

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 2 SEPTEMBER 2014

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

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

4. Minutes of the Meeting Held on:

4.1 8 July 2014 3 - 14

4.2 22 July 2014 15 - 30

5. Development Control and Enforcement Matters

5.1 14/01060/R3FUL - Thorpe Primary School, Atherstone Avenue, Netherton, Peterborough 31 - 46

Exclusion of Press and Public

In accordance with Standing Orders, Members are asked to determine whether agenda item 5.2 - 14/00206/FUL - Land to the West of Williams Close, Newborough, Peterborough, which contains exempt appendices containing information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by Paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when these appendices are discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.



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 Philippa Turvey on 01733 452460 as soon as possible.

5.2	14/00206/FUL - Land to the West of Williams Close, Newborough, Peterborough	47 - 68
5.3	14/00501/FUL - Land Adjacent Haddon House, Brickburn Close, Hampton Centre, Peterborough	69 - 76
5.4	14/00895/HHFUL - 80 Ledbury Road, Netherton, Peterborough, PE3 9PJ	77 - 84
5.5	14/01025/HHFUL - 38 Audley Gate, Netherton, Peterborough, PE3 9PG	85 - 92
5.6	14/01036/HHFUL - 14 Woodbyth Road, Peterborough, PE1 3PE	93 - 100
5.7	14/01167/HHFUL - 204 Dogsthorpe Road, Peterborough, PE1 3PB	101 - 108
6.	Application to Designate a Neighbourhood Area (Castor Parish Council)	109 - 112

Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), G Casey, P Hiller, N North, J Stokes, N Shabbir, S Martin, D Harrington and C Ash

Substitutes: Councillors: B Rush, Sylvester and B Saltmarsh

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@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 THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 JULY 2014**

Members Present: Councillors Harper (Chairman), Casey, Hiller, North, Stokes, Shabbir, Martin, Harrington and Ash.

Officers Present: Lee Collins, Planning and Development Manager
Theresa Nicholl, Development Manager
Alan Jones, Senior Officer (Minerals and Waste)
Jez Tuttle, Senior Engineer (Development)
Gemma Wildman, Principal Strategic Planning Officer
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

An apology for absence was received from Councillor Serluca.

2. Declarations of Interest

Councillor Ash raised a non-pecuniary interest in item 5.4 as a member of the Landfill Liaison Committee. He also raised a non-pecuniary interest in item 5.5 as the Agent was a close associate. As such, he would not take part in the discussion or determination of item 5.5.

Councillor Hiller raised a non-pecuniary interest in item 5.1, 5.2, 5.3 and 5.4 as a member of the Northern Level Internal Drainage Board and the Environment Agency.

Councillor Casey raised a non-pecuniary interest in item 5.6 as several of the objectors were known to him.

3. Minutes of the Meetings held on 22 April 2014

The Minutes of the meeting held on 22 April 2014 were approved as a correct record.

4. Development Control and Enforcement Matters

It was agreed that item 5.6 14/00731/FUL – Land Adjacent to 1 Regency Way, Peterborough would be heard first.

4.1 14/00731/FUL – Land Adjacent to 1 Regency Way, Peterborough

The planning application was for the change of use of the existing track on the land adjacent to 1 Regency Way to garden use. The application was referred to the Committee by Councillor Arculus for reasons of right of way, ownership, neighbour concern and inaccuracies in the application.

The key issues to be considered were the right of way, land ownership, alleged commercial use of the site, possible future commercial use and highway safety.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Planning and Development Manager provided an overview of the application and raised the following points:

- 14 objections had been received. Stewart Jackson MP had submitted an objection to the application, as he believed it would set a precedent for commercial use in residential areas.
- Land ownership was not a planning matter and to refuse an application on such ground would leave the Council open to challenge and an imposition of costs.
- Any right of way matter was for the holder of the right to enforce and would not be overridden by a grant of planning permission.
- The Council had received complaints regarding the commercial selling of cars from the site and had investigated. No breach was found. Future commercial use of the site could not be considered.
- A condition restricting the width of the gate to 1 metre will ensure that no cars can be stored on the site.
- There were no inaccuracies in the application that would stop the Committees determination.

Councillor Fitzgerald, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Applicant's family was in the car trade.
- It was not right that an application could be made for land in the ownership of another, especially in light of such levels of objection from neighbouring residents.
- There was evident detrimental impact to neighbour's amenity, including the loss of a right of way over the land.
- The Councillor was conscious that many objections were not based on planning matters, however believed they should be given appropriate weight.
- The conditions proposed were currently unenforceable, as there were no time constraints provided. It was suggested that 2 months would be appropriate, if permission granted.

Mr Brian Barrett, 7 Regency Way, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Applicant would use the land to expand their car trade. This formed the basis of their objections, as well as the loss of a right of way.
- The Applicant had stated that they had maintained the land since 2006, it was suggested that this was untrue.
- Residents had seen blatant evidence of commercial activity taking place on the site and the Council has been notified of this.
- Mr Barrett was aware of the limitations of the Committee and, as such, requested that if the Committee were minded to approve if a condition could be added to ensure the Applicant adhered to parking permit regulations.

Mr Mohammed Syed, Supporter, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mr Syed and his family had been subject to harassment from objectors.
- The cars stored on the site, which had been referred to, belonged to family members and were not part of commercial trade activities.
- No evidence of commercial trade had been found at the site, after investigations were conducted.

- The right of way referenced by objectors was not used.
- Mr Syed explained that the resident who held the right of way discussed in the objections was the person to initially suggest to Mr Syed that a fence be erected on the land. This resident had, however, objected to this application.
- The Committee could be assured that the site would only be used as a garden and not to facilitate trade.
- Mr Syed was aware of the parking permit regulations.

The Planning and Highways Lawyer reminded the Committee that land ownership, rights of way and potential use of the site could not be considered, as they were not material planning considerations.

The Committee debated the planning application and concluded that there were no planning reasons to refuse the application before them. The Committee discussed the recommended conditions and it was suggested that the requested alterations to the gate be carried out within 28 days and that any cars were cleared from the site immediately. It was emphasized the importance of ensuring these conditions were adhered to.

In response to a question the Planning and Development Manager advised that the condition proposed about permit parking by Mr Barrett and raised again towards the end of the debate could not be considered, as it was not related to planning legislation.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the amended conditions:

- C1 The site shall not be used for the parking, storage, maintenance or cleaning of motor vehicles.
- C2 Within 28 days of the granting of planning permission the gates in the fence at the front of the site shall be altered so that there is only a single gate opening that is no more than 1 metre wide. Thereafter, the 1 metre wide gate shall be retained in perpetuity.

The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the amended conditions.

Reasons for the decision

The proposed change of use to garden land, and retention of the front boundary treatment, would have no detrimental impact on the amenity of occupiers of neighbouring properties, or on the streetscene.

Activities likely to cause disturbance, or to cause a hazard to Highway safety, could be controlled by Condition.

Various matters arising such as a private right of way and land ownership were not planning matters and cannot be taken into account.

The proposal was therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policies PP3 and PP12 of the Peterborough Planning Policies DPD.

4.2 11/01921/WCMM, 13/01222/MMFUL & 13/01225/MMFUL – Eyebury Quarry, Eyebury Road, Eye, Peterborough

The planning applications consisted of a Section 73 application for non-compliance of conditions to extend the period of extraction for 5.5 years and to amend the method of working, restoration and planting details, and noise and dust schemes at Tanholt Farm, Eye. Also applied for was the retention of aggregate processing plant, stocking area, lagoons and internal haul roads, and the proposed extraction of sand and gravel from Tanholt farm as an extension to the existing quarry on adjacent land, with restoration to agriculture, nature conservation and recreational uses.

The main considerations were:

- The principle of the development
- Transport / Traffic / Access
- Visual appearance
- Noise / Impact on neighbours
- Dust
- Archaeology
- The proposed restoration scheme / Ecology, landscaping and drainage

It was officer's recommendation that planning permissions be granted subject to the signing of a legal agreement and conditions.

The Development Manager provided an overview of the application and raised the following points:

- The Applicant wished to extract all sand and gravel within 1 year to supply an embankments project at Whittlesey.
- Lorry movement would be covered by a Section 106 Legal Agreement and would not be allowed on Willow Hall Lane.
- A public footpath would need to be diverted for the duration of the works.
- Noise and dust monitoring schemes would be put in place.
- Archaeological work had been undertaken resulting in the discovery of several 'water holes'. These would be preserved 'in situ'. Archaeology works would continue in accordance with the previous Written Scheme of Investigation.
- A 25 year long management plan would be agreed under the Section 106 Legal Agreement.
- A holding objection was received from National Grid regarding the gas pipelines, however officers were satisfied with proposals.

The Committee discussed whether sufficient signage was displayed on the Green Wheel Crossing, concluding that there was. It was also clarified that there was a limit of 450 lorry movements on the site from Monday to Friday and that on Saturday, to reflect the shorter operational hours, this was reduced to 230 lorry movements.

11/01921/WCMM

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

The application was considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Assessment had been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation was acceptable and would not result in significant adverse effects. The development would continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement were robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare.

The proposal therefore accorded with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

13/01222/MMFUL

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accord with the development plan without delay.

The application was considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Statement had been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation was acceptable and would not result in significant adverse effects. The development would continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement were robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare.

The proposal therefore accorded with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals

and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

13/01225/MMFUL

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

The application was considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Assessment had been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation was acceptable and would not result in significant adverse effects.

