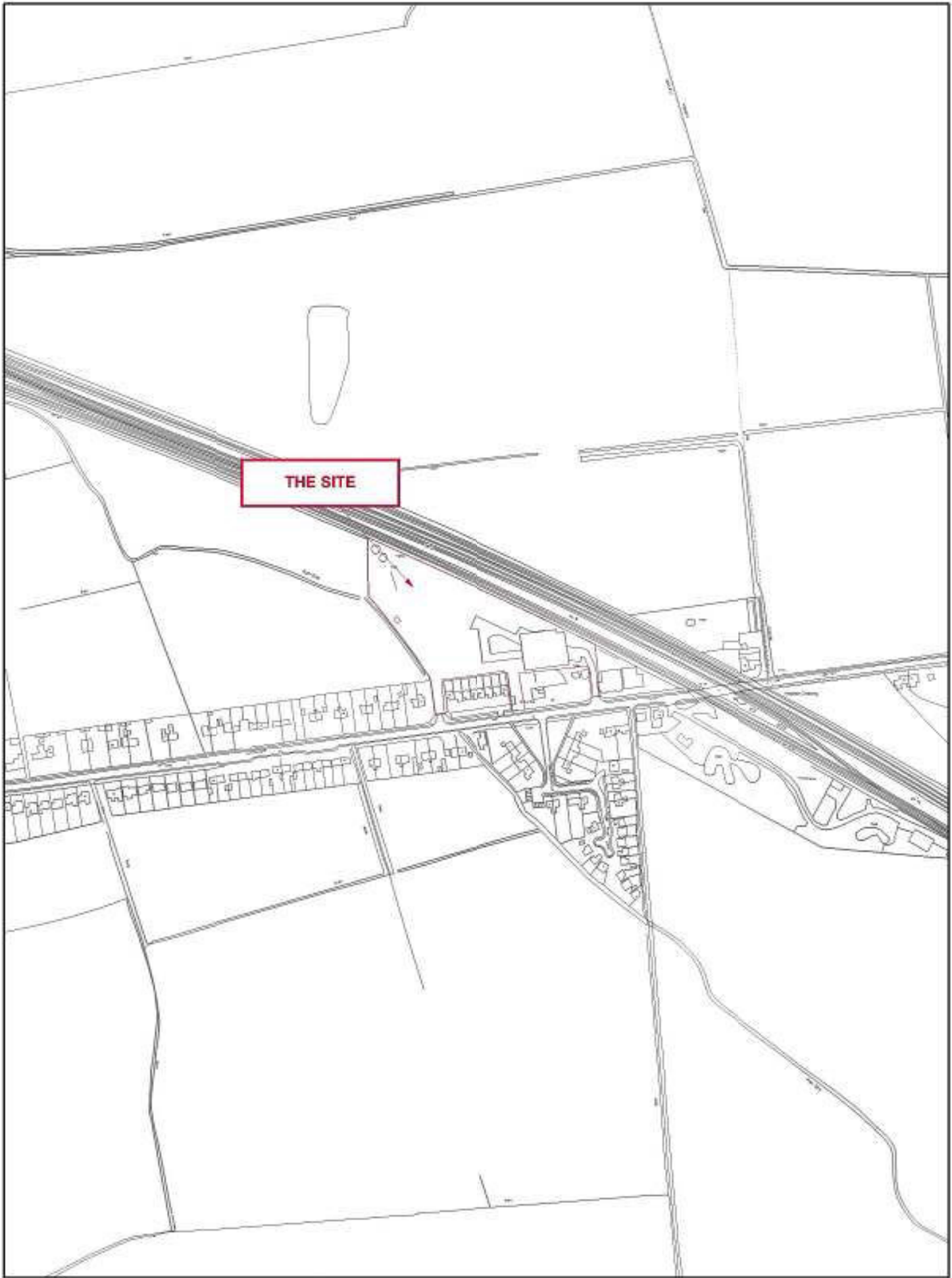
Reason: In order to ensure that, should the club develop to the extent that more than the approved 382 seats are required, the associated traffic and parking impacts can be properly assessed in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

C24 Notwithstanding the approved plans, the boundary fence shall not enclose the turning head adjacent to the main Pavilion building.