The development would continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement are robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare. The proposal therefore accorded with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

4.3 13/01562/WCMM – Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough

The planning application was to amend the approved plans of planning permission - 8/01032/WCMM and continue landfill operations until 31 December 2018 with restoration to be completed by 31 December 2019..

The key issues to be considered were:

- Extension of time for landfilling.
- Site restoration details.
- Landscaping and Aftercare.
- Review of Conditions.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Senior Officer (Minerals and Waste) provided an overview of the application and

raised the following points:

- The application was a result of changes to national waste policy.
- The main amendment was the removal of 2 small leachate treatment lagoons from the proposals. Leachate would now continue to be sent off site for treatment.
- Another restoration design had been submitted to take into account the potential implementation of another planning permission.
- The phasing will be amended and worked from the northern flanks to the southern flanks.
- The extension of operations would enable the appropriate regeneration of the site.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the amended conditions.

Reasons for the decision

The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accord with the development plan without delay.

The proposal ensured the previously consented non-hazardous void space at Dogsthorpe landfill could continue to function as an important waste management facility within the Peterborough area whilst working towards an appropriately controlled restoration form.

The environmental impacts of the proposal could be safely controlled by condition and will also be subject of environmental permitting regulations. An extension of time would help enable the appropriate restoration of the site from both a visual and environmental perspective, providing an appropriate waste disposal facility whilst other facilities to help move waste up the waste hierarchy become operational. The submitted details in respect of Conditions 8 and 21 of planning permission were appropriate and can be imposed by condition.

The proposal therefore accords with policies CS2, CS21, CS24, CS25, CS30, CS32, CS33, CS34, CS35 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP W8 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

4.4 14/00371/HHFUL – 158 Chestnut Avenue, Dogsthorpe, Peterborough

Councillor Ash left the Committee meeting.

The planning application was for the construction of a two storey extension to provide additional living accommodation.

The key issues to be considered were:

- The purpose of the extension.
- The relationship of the extension to the existing dwelling.

- The impact of the proposed extension on the character of the immediate area.
- The impact of the extension upon the amenities of the occupiers of the two adjoining residential properties.

It was officer's recommendation that planning permission be refused.

The Planning and Development Manager provided an overview of the application and raised the following points:

- Policy determined that the proposed use of the extension could not be considered and it was believed that a two storey extension was larger than necessary.
- The proposal would be out of character with the surrounding area.
- The extension would be visible from numerous locations and would have a significant adverse impact on neighbouring amenities.
- An additional letter had been received from the agent, reiterating the purpose of the extension.
- A letter had been received in support of the applicant from the residents of 156 Chestnut Avenue.

Councillor Saltmarsh, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A solely ground floor extension would not be sufficient for its purpose.
- Neighbouring properties have similar extensions, so the proposal would not be out of place.
- The extension would not be visible from the road.
- The Agent was happy with the staircase's ability to house a stairlift.

Mr Vince Reddell, Applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The extension had gone through several iterations to get to this point.
- The extension would be replacing and adding to the existing extension already in place.
- The purpose of the proposal was to provide care for his parents.
- The ground floor levels could be utilised for this care if necessary.

The Committee admired the intentions of the Applicant in wanting to care for his family. It was considered that the extension was large and would affect the street scene, but it would not adversely affect neighbouring resident's amenities and other extensions of a similar design had been approved elsewhere. On balance, the Committee considered the proposal to be acceptable. It was suggested that some fenestration on the wall facing the neighbouring property would improve their outlook.

A motion was proposed and seconded to agree that permission be granted, against officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED**.

Reasons for the decision

Whilst the proposal represented a large extension, it was not considered that it would have a significant adverse impact on the street scene or neighbour amenity, and on balance was acceptable.

4.5 14/00903/WCPP – Longthorpe Memorial Hall, 295 Thorpe Road, Peterborough

Councillor Ash re-joined the Committee meeting.

The planning application was for the variation of condition one on planning approval 13/00849/WCPP, regarding the operational hours of external downlighting to tennis courts 3 and 4 at Longthorpe Memorial Hall.

The key issues to be considered were:

- The impact upon neighbour amenity.
- Design and impact upon the character and appearance of the Conservation Area.
- Highway implications and car parking.
- Ecology.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Planning and Development Manager provided an overview of the application and raised the following points:

- Originally permission was granted for extended hours for 12 months. After 12 months, the permitted hours would decrease.
- One detailed objection had been received, however it was considered that properties in the vicinity were sufficiently separated from the tennis courts.
- The extended hours were not considered to be of significant harm.

Mr Graham Walker, Architect, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The lights did not shine light anywhere, apart from directly onto the tennis courts.
- All the lights automatically shut down when the permitted hours of operation ended.
- The lights were mainly used for fixtures against other clubs and not casual use.
- The club had not received any complaints regarding the lighting in the past 12 months.

The Committee were pleased to see the tennis club working well, within the previously permitted hours and believed that the club had shown support to local residents in the this regard.

A motion was proposed and seconded to agree that permission be granted, against officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the amended conditions.

Reasons for the decision

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

- the proposed permanent increase in usage of the lights will not result in any unacceptable impact upon neighbour amenity, either by virtue of noise disturbance or light intrusion, in accordance with the Nation Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);

- the proposal would allow an existing sport / recreational facility within the City to expand and develop, in accordance with the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- the proposal would not result in any unacceptable impact upon the visual amenity of the surrounding area or the character, appearance or setting of the Longthorpe Conservation Area, in accordance with the National Planning Policy Framework (2012), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012);
- the proposed increase in operating hours would not in itself generate any further significant demand for car parking, or increased vehicular movements to and from the site and as such, no harm would result to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not result in any additional impact upon the ecology of the site and its surroundings, in accordance with the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

5. Peterborough Draft Developer Contributions Supplementary Planning Documents (SPD)

The Committee received a report which outlined changes to the way local authorities could collect and distribute developer contributions and the proposed introduction of a Community Infrastructure Levy (CIL). The report sought the views of the Committee of the before the report was presented to Cabinet on 28 July, for approval.

The Principal Strategic Planning Officer provided an overview of the application and raised the following points:

- The current Planning Obligations Implementation Scheme (POIS) would become unlawful as of April 2015.
- The CIL would cover most contributions but not all (e.g. Affordable housing).
- Planning Obligations would still be used in those instances.
- For developments of over 500 dwellings a lower CIL charge would be sought, and a Section 106 Legal Agreement would be used.
- The CIL scheme would ensure that developers knew what they would be charged and no double charging would occur.
- No CIL charge would be imposed on officer developments, as this would make such developments unviable.
- CIL charges were placed on the land, so would be passed on to buyers if the land was sold.
- Concern had been raised by some developers regarding the different charging zones across the Peterborough area. These zones had been a result of an independent viability study.

The Committee commented that a glossary of terms would be useful, for such reports. In response to a question raised, the Principal Strategic Planning Officer clarified that CIL was a fixed charge, which is non-negotiable. No other comments were made on the Peterborough Draft Developer Contributions Supplementary Planning Document (SPD).

RESOLVED that:

The Committee considered the Peterborough Draft Developer Contributions

Supplementary Planning Document (SPD) before it was presented to Cabinet on 28 July for approval for public consultation.

Chairman
1.30pm – 3:50pm

This page is intentionally left blank



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 22 JULY 2014**

Members Present: Councillors Harper (Chairman), Hiller, North, Stokes, Sylvester, Harrington and Ash.

Officers Present: Lee Collins, Planning and Development Manager
Vicky Hurrell, Principal Development Management Officer
Jez Tuttle, Senior Engineer (Development)
Ruth Lea, Planning and Highways Lawyer
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

An apology for absence was received from Councillors Casey, Martin, Serluca and Shabbir.

Councillor Sylvester attended as a substitute.

2. Declarations of Interest

Councillor Hiller raised a non-pecuniary interest in item 4.3 he had met with the persons speaking in objection, with regards to another matter.

Councillor Ash raised a non-pecuniary interest in items 4.4, 4.5, 4.6 as he had been lobbied by local residents yesterday, however had passed queries on to his fellow Ward Councillor.

Councillor North raised a non-pecuniary interest in items 4.7 as he had been lobbied by local residents, however had passed queries on to his fellow Ward Councillor.

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

Councillor Harrington declared that he would be speaking on items 4.2 and 4.3 as Ward Councillor.

4. Development Control and Enforcement Matters

4.1 14/00536/OUT – Former Site of Peterborough District Hospital, Thorpe Road, Peterborough

The planning application was for the demolition of existing buildings at the former site of the Peterborough District Hospital. The application included remediation and earthworks, removal of trees and redevelopment to provide residential development of up to 350 residential units of up to four storeys with a total gross external area of up to 33,820 square metres, including retention and residential use of The Gables and 60-62 Thorpe Road, means of access, formal and information open space, a new Community Primary School including the retention and use of part of the Memorial Wind building,

associated landscaping, footpaths, secondary access roads and drainage works, with access from Thorpe Road, Midland Road and Alderman's Drive

The key issues to be considered were:

- The Principle of Development, including demolition and location of the school site;
- Traffic Impacts;
- Design and Layout including impact upon Heritage Assets;
- Landscape Impacts and Open Space Provision;
- Ecological Implications;
- Drainage;
- Contamination;
- Archaeology;
- Section 106 Legal Agreement;
- Air Quality and Construction Management.

It was officer's recommendation that planning permission be granted subject to the signing of a legal agreement and conditions.

The Principal Development Management Officer provided an overview of the application and raised the following key points:

- The Committee had before it an outline application only, with further more detailed applications to be submitted at a future date (reserved matters).
- The Gables, 60 – 62 Thorpe Road and the administrative core of the Memorial Wing building would be retained, as they were important to the heritage of the site. The remaining buildings were to be demolished.
- The inclusion of a school on the site would help meet local need and would need to be delivered at the earliest point.
- It was considered the highways impact of the proposal would not be greater than that of the previous hospital use. With regard to the objections received in respect of St John's Close the access proposals are acceptable and the applicant cannot be required to rectify existing highways issues, only those which the application created.
- Traffic lights and crossings were included at various points within the application.
- There were no objections based on landscaping or drainage at this outline application stage.
- The update report detailed that prior approval had been granted for the demolition of the Memorial Wing building, excluding the administrative core, and that the S106 highway contribution was £393,000.

Mr Kevin Moriarty, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- A public consultation had been undertaken regarding the proposals in January.
- 350 mixed homes were to be provided alongside a school, which was believed to be of great importance.
- The proposal would not generate any more traffic than previous use. The applicant had worked with the Council to try and improve the current highway situation.
- The demolition of 600,000 square feet of buildings would improve the look and feel of the site.
- Heritage integration was an important part of the proposal.
- The provision of 600 new school places would be the first area of development within the proposals.

- Traffic flows had been considered alongside the volume of traffic the development would produce.
- The method of demolition used on the site would be included within a method statement and environmental action plan, which would require approval from the Council.
- The applicant aimed to get the road to the walk in centre adopted and work was being carried out with Health Watch to maintain pedestrian access to the centre.

The Committee were happy to see the proposals in front of them and were pleased that the number of dwellings proposed was at the lower end of the scale (as identified in the Hospital SPD which was a material planning consideration). Concerns were raised regarding the school placement next to the Thorpe Road junction and this would need to be considered in the detailed application, as well as the impact on the existing road network.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

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 application site was the Hospital Opportunity Area and policy CC13 of the adopted Peterborough Local Plan (First Replacement) promoted the complete redevelopment of this area. The proposed land uses were broadly in accordance with the adopted SPD albeit that it reflected the current market conditions and the requirement of the Council for additional school places. The proposal would therefore facilitate the redevelopment of this area and help to meet housing demand. As such the scheme was considered to comply with polices CS1 and CS8 of the adopted Core Strategy, policy CC13 of the adopted Peterborough Local Plan (First Replacement), policy CC4 of the City Centre DPD (Submission Version) and the provisions of the National Planning Policy Framework.

It was not considered that the proposal would have any adverse impact upon highway safety. The new access points were acceptable and contributions toward off site highway improvements were being secured. The site was also a sustainable location close to the city centre. The proposal therefore accorded with policy PP12 of the adopted Planning Policies DPD.

The application allowed for the retention and conversation of the Gables a Listed Building, the conversation of 60-62 Thorpe Road a building of local importance and the retention of the administrative core of the Memorial Wing. The application therefore sought to bring these heritage assets back into active use which will help preserve them in the longer term. It was also considered that the proposed demolition of the hospital block would improve the setting of Sessions House. The proposal was therefore considered to comply with section 12 of the National Planning Policy Framework, section 66 of the Planning (Listed Building and Conservation Areas) Act, policy CS17 of the adopted Core Strategy and policy PP17 of the adopted Planning Policies DPD.

In principle it was considered that the site could be developed without any unacceptable adverse impact upon neighbour amenity and that it could afford the new occupiers a satisfactory level of amenity. The proposal therefore accorded with policies PP3 and PP4 of the adopted Planning Policies DPD.

Subject to conditions the site could be adequately drained and mitigation measures secured to deal with ground contamination. The development therefore accorded with policy CS22 of the adopted Core Strategy DPD and the NPPF.

The application sought to retain the key protected trees within the site and there would not be any significant ecological impacts. The proposal therefore accorded with policy PP16 of the adopted Planning Policies DPD.

The proposal would deliver a new school site which would be key to meeting the need for additional school places in the west place planning area. In addition, S106 funding would be secured for off site highway works, along with contributions toward community and leisure and the environment. The proposal therefore accorded with policy CS13 of the adopted Core Strategy.

4.2 14/00206/FUL – Land to the West of Williams Close, Newborough, Peterborough

Councillor Harrington left the Committee meeting.

The planning application was for a residential development on the land to the west of Williams Close, Newborough comprising 42 dwellings, access, associated works and landscaping.

The main considerations were:

- The Principle of Development;
- Highway Implications;
- Design and Layout;
- Landscape Implications;
- Ecological Implications;
- Flood Risk and Drainage;
- Section 106 Legal Agreement;
- Other Matters.

It was officer's recommendation that planning permission be granted subject to the signing of a legal agreement and conditions.

The Planning and Development Manager provided an overview of the application and raised the following points:

- The open space outlined in the application was the only part of the site in flood zone 2.
- A viability assessment had been submitted, suggesting the proposal would not be viable with affordable housing. As such, none was to be provided.
- Ground works for the proposal would raise the site by one metre.
- Two letters of support had been received and 24 letters of objection. Most of these highlighted the principle of development, the agricultural nature of the land, the proposed access, loss of privacy and drainage.
- Highways officers had objected to the access off Soke Road, for seven residences, advising that the road required widening. The applicant had not considered this necessary.
- The roads within the proposal site had been widened to comply with policy.

- It was considered that plot 20 would have an overbearing impact on Williams Close, however the significant separation distance meant that that it was acceptable, on balance.
- The applicant had relocated the footpath on Soke Road. This did not alter the Highways objection, however the proposal was still considered acceptable.

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

- This was an on balance decision that needed to be made.
- Plot 20 would have an overbearing impact on Williams Close.
- A one metre raising of the site was significant and land shrinkage may result.
- Flooding would be an issue if the land was raised. The land surrounding the site would flood as a result, as has happened before with other, similar sites.
- Soke Road was a narrow road and caused problems for residents. There had been fatalities and more work needed to be carried out to make access to the site safe.
- On balance, Councillor Harrington was not happy with the proposal and asked the Committee to refuse it as more detail was needed and it would result in overbearing impact.

Mr Paul Fowler, Parish Councillor, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- A hedgerow had not been included on the site plan and this suggested that the proposals had not been fully considered.
- It was believed that the attitude the applicant presented towards Soke Road was concerning, as they had ignored suggestions to make the road safer. Seven residences using the accesses off Soke Road was significant.
- Williams Close would be overlooked by the proposals as they are currently.
- The Highways recommendations had not been considered.

Mr Nigel Ozier, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- There had been a lot of work carried out to get to this position. The applicant had met with the Parish Council twice and has been willing to amend the proposals as a result.
- A viability assessment had been undertaken to establish the Section 106 contributions, although the contribution figure in the report was questioned.
- Only seven houses would access the site from Soke Road so the volume of traffic would not significantly increase. However, the footpath has been altered so residents will not need to walk on the road.
- The general consensus from consultation was that the area did not flood. This situation would not change as the road would remain higher than the land.
- The design of plot 20 had been altered and met with the required standards. Only 1 landing window faced on to Williams Close.

The Senior Engineer advised that comment had been made on the application regarding the narrowness of Soke Road. The road was well used by vehicles and pedestrians. The road was sub-standard and the addition of more traffic caused the Highways officers to object. A solution was offered to the applicant, where one access was provided off the widened road, however this was not taken up.

The Committee raised concerns regarding the Highways implications of the proposals and that the applicant had not taken into account the comments of Highways officers.

The loss of amenity for Williams Close residents was discussed and considered as an important issue, which should be altered.

The potential for flooding on the site and the land surrounding the site was discussed. The Planning and Development Manager clarified that no objections had been raised from the relevant bodies that had been consulted.

The Planning and Highways Lawyer advised that if the Committee were minded to defer the application any such motion would need to be clear on the precise grounds that the decision was being deferred.

A motion was proposed and seconded to defer the application for further consideration of the Soke Road access, loss of amenity for residents of Williams Close and to examine the viability of the proposal. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **DEFERRED**.

Reasons for the decision

To consider the Soke Road access and the alternative suggestions of the Highways Authority.

To consider the loss of amenity for residents of Williams Close.

To examine the viability of the proposal with regard to the Section 106 Legal Agreement and the provision of affordable housing.

4.3 14/00908/FUL – Fen Cottage, Werrington Bridge Road, Milking Nook, Peterborough

The planning application was a part-retrospective application for the change of use of an agricultural paddock at Fen Cottage, Werrington Bridge Road, Milking Nook to parking and storage of vehicles in association with the existing plant hire business.

The key issues to be considered were:

- Principle of development;
- Impact upon the character and appearance of the surrounding area / landscape character;
- Highway implications;
- Neighbour amenity;
- Drainage and flood risk.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Planning and Development Manager provided an overview of the application and raised the following points:

- The site was in the open countryside with residential dwellings nearby.
- Part of the hard core flooring had already been laid, which was why the application was part-retrospective.
- Nine objections had been received from local residents.
- The NPPF supported economic growth in connection with an established economic use. A condition had been proposed to ensure that any permission

- granted was personal to the applicant.
- There would be no significant increase in traffic, however the front of the building would become less cluttered.
- A condition had been proposed to restate the hours of operation already in place on the business site.
- The proposal was in flood zone 3. Following the sequential test, as there was an established business at the site, an alternative location would not be practical.
- The update report included additional conditions regarding landscaping and it was clarified that sub-letting would not be allowed, as the permission was personal.
- Any non-compliance of conditions should be reported to the compliance team.