Reason: In order that vehicles can turn safely to leave the Park in a forward gear, in the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

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LOCATION PLAN 05/00892/OUT

Arborfield Mill, Glinton Road, Helpston

Scale NTS **Date** 30/5/2012 **Name** AA 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.*

PLANNING AND E P COMMITTEE 12 JUNE 2012

ITEM NO 5.6

APPLICATION REF: 06/00892/OUT

PROPOSAL: REVISIONS TO THE SIGNED SECTION 106 AGREEMENT

SITE: ARBORFIELD MILL, HELPSTON
APPLICANT: LINDEN HOMES

REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING SERVICES
REASON: REVISION OF SECTION 106 OF INTEREST TO MEMBERS

CASE OFFICER: MR N HARDING
TELEPHONE NO: 01733 454441
E-MAIL: nicholas.harding@peterborough.gov.uk

RECOMMENDATION: GIVE THE HEAD OF PLANNING, TRANSPORT AND ENGINEERING AUTHORITY TO VARY THE SECTION 106 AGREEMENT AS FOLLOWS:

A) DELETE (WITH THE EXCEPTION OF THE CONSTRUCTION OF A BUS STOP) THE PROVISIONS OF THE CURRENT SECTION 106 WITH B) TO D) BELOW

B) 6 NO. AFFORDABLE HOUSING UNITS (4 BEING FOR RENT AND 2 BEING FOR SHARED EQUITY)

B) £85,000 TOWARDS THE PROVISION OF PRIMARY AND SECONDARY SCHOOL PLACES

C) £15,000 TOWARDS THE PROVISION OF NEW OR IMPROVED, SPORT, RECREATION, PLAY OR SOCIAL FACILITIES WITHIN HELPSTON PARISH

1 Report

Outline planning permission was granted in April 2006 for residential dwellings and associated development (with approval of reserve matters 07/01462/REM being given for 42 dwellings in January 2008). The outline permission was subject to a Section 106 planning agreement which requires the development to make provision for the following:

- A bus stop
- 13 affordable dwellings
- £105,511.98 contribution towards school places
- £189,511.98 contribution towards community facilities
- £20,000.00 contribution towards the Clare Trust

(the figures above are exclusive of any index allowance which may be attributed to the contribution under the terms and conditions of the Section 106 agreement).

Whilst a start has been made on the development, no dwellings have been completed or sold. With the change in the housing economy, the developer has found that the development is uneconomic to build with all the Section 106 provisions in place. The developer has therefore come to the City Council to renegotiate the Section 106 agreement. Policy CS 10 of the adopted Peterborough City Council Core Strategy recognised that Section 106 agreements should be negotiated on a site by site basis and Government has issued statements to the effect that Council's should renegotiate Section 106 agreements where developments have been found to be unviable as a result of changing market conditions.

Initially, the developer requested, that due to the poor viability of the scheme, there should be no Section 106 obligations at all. To support this request, an economic appraisal of the development costs was submitted to the Local Planning Authority. Officers of the Council have looked at the appraisal and are satisfied that the costs and returns are representative. The conclusion of the appraisal (which is supported by your officers) is that even with there being no Section 106 agreement in place, the development would make a loss for the developer. A copy of the viability report is contained in Appendix 1, which is **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.

The Parish Council was asked for its view on there being no Section 106 obligation agreement in 2011, and it responded by saying that this would be unacceptable.

Since this time, the City Council has considered a similar case a Newborough (Guntons Road). In that case, the Planning & Environmental Protection (PEP) Committee rejected a proposal to reduce the development's Section 106 contributions to zero and secured a contribution of £5000 towards Parish facilities. Using the principle that the PEP Committee would not accept a zero Section 106 contribution, officers re-entered into negotiations with Linden Homes. The results of these negotiations is as follows:

- a) 6 No affordable housing units (4 units being for rent, 2 units being for shared equity)
- b) £85,000 towards the provision of primary and secondary school places
- c) £15,000 towards the provision of new or improved, sport, recreation, play or social facilities within Helpston Parish.

The bus stop provision from the existing agreement is to be retained.

Linden Homes is prepared to go forward with the development on this basis even though it will result in a financial loss. This is because it is important for the operation to have turnover (for turnovers sake) in the business. Linden Homes have stated that not progressing the scheme increases the risk that staff in the locally based firm and external contractors may have to be made redundant.

2 Parish Council Comments

The Parish has informally indicated that it is unhappy with the latest Section 106 revisions proposed but the matter is due to be formally considered on 11th June 2012. A verbal update to the PEP committee will therefore be given.

Cllr Over has indicated that he would support any comments made by the Parish.

3 Conclusions

It has been demonstrated that the approved development is not viable and the current Section 106 agreement worsens that situation. A revised Section 106 agreement has been negotiated which delivers local benefits and new development albeit at a financial loss for the developer. Whilst the proposed revised Section 106 does not provide as many benefits as desired by the Parish Council, it is considered by officers that a satisfactory position has been negotiated.

4 Recommendation

The Head of Planning, Transport & Engineering Services be given authority to revise the existing Section 106 agreement as follows:

- a) 6 No affordable housing units (4 units being for rent, 2 units being for shared equity)
 - b) £85,000 towards the provision of primary and secondary school places
 - c) £15,000 towards the provision of new or improved, sport, recreation, play or social facilities within Helpston Parish.
- and retain the provision of a bus stop as per the existing agreement.

Copy to Councillor David Over

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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