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

- Development should not be permitted in the open countryside.
- The applicant could utilise an industrial site elsewhere.
- No further jobs would be created from the proposals.
- There was a high amount of traffic movement on Werrington Bridge Road and this was often at high speed.
- The proposal would result in overdevelopment.
- The applicants would not be able to mitigate the impact of the proposal.

Mr Paul Fowler, Parish Councillor, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The proposal represented a threat of industrialisation to a small hamlet.
- The NPPF stated that development in the countryside should be restricted unless through the conversion of existing buildings or well-designed new buildings. The application was neither of these, nor is it essential to the effective operation of local agriculture as set out in the Councils' 2012 DPD.
- There are local business which could store the machinery for the applicant with expansion.
- If the application were approved, a condition requiring the applicant to demonstrate their vehicles were essential to the effective operation of local agriculture was requested.
- The risk of flooding was significant and more work needed to be undertaken to ensure that conditions regarding flooding were effective.
- Liaison with the Environment Agency was requested as well as a SUDS test and flood mitigation, all by condition.
- It was highlighted that the application would have an impact on residences visual amenity.
- A condition to exclude the permanent storage of HGV's on site was requested.

Ms Alex Terry addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- There were significant undiscovered remains on the site, which should be considered.
- This expansion was a step too far in the development of the site.
- There was concern that the business would turn into a haulage company and that commercial activity was inappropriate as there were no footpaths on the surrounding roads.
- Attention was drawn to the fact that conditions relating to previous working hours had been flouted, as work was carried out on Sundays.

- Residents were in a difficult situation as the only way to reinstate previous conditions on the existing site was to grant this application.
- Conditions needed to be specific with regard to protecting heritage, protecting nature, child safety, environmental consultation, business use for local agriculture and consultation with the highways department regarding HGV licences.

The Committee discussed proposed condition two and whether this included the prevention of HGV's. The Planning and Development Manager advised that the condition clearly restricted the number and type of vehicle to be held on site, and this excluded HGV's. It was clarified that condition two related to storage on site only and did not restrict the method of delivery. However, traffic generation was not expected to significantly increase.

The Committee noted that the enforcement and the applicant's compliance with the conditions of any permission were of paramount importance.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation.

RESOLVED: (4 voted in favour, 1 voted against and 1 abstained from voting) that planning permission is **GRANTED** subject to the amended conditions.

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 development would allow for the continued effective operation of a business within the rural area but is only acceptable for the duration of the associated plant hire business which itself has a limited personal permission, in accordance with paragraph 28 of the National Planning Policy Framework (2012);
- the existing paddock had historically been segregated from the wider open countryside and the development represents a natural extension to the existing business use. The parking of vehicles would result in some detriment to the overall visual amenity of the locality however this is not considered to represent unacceptable harm, in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the development would not materially increase the traffic generation from the site and would not result in unacceptable impact to the safety of the nearby public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- the development would not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012); and
- the development had met the requirements of the flood risk sequential test, would increase surface water storage within the site and would not result in any increased surface water flood risk to neighbouring sites, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

4.4 14/00866/FUL – Land to the Rear of 55 Figtree Walk, Dogsthorpe, Peterborough

Councillor Harrington re-joined the Committee meeting.

The planning application was for the demolition of an existing garage block on the land to the rear of 55 Figtree Walk, Dogsthorpe and the construction of three two-bed affordable bungalows with associated external works and parking.

The main considerations were:

- Principle of development;
- Design and impact upon the character and appearance of the surrounding area;
- Parking and highway implications;
- Neighbourhood amenity;
- Amenity provision for future occupants;
- Developer contributions.

It was officer's recommendation that planning permission be granted subject to the signing of a legal agreement and conditions.

The Principal Development Management Officer provided an overview of the application and raised the following key points:

- The site was close to existing facilities and, as such, was considered to be sustainable.
- The development would help meet the affordable housing need.
- The applicant could demolish the garages currently on the site without planning permission.
- No objection had been raised by Highways Officers.
- Although access to the site was narrow, traffic movement would be less than current.
- There would be an impact on surrounding residences' amenity, however this was considered to be acceptable given the separation distances between dwellings.
- Section 106 contributions would total £3,000.

Councillor Saltmarsh, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- All three garage site applications were initially objected to, however this particular application was now considered acceptable, with the exception of the concerns as to the existence of asbestos in the garage roofs.
- It was also requested by residents that the brick wall along the access remained.

The Committee considered that the proposal would constitute overdevelopment and an unacceptable impact on amenity for existing residents. The space was still used by local residents and the proposal would take away a vital facility. The development was believed to be inappropriate for the space.

A motion was proposed and seconded to agree that permission be refused, against officer recommendation, on the ground of overdevelopment and loss of amenity in accordance with policy CS16 of the adopted Core Strategy. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED**.

Reasons for the decision

The proposal was unacceptable having regard to planning policy CS16 as it was

considered to represent overdevelopment and would result in the loss of residential amenity.

4.5 14/00863/FUL – Land to the Rear of 30 and 32 Furze Ride, Dogsthorpe, Peterborough

The planning application was for the demolition of an existing garage block on the land to the rear of 30 and 32 Furze Ride, Dogsthorpe and the construction of one two-bed affordable dwellings including external works with parking.

The main considerations were:

- Principle of development;
- Design and impact upon the character and appearance of the surrounding area;
- Parking and highway implications;
- Neighbourhood amenity;
- Amenity provision for future occupants;
- Developer contributions.

It was officer's recommendation that planning permission be granted subject to the signing of a legal agreement and conditions.

The Principal Development Management Officer provided an overview of the application and raised the following key points:

- The site was close to existing facilities and, as such, was considered to be sustainable.
- The development would help meet the affordable housing need.
- The applicant could demolish the garages currently on the site without planning permission.
- No objection had been raised by Highways Officers.
- Although no other dwellings front this part of the street the proposal was not out of keeping with the general pattern of development in the area. The proposal was also acceptable in terms of design.
- There would be an impact on surrounding residences' amenity, however this was considered to be acceptable given the separation distances between dwellings.
- Section 106 contributions would be £1,000.

Councillor Saltmarsh, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There was a minimal number of other garages in the surrounding and to remove these would result in a significant reduction in parking amenity.
- If development were to happen, one dwelling on the site was considered acceptable.

The Committee considered that the gain of one dwelling did not outweigh the loss of amenity that would result from the proposed development.

A motion was proposed and seconded to agree that permission be refused, against officer recommendation, on the ground of overdevelopment and loss of amenity in accordance with policy Cs16 of the adopted Core Strategy. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED**.

Reasons for the decision

The proposal was unacceptable having regard to planning policy CS16 as it was considered to represent overdevelopment and would result in the loss of residential amenity.

4.6 14/00864/FUL – Land to the Rear of 264 and 266 Eastern Avenue, Dogsthorpe, Peterborough

The planning application was for the demolition of an existing garage block on the land to the rear of 264 and 266 Eastern Avenue, Dogsthorpe and the construction of two two-bed affordable dwellings including external works with parking.

The main considerations were:

- Principle of development;
- Design and impact upon the character and appearance of the surrounding area;
- Parking and highway implications;
- Neighbourhood amenity;
- Amenity provision for future occupants;
- Developer contributions.

It was officer's recommendation that planning permission be granted subject to the signing of a legal agreement and conditions.

The Planning and Development Manager provided an overview of the application and raised the following key points:

- The site was close to existing facilities and, as such, was considered to be a sustainable.
- The development would help meet the affordable housing need
- The applicant could demolish the garages currently on the site without planning permission.
- The dwellings had been reduced from the original submission to be more modest in size.
- There would be no impact on the street scene.
- There would be an impact on surrounding residences' amenity, however this was considered to be acceptable given the separation distances between dwellings.
- Section 106 contributions would be £2,000.
- Three comments had been received from residents with regards to overshadowing, the loss of garages and privacy.

Councillor Saltmarsh, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Councillor Saltmarsh and Councillor Miners strongly objected to this application.
- The site was completely surrounded by residences and parking would be significantly reduced.
- Rear access would be lost for 109 and 111 Poplar Avenue.
- Cross Keys Homes had not carried out proper consultation or informed the garage owners of the applications.
- The proposals would have an overbearing impact on the residences, with the proposed buildings having moved closer to the gardens of existing properties and with additional windows.

Mr Henson addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Cross Keys Homes has specifically told him that no building would take place on

this site in the near future.

- People who were applying for garages were being told that none were available, even though only ten were let on this site.
- He would have a 20 foot high brick wall at the bottom of his garden.
- The traffic problem in Eastern Avenue would be exacerbated.
- It was suggested that bungalows would be more appropriate, as there would be less overlooking.
- Concern was raised over how ambulances and emergency vehicles would gain access to the properties.
- Concern was also raised regarding whether the correct procedure would be followed when removing the asbestos roofs.

The Committee raised the point that even if the garages were demolished, the space would still be available to use as parking. It was believed that the proposals plainly resulted in an unacceptable impact on residents. It was noted that such a development should not be shoe-horned into an established community.

In response to a query the Senior Engineer explained that highways implications had to be considered against the existing use of the site. As the proposed use would result in less traffic, no objection had been raised regarding the narrow nature of the access road.

A motion was proposed and seconded to agree that permission be refused, against officer recommendation, on the ground of overdevelopment and loss of amenity in accordance with policy CS16 of the adopted Core Strategy. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **REFUSED**.

Reasons for the decision

The proposal was unacceptable having regard to planning policy CS16 as it was considered to represent overdevelopment and would result in the loss of residential amenity.

4.7 14/00501/FUL – Land Adjacent to Haddon House, Brickburn Close, Hampton Centre, Peterborough

The planning application was for the erection of a foodstore with associated car parking and landscaping on the land adjacent to Haddon House, Brickburn Close, Hampton Centre.

The main considerations were:

- Principle of Development;
- The Sequential Test;
- The National Planning Policy Framework;
- Cycle Parking;
- Car Parking;
- Impact on nearby residents;
- Design;
- Drainage;
- Sustainability;
- Air Quality and Contamination;
- Section 106 Legal Agreement.

It was officer's recommendation that planning permission be refused.

The Planning and Development Manager provided an overview of the application and raised the following key points:

- 47 letters of support of the application had been received, with many residents supporting the introduction of an alternative to Tesco.
- There was no objection to the principle of development in Hampton, however national guidance directed such development to local centres.
- The development needed to pass the sequential test, or it should be refused. It was considered that a more appropriate undeveloped site was 'available' in the local centre.
- The alternative site was included in the Site Allocations DPD, included retail use and was not subject to a current applicant. As such, it was considered available by officers.
- Many of the reasons for refusal could be overcome by conditions, however the Highways Authority had objected to the design of the access and insufficient parking.
- The update report included a parking survey carried out by the applicant. The number of car parking spaces to be provided on the site had been increased to 98.

The Senior Engineer advised that the junction proposed to access the site had originally been designed for low key use. The alteration proposed to change the 'nose' of the junction would result in HGV's moving into the next lane to manoeuvre out. It was unclear whether there was a solution to this problem, as such the Highway Authority objected to the proposal.

Councillor Seaton, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- He supported the application and believed that it would bring further jobs and income to the city.
- Residents were clearly in favour of the application.
- The reasons for refusal were technical, but not practical. The site presented as an alternative by officers was not available, in the sense that the owners of the site would not sell it and would be more appropriate for a town square or cinema development.
- A development on the alternative site would not be viable because of the competition from Tesco's.
- Within the sequential test, all three categories – availability, suitability and viability – were questionable for the alternative site.
- The applicants were prepared to offer a local labour agreement within their proposals.
- It was not anticipated that any congestion problems would result from the proposals and all deliveries would be carried out at night.
- Any future planning applications for residential dwellings near the proposed site would need to consider any permission granted for a foodstore.
- Access from the A15 was possible. However, for a development on the alternative site, access through Hampton would be incredibly difficult for deliveries.

Mr Adam Ward, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- ALDI were pleased that their proposal had the support of local residents.

- Many of the issues cited as reasons for refusal had been resolved and it was believed that all the highways issues raised could be dealt with via conditions. The applicant was keen to work with the authority on these.
- The highways implications would be minimal, as all HGV's would be accessing the site at night, when traffic would be at its lowest level.
- ALDI stores nationwide, including the store at Stanground, worked with around 95 car parking spaces. The applicant would not wish to propose insufficient car parking, as it would not be in their interest to do so.
- The alternative site suggested by officers was not available, as the owners would not sell to ALDI and the site lacked the infrastructure to support such a development. Nor would a foodstore be viable on the alternative site as access and visibility were poor, and competition in the shadow of the Tesco's store would be too great.
- The development would be environmentally sustainable with solar cells and a heat recovery system.
- There would only be a maximum of two deliveries a night and these would not be at similar times as they were provided by ALDI themselves. The delivery system was integrated into the building to ensure that it was as quiet as possible.

The Committee commented that it would be a shame to deny residents a store they clearly desired because an alternative site had been identified, if that site was not practically available. An opposing view was expressed that a site closer to the local centre would be more appropriate.

Concern was expressed regarding the unresolved highways implications of the proposal. The Planning and Development Manager advised that no condition could be put in place to resolve this issue, as no solution to the matter of access was readily apparent.

The Committee suggested that they did not have sufficient information to make a decision at that time. The Planning and Highways Lawyer advised that if the Committee were minded to defer the application any such motion would need to be clear on the precise grounds that the decision was being deferred on and whether that would be limited to highways access or include consideration of the parking survey information and sequential test.

A motion was proposed and seconded to agree that permission be deferred to consider the highway implications of vehicle access to the site.

RESOLVED: (5 voted in favour, 2 voted against) that planning permission is **DEFERRED.**

Reasons for the decision

To consider the vehicular access to the site and any alternative suggestions of the Highways Authority.

5. Planning Compliance Quarterly Report on Activity and Performance April to June 2014

The Committee received a report which outlined the Planning Service's planning compliance performance and activity, and identified any lessons to be learnt from the actions taken.

The Planning and Development Manager provided an overview of the application and raised the following points:

- Within the cases closed in the past eight weeks 86% were found to have no breach.
- 97% of service requests were acknowledged within three working days, above the target.
- 98% of site inspections were carried out within seven days of acknowledgement, above the target.
- Enforcement cases to note included a building in a back garden being demolished, the termination of an unauthorised car wash and the reduction of a rear extension.

RESOLVED that the Committee noted the past performance and outcomes.

Chairman
1.30pm – 5:55pm

This page is intentionally left blank



LOCATION PLAN 14/01060/R3FUL
Thorpe Primary School, Atherstone Avenue, Netherton

Scale NTS Date 20/8/2014 Name LG Department: Planning Services

© Crown copyright and database right 2011. Ordnance Survey. 100024235

PCC GIS



PETERBOROUGH

CITY COUNCIL

This page is intentionally left blank

Application Ref: 14/01060/R3FUL

Proposal: Partial infill of existing courtyard, single storey rear extension and erection of detached single storey teaching block. Associated alterations to the car park at the front of the site and an extension of the car park to the rear

Site: Thorpe Primary School, Atherstone Avenue, Netherton, Peterborough
Applicant: Peterborough City Council

Agent: Frank Shaw Associates

Referred by: Councillors Arculus, Fitzgerald and Maqbool
Reason: Concern about increased traffic

Site visit: 25.06.2014

Case officer: Miss V Hurrell
Telephone No. 01733 453480
E-Mail: victoria.hurrell@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

The Site and Surroundings

The application site is the Thorpe Primary School which is located in the Netherton area approximately 2 km from the city centre.

The school buildings which are predominately single storey, front onto Atherstone Avenue. There are two vehicular accesses into the school site. The first leads to a car parking area in front of the school buildings with 24 spaces including two disabled spaces and the second to a rear car park with approximately 20 spaces, although these are not formally laid out.

There is a large area of playing field to the rear (south) and west of the school buildings. Also to the south of the main school buildings, located within the separate building adjacent to the rear of properties on Ledbury Road, is a nursery.

There are a number of mature trees at the front of the site which are worthy of a Tree Preservation Order (TPO) and within the school grounds, especially along the boundaries.

The surrounding area is predominately residential in character. There is a church to the south east corner of the site on Ledbury Road. On the south side of Ledbury Road is the Jack Hunt School.

There is a pedestrian link (Breamore Gardens) along the eastern boundary of the school which is enclosed by chain link fencing. This connects with Atherstone Avenue and Ledbury Road and there are a number of bungalows fronting onto this footpath.

The Proposal

This application seeks consent for various extensions to enable the capacity of the school to be increased by 210 places from 470 (including 52 nursery places). The number of staff would increase by 15 to 92.

Two new single storey detached teaching blocks are proposed to the rear of the existing school buildings on the existing hard play area. A small in fill extension to the central courtyard is also

proposed along with some associated refurbishment of the interior of the existing school buildings. Associated with these extensions are an additional area of hard play, an expansion to the car park to the rear west side of the building to increase its capacity to 30 spaces (from 20) and a reconfiguration of the car parking at the front to accommodate 28 car parking spaces (from 24).

There is a vacant property to the rear of the school site accessed from Ledbury Road which used to be the care takers house. It is proposed to use this house as the construction office and to bring the majority of construction traffic in via Ledbury Road.

2 Planning History

Reference	Proposal	Decision	Date
10/01367/FUL	Provision of overspill car park and relocation of cycle racks	Permitted	21/01/2011
09/00425/FUL	Single storey extension and associated replacement of part of roof, and installation of security gates	Permitted	17/06/2009
07/00089/FUL	Erection of single storey entrance lobby with canopy	Permitted	19/03/2007
04/00490/R3FUL	Erection of fence and gates	Permitted	12/05/2004
03/01177/R3FUL	Extension to create library and staff room facility and upgrading of existing security fencing	Permitted	01/10/2003

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 8 - School Development

Great weight should be given to the need to create, expand or alter schools.

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 development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

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

CS19 - Open Space and Green Infrastructure

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

4 Consultations/Representations

Transport & Engineering Services (16.07.14)

No objections. It is noted that the number of car trips to the site are high compared to other primary schools which is a concern as this would mean that should the modal share remain at current levels then the impact of additional traffic would be significant. The high level of trips would suggest the existing travel plan is not having the desired effect. The Local Highway Authority would require a new Travel Plan to be submitted along with a Parking Management Plan.

The Construction Management Plan is acceptable subject to a condition requiring the provision of temporary cross overs at the accesses before construction vehicles start using them.

Property Services

No comments received

Police Architectural Liaison Officer (30.06.14)

No objections, recommendations or further observations

Archaeological Officer (02.07.14)

No objections. The site is within an area of low archaeological potential. As such there is no need to secure a programme of archaeological work.

Landscape Officer (14.08.14)

No objections. The trees at the front of the site form a very strong landscape feature and are worthy of protection. The pruning works to the trees needs to be agreed to ensure that it is appropriate and further detail is required in respect of the drainage works within the root protection areas. These matters can be addressed via conditions.

Travel Choice

No comments received

Building Control Manager (03.07.14)

No objections. A Building Regulations application has been submitted.

Sport England (07.07.14)

No objections. The proposal is considered to comply with exception criteria E3 of its policy. Requests conditions requiring the layout of the new pitches before the new teaching block/car park are brought into use.

Wildlife Officer (18.07.14)

No objections subject to a condition requiring that the works are carried out in accordance with the Phase 1 Habitat Survey including the provision of bird and bat boxes.

Pollution Team (14.08.2014)

No objections. Recommend a condition is respect of unsuspected contamination.

Drainage Section

No objections, the submitted information is acceptable.

Local Residents/Interested Parties

Initial consultations: 92

Total number of responses: 10

Total number of objections: 10

Total number in support: 0

10 letters of objection have been received. These raise the following issues:-

- * The School is of sufficient size to meet the needs of the local community. This means pupils are coming from further afield. It is a retrograde step to segregate children from where their home is.
- * The vast majority of pupils will be taken to school by car. The additional unnecessary pollution from up to 210 additional cars will contradict the Council's own policy of being a city with a good environment policy.
- * The additional traffic will exacerbate an already hazardous situation where there have been a number of accidents and countless near misses regarding cars and children. It would be totally irresponsible to increase the vehicle movements in the Ledbury Road area at school start and finish times.
- * The Transport Assessment is fundamentally flawed as it has not recorded two accidents in Ledbury Road involving children at the end of 2013 and it has not included either cars stopping on zig-zag lines at crossing or the riding of cycles on footpaths. Also the assumptions in table 4 are beyond comprehension as all the additional pupils will not be walking to school.
- * Fail to see how these issues can be resolved if the proposal goes ahead and anyone with any common sense will reject the proposal for additional classrooms as then it will only be a matter of time before there is a fatal accident and the Planning Committee will be responsible.
- * Once the children get to secondary school does the Council consider extending that school too. Already Jack Hunt teachers park in front of the school in Ledbury Road on what was open grass area between trees despite having extra parking spaces added in the parking areas. Parents park across our drives now despite the white lines, with extra children where will they park.
- * Atherstonne Avenue is already reduced to a single lane in places due to cars parked on both sides of the road.
- * Cars are often left parked all day partly on the footpath. People turn around in our drive also. The increase in traffic volumes will only serve to exacerbate these problems.

5 Assessment of the planning issues

The main considerations are as follows:-

1. The Principle of Development
2. Highways Impacts and Car Parking

3. Design and Layout
4. Landscape Impacts
5. Ecological Issues
6. Construction Management
7. Other Matters

1. The Principle of Development

Children's Services have advised that the expansion of Thorpe Primary School is required as part of the Council's School Organisation Plan which sets out how school place demand will be met. The Council has a statutory duty to ensure that sufficient school places are available within the city. The figures within the plan show that there has been an increase not only in the number of people living within the city but also an increase in the number of children under the age of 4. This is resulting in a rapidly expanding primary school age population.

The Plan divides the city into a number of areas and Thorpe Primary School falls within the West Planning Area. The Organisational Plan sets out that within this area, even with the expansion of Thorpe Primary School, Ravensthorpe and the new West Town School (to be delivered as part of the hospital redevelopment), there will only be a slight (15 place) surplus in school places by 2016. If the expansion of Thorpe Primary School were not to proceed then there would be a significant shortfall of primary school places within the West Planning Area. In terms of identifying the schools for the expansion within each area the Council has to look at expanding the most popular schools where there is the highest demand for school places and Thorpe Primary School is currently oversubscribed.

In planning policy terms the National Planning Framework places great emphasis upon supporting the building of new schools or the expansion of existing schools. Given this policy stance and the requirement for school places as set out in the School Organisational Plan there would have to be very strong justification for the current application to be resisted.

Neighbour Representations.

A number of the representations have set out that the expansion of Thorpe Primary School is not required to meet local school place demand and will result in children attending the school from further afield which is not desirable.

Whilst this comment is noted, as set out above the school places are required to meet demand within the West Planning Area. Ideally children would be able to attend their nearest primary school but the demand for places is currently such that this cannot happen in every case and the Council has to ensure sufficient school places are available for all children within the unitary area as a whole and at the most popular schools. By dividing the city into areas the Organisational Plan does try to locate new school places across the city to minimise the distance which children have to travel.

2. Highways Impacts and Car Parking

Traffic Impacts

A Transport Assessment has been submitted with the application. The car borne modal share indicated in the plan is higher than typically associated with primary schools so it is anticipated that the impact of additional traffic would be significant.

The Transport Assessment does suggest that the impact of the traffic would be lessened due to parking restrictions being enforced around the school and the staggered start time because of the breakfast club. This being the case the Local Highway Authority has advised that travel planning must be the main focus for reducing car borne trips to the site.

The Local Highway Authority has advised that a new Travel Plan should be produced as part of this development with a primary focus on identifying why so many children travel to school by car and why other modes are either not practical or perceived as practical. Once this has been established SMART targets would need to be set out and measures identified to reduce car borne

trips. This data should be collected as soon as possible.

In addition the submission of a Parking Management Plan is recommended, to be secured by condition as per the Travel Plan, as a way of exercising control over picking and dropping off outside schools by the Local Highway Authority.

The Local Highway Authority has advised that in its view the above are the most appropriate measures to try and reduce the traffic impacts of the scheme. Although the proposal will be likely to result in additional traffic at drop off and pick up times the Local Highway Authority does not have any highway safety concerns. Neither is there a scheme of physical measures which could be implemented to help address the issue.

The Ward Councillors have called the application into Planning and Environmental Protection Committee on the grounds of potential traffic impacts and have asked that the scope for a drop off and pick up facility be investigated.

In response to this request an informal sketch plan has been prepared. This shows three potential drop off and pick up options along Atherstone Avenue. The first shows space for a single coach or two cars, the second a longer layby with space for 6 cars and the third a large layby with space for 7 cars and a passing lane. Options 2 and 3 would be likely to result in the loss of the majority of the trees at the front of the site.

Having reviewed the sketches the Local Highway Authority has advised that it would not support the provision of a drop off and pick up facility in this location.

The proposal would result in the removal of the existing zig-zag lines in front of the school. The purpose of these lines is to limit parking and therefore the potential conflict between children and drivers in the interests of highway safety. The creation of a drop off/pick up point in front of the school would be at odds with this as it would draw cars to the site.

In addition the number of parking bays which would be created would be limited (a maximum of 7) and would not be sufficient to meet the demand. In order for such a facility to be effective at least 50 parking spaces would probably be required. At the moment drop off and pick up is spread over the surrounding streets and therefore less concentrated. If a drop off and pick up point is provided then this would concentrate traffic outside of the school. More highway congestion is therefore likely to result along with an increased risk of conflict either between vehicles or vehicles and children. In addition it is likely that parents would park at odd angles and reverse into the road which is further likely to increase the risk of collision. This raises highway safety concerns.

In light of the advice from the Local Highway Authority the current application has not been amended to include a drop off and pick up point and the drop off/pick up options have not therefore been publically consulted upon although they have been forwarded to the Ward Councillors for their information along with an explanation as to why the options are not considered acceptable.

Neighbour Representations

Traffic concerns relating to the development have been raised by neighbours. These are responded to below.

** The vast majority of pupils will be taken to school by car. The additional unnecessary pollution from up to 210 additional cars will contradict the Council's own policy of being a city with a good environment policy*

Whilst this comment is noted the Council has to meet the demand for school places and Thorpe Primary School is already over subscribed. As set out above a condition would be imposed seeking the imposition of a Travel Plan which will seek to reduce as far as possible the number of children arriving by car to the site.

** The additional traffic will exacerbate an already hazardous situation where there have been a*

number of accidents and countless near misses regarding cars and children. It would be totally irresponsible to increase the vehicle movements in the Ledbury Road area at school start and finish times

As set out the Council has to meet school place demand in the area. There is not a suite of physical measures which can be secured to reduce the traffic impacts although conditions requiring the submission of a Travel Plan and a Parking Management Plan are recommended to try and reduce the number of vehicle trips and to encourage responsible parking.

** The Transport Assessment is fundamentally flawed as it has not recorded two accidents in Ledbury Road involving children at the end of 2013 and it has not included wither the cars stopping on zig-zag lines at crossing or the riding of cycles on footpaths. Also the assumptions in table 4 are beyond comprehension as all the additional pupils will not be walking to school. Fail to see how these issues can be resolved in the proposal goes ahead and anyone with any common sense will reject the proposal for additional classrooms as then it will only be a matter of time before there is a fatal accident and the Planning Committee will be responsible.*

The Transport Assessment is not considered to be fundamentally flawed and the Local Highway Authority has raised no objections to it. With regard to accidents they can only be reported if there is a record of them.

** Once the children get to secondary school does the Council consider extending that school too. Already Jack Hunt teachers park in front of the school in Ledbury Road on what was open grass area between trees despite having extra parking spaces added in the parking areas. Parents park across our drives now despite the white lines, with extra children where will they park.*

This application relates to Thorpe Primary School only and issues relating to parking at Jack Hunt School cannot be taken into consideration. As set out the Council has to meet school place demand in the area. There is not a suite of physical measures which can be secured to reduce the traffic impacts although conditions requiring the submission of a Travel Plan and a Parking Management Plan are recommended to try and reduce the number of vehicle trips and to encourage responsible parking.

** Atherstone Avenue is already reduced to a single lane in places due to cars parked on both sides of the road. As set out the Council has to meet school place demand in the area.*

There is not a suite of physical measures which can be secured to reduce the traffic impacts although conditions requiring the submission of a Travel Plan and a Parking Management Plan are recommended to try and reduce the number of vehicle trips and to encourage responsible parking.

** Cars are often left parked all day partly on the footpath. People turn around in our drive also. The increase in traffic volumes will only serve to exacerbate these problems.*

With regard to parking on footways this is an enforcement issue. A condition requiring the submission and approval of a Parking Management Plan is recommended to encourage responsible parent behaviour.

Summary

It is acknowledged that this proposal would result in additional traffic. There is not a scheme of physical measures which could be implemented to help mitigate the traffic impacts including the provision of a drop off or pick up facility. The most appropriate method of reducing car trips and ensuring safe parking is via the imposition of conditions in respect of the production of a Travel Plan and a Parking Management Plan. As set out above the Council has to provide the extra school places and in the view of Officers this need outweighs the traffic impacts which are limited to drop off and pick up times, especially given that the Local Highway Authority has not raised any highway safety concerns.

Car Parking

At present there are 24 car parking spaces in the front car park and 20 in the one to the rear although these are not marked out. It is proposed to rationalise the front car park in order to make it more efficient with a slight increase in the number of spaces to 28 including two disabled spaces and to install a barrier to control access to it. It is also proposed to increase the number of spaces

in the rear car park to 30 which will be marked out (there is room for further expansion if this is needed in the future).

Under policy PP13 of the adopted Planning Policies DPD a maximum of 77 spaces would be acceptable (based of full time equivalents). 60 spaces are proposed on site. The Local Highway Authority has raised no objection in principle to the number of spaces proposed.

The Local Highway Authority has commented that the car parks should have an in and out arrangement and that the access to the rear car parking widened.

In this instance the creation of an in and out arrangement is not possible because of the constraint formed by the trees at the front of the site. Given the limited number of parking spaces at the front of the site such an arrangement is also not considered necessary and the school functions without one at present. The barrier will also help control parking at the front of the site.

With regard to the access to the rear parking area it is not considered necessary to widen this as use of this area is tightly controlled by the school. It is only available until 8.15am when the gates are closed and they are only reopened again once the school day has finished. As such vehicle movements are limited and are in the same direction. The Local Highway Authority has been made aware of this arrangement.

Cycle Parking

40 cycle parking spaces are currently available on site. As part of this application an additional 40 spaces are proposed along with 10 spaces for staff towards the front of the school. Although this is below the standard set out in the Planning Policies DPD (one space per six children) the proposed provision is considered to be acceptable. There is scope within the site to add additional cycle parking if there is the demand.

Having considered the above the proposed parking provision is considered to be acceptable in accordance with policy PP13 of the adopted Planning Policies DPD.

3. Design and Layout

Design

The application proposes two new single storey extensions to the existing building and a small infill extension within the existing courtyard. The design of the two new extensions is considered to be appropriate and in keep with the character of the existing school buildings. A condition requiring the submission and approval of materials is recommended. There are no issues with the in fill extension as this would not be visible from outside the site.

The proposal is, therefore, considered to comply with polices CS16 of the adopted Core Strategy and policy PP2 of the adopted Planning Policies DPD.

Sustainability

It is proposed to make the building envelope of the new extensions thermally efficient, to use natural ventilation and to incorporate a number of PV panels. In addition the project is seeking to use materials which include recycled/reused products up to value of 10% of the total value of the materials. Although no formal assessment has been carried out under the BREEAM regulations an initial assessment indicates that the extensions would achieve a good to very good standard.

As such it is considered that the proposal would make a contribution towards the Council's Environment Capital agenda in accordance with policy CS10 of the adopted Core Strategy.

Impact on Playing Fields

The application would impact upon existing playing field provision and as such Sport England is a statutory consultee and will object to any development which would lead to the loss of or prejudice the use of playing field unless certain specific circumstances exist.

The car park extension would result in the loss of a small area of playing field necessitating the relocation of a mini soccer pitch. The submitted plans show the location of this pitch. The site is not large enough to accommodate a third pitch. Given this Sport England has advised that it would be unreasonable for it to object to the application on the grounds of loss of playing field. It has requested a condition be imposed requiring the laying out this pitch before the extensions are brought into use.

The proposed extensions themselves would not result in the loss of any playing field although they would impact upon the existing area of hard play. It is proposed to re-mark out this court. Subject to this being secured via a condition Sport England has confirmed that it has no objection.

As such the application is considered to accord with policy CS19 of the adopted Core Strategy.

Impact on Neighbour Amenity

The extensions would be located well away from the boundary of the school site. There would be some 21 metres between the nearest new teaching block and the boundaries of the neighbouring properties on Ledbury Road and some 44 metres at the nearest point to the front of the neighbouring bungalows on Breamore Gardens. The second teaching block would be located even further from neighbouring properties (36 metres and 88 metres respectively). It is not therefore considered that these extensions would have any adverse impact upon neighbour amenity.

Although the proposal would result in hard standing closer to the boundary with the neighbouring properties on Lebury Road the relationship is still considered to be acceptable.

No neighbour objections to the proposal have been received on amenity grounds.

The proposal is therefore considered to comply with policy PP3 of the adopted Planning Policies DPD.

4. Landscape Impacts

As indicated under section 1 above there are a number of trees within the site. The trees at the front of site are worthy of a Tree Reservation Order. The application is supported by an Arboricultural Impact Assessment. The application would result in the loss of five individual trees and a group of Birch and Maple.

The Council's Landscape Officer has raised no objections to the loss of a birch tree at the front of the site in light of its condition and in order to facilitate the rationalisation of the car park.

Some pruning of the trees at the front of the site will be needed to facilitate the car parking. The height suggested in the Arboricultural Impact Assessment is excessive and would unacceptably damage the form of the trees especially the Willow. A condition requiring the agreement of pruning works is therefore recommended.

New drainage runs are proposed at the front of the site, one of which goes into the root protection area of a retained tree. As such further detail is required in respect of the method of installation. This can be secured by condition.

The remaining trees to be removed are at the rear of the site to accommodate the new extensions. The Landscape Officer has raised no objections to their removal given their condition and limited amenity value from the public realm (there are only limited views of them from Breamore Gardens).

The Landscape Officer has also viewed the drop off and pick up options tabled and advised that he would not support them because of the impact on the trees at the front of the site which as indicated are worthy of retention. They also form an important and integral part of the character of streetscene along this section of Atherstone Avenue.

Subject to the conditions referred to the current proposal is therefore considered to comply with

policy PP16 of the adopted Planning Policies DPD.

5. Ecological Issues

The application is accompanied by a Phase 1 Habitat Survey. The report indicates that there maybe Great Crested Newts/ reptiles within the wildlife garden with is located to the west of the school buildings on the edge of the playing field adjacent to the boundary of the site with the rear of the residential properties on Atherstone Avenue. It considers that the potential for them to be present is low but as a precautionary approach there should be no development within 50m. The wildlife garden is located more than 50m from the proposed car park extension, the new extensions are much further away. A condition requiring that the works be carried out in accordance with the recommendations of the report is advised for the avoidance of doubt.

The report recommends the inclusion of the bird and bat roosting features. These can be secured by condition.

In light of the above the Council's Wildlife Officer has raised no objections to the scheme. As such the proposal is considered to comply with policy PP16 of the adopted Planning Policies DPD.

6. Construction Management

The applicant has submitted a Construction Management Plan with the application in order to seek agreement to it at this stage. It is proposed to construct the new car park and carrying out some refurbishment works by taking construction access from Atherstone Avenue but the main construction access for the new extensions would be from Ledbury Road. It is proposed to use the former care takers office as the main site offices.

Having reviewed submitted information the Local highway Authority has confirmed that the details are acceptable subject to a condition requiring the creation of temporary vehicle crossings in order to protect the existing footways and accesses from damage. Conditions in respect of this and requiring compliance with the Construction Management Plan are recommended.

7. Other Matters

Archaeology

The Council's Archaeologist has advised that the application is within an area of low archaeological potential. Given that it is unlikely to impact on important remains there is no need to secure a programme of archaeological work via a condition.

Drainage

A drainage scheme along with supporting calculations has been submitted in support of the application. The Council's Drainage Team have confirmed that this is acceptable. A compliance condition is, therefore, recommended.

Contamination

A Phase II Environmental Assessment has been submitted with the application. This concludes that the risk of contamination is low. A condition requiring the reporting of any unsuspected contamination is recommended.

6 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:

- o The development will help address the shortage of school places within the West Planning Area and the expansion of schools is supported by the National Planning Policy Framework. No objection to the proposal has been received from Sport England subject to the attached conditions. The principle of development is, therefore, considered to be acceptable.

o The development would result in additional traffic on the local highway network. This impact can be partly mitigated by a Parking Management Plan and Travel Plan in accordance with policy CS14 of the adopted Core Strategy. There would, however, be an impact on the local network. This impact has to be balanced with the need to provide additional school places in the local area, which in this instance is considered to outweigh the potential highway congestion particularly as there are no highway safety concerns. Additional car and cycle parking will be provided in accordance with policy PP13 of the adopted Planning Policies DPD.

o The design of the proposed extensions is considered to be acceptable, and there would not be any unacceptable adverse impact upon neighbour amenity. The proposal therefore accords with policy CS16 of the adopted Core Strategy and policies PP2 and PP3 of the adopted Planning Policies DPD.

-The tree removals proposed by this application are considered to be acceptable in light of the condition of the trees and their limited amenity value. Neither would any significant ecological impacts result. Subject to conditions therefore, the proposal is, therefore, considered to comply with policy PP16 of the adopted Planning Policies DPD.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission (Regulation 3) is **GRANTED** 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 The development hereby approved shall be carried out in accordance with the following approved plans and details:

- 01 Rev A Location Plan
- 0002 Rev B Existing Site Plan
- 1000 Rev C Proposed Site Plan
- 0050 Existing Site Plan
- 0060 Existing Elevations
- PL 401 Proposed GA Plan
- PL 402 Proposed Elevations
- PL 411 Refurbishment Area
- PL 410 Proposed Teaching Plan
- 4030 Rev F Infill Extension
- L-1325- PRP -001 Rev 05 Landscape Site Plan
- L-1325-PPP-001 Rev 01 Landscape Planting Plan
- L-1325-GAS-001 Rev 01 Landscape Sections
- Phase 1 Habitat Survey
- Phase II Geo Environmental Survey
- Transport Assessment Rev B
- External Noise Survey
- Desk Based Archaeological Assessment
- C1894-101 Car Park Tracking
- Arboricultural Impact Assessment dated August 2014
- Tree Condition Survey May 2014
- Construction Management Plan June 2014
- Updated Logistics Plan

- Site Compound Area drawing
- Traffic Management Plan Rev B
- Site Logistics and Traffic Management Plan 001 Rev A
- Drainage Calculations August 2014
- C1894-202 Preliminary Drainage Layout

Reason: To clarify the approved details and to ensure that the development accords with the reasoning and justification for granting permission as set out above.

- C 3 Prior to the commencement of the new extensions details/samples of the finishes to be used in the external surfaces of the new extensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details:-

Walls (samples)

Roofing materials, doors, and windows (details).

Reason: In order to ensure a satisfactory external appearance in accordance with policy PP2 of the adopted Planning Policies DPD and policy CS16 of the adopted Core Strategy.

- C4 With the exception of the requirements of conditions 5, 6 and 7 the development hereby approved shall be carried out in accordance with the approved Arboricultural Impact Assessment dated August 2014 and Tree Protection Drawings. The tree protection measures shall be erected prior to the commencement of development and shall thereafter be retained until the development is complete.

Reason: In order to ensure that the existing trees are protected in accordance with policy PP16 of the adopted Planning Policies DPD.

- C5 Prior to the commencement of drainage works within the car park at the front of the site a detailed Arboricultural Method Statement in accordance with BS5837:2012 setting out how the drainage within the root protection area of T8 will be installed shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the existing trees are protected in accordance with policy PP16 of the adopted Planning Policies DPD.

- C6 Prior to the commencement of the laying out of the new/reconfiguraed spaces within the car park at the front of the site a detailed Arboricultural Method Statement in accordance with BS5837:2012 confirming the proposed finished surfacing and method of implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the existing trees are protected in accordance with policy PP16 of the adopted Planning Policies DPD.

- C7 Prior to the new/reconfigured car park at the front of the site being brought into use details of pruning works to the retained trees in accordance with BS3998:2010 shall be submitted to and approved in writing by the Local Planning Authority. The pruning works shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the existing trees are protected in accordance with policy PP16 of the adopted Planning Policies DPD.

- C8 Soft landscaping works shall be carried out in accordance with drawing numbers L-1325-PRP-001 Rev 05 and L-1325-PPP-001 Rev 01 before the new extensions are brought into use.

Any new trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed, become diseased or unfit for purpose [in the opinion of the Local Planning Authority) within five years of the implementation of the landscaping scheme shall

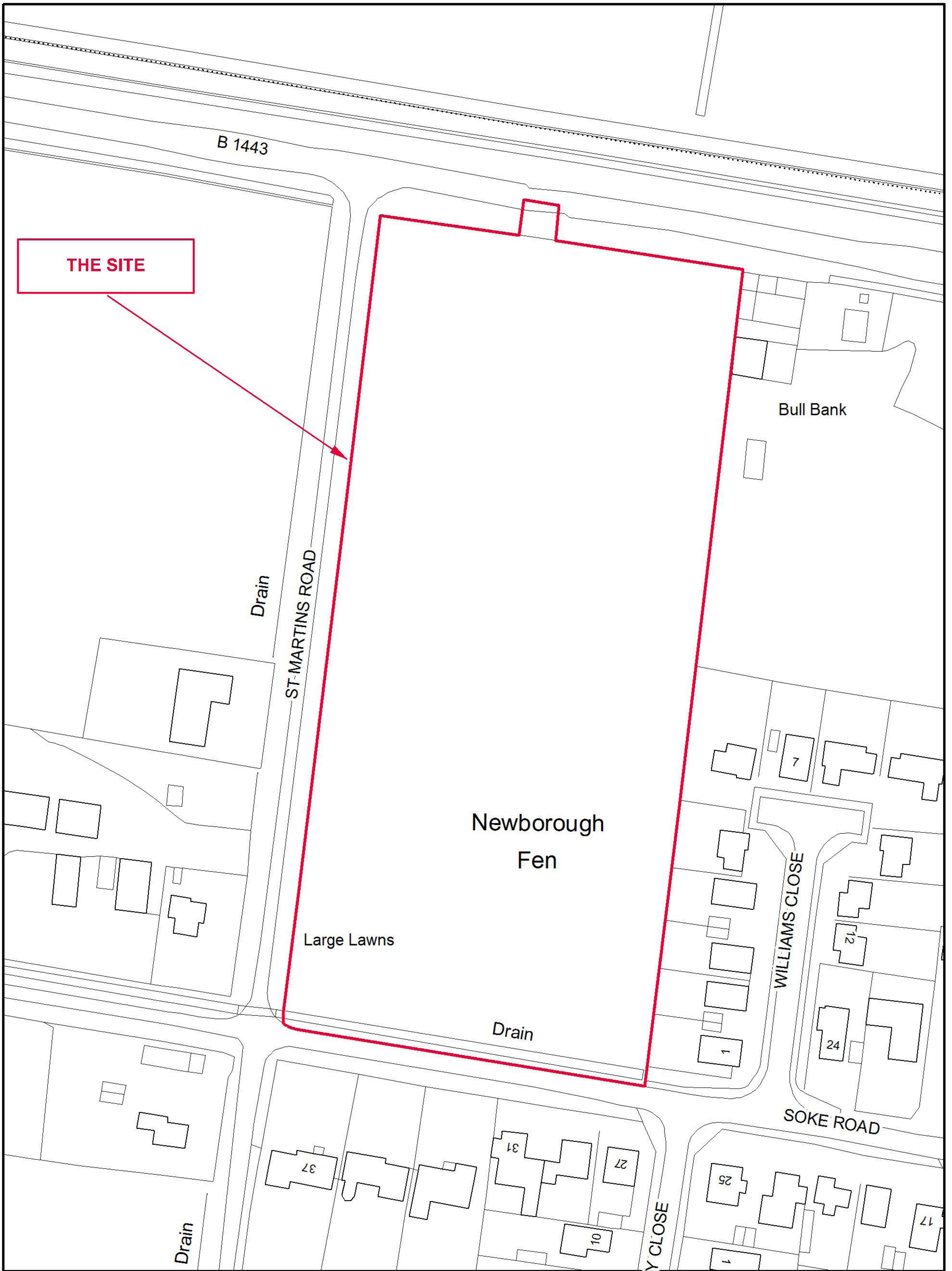
be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In order to ensure replacement planting for the trees to be lost in accordance with policy PP16 of the adopted Planning Policies DPD.

- C9 Within 1 month of the commencement of development an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details before the new classrooms/ parking areas are brought into use.
Reason: In the interests of community safety and residential amenity in accordance with policy CS16 of the adopted Core Strategy.
- C10 The development hereby approved shall be undertaken in accordance with the provisions of sections 4.09 to 4.14 of the approved Habitat Survey.
Reason: In order to ensure that no harm is caused to protected species in accordance with policy PP16 of the adopted Core Strategy.
- C11 Within 1 month of the commencement of development a scheme of biodiversity enhancement measures including the bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations contained within section 4.20 of the approved Habitat Survey. The scheme shall include details of the number, design and locations of the enhancement features. These works shall thereafter be carried out in accordance with the approved scheme before the new extensions are brought into use.
Reason: In order to enhance the biodiversity of the site in accordance with policy PP16 of the adopted Planning Policies DPD.
- C12 The drainage works shall be carried out in accordance with drawing number C1894-202 and the supporting calculations (August 2014) before the new extensions/ expanded parking area/ relaid front parking area are brought into use. If any revisions to the drainage strategy are subsequently required an amended scheme should be submitted to and approved in writing by the Local Planning Authority before the works are carried out. The development shall thereafter be carried out in accordance with the approved details before the parking areas and extensions are brought into use.
Reason: In order to ensure that the site can be adequately drained in accordance with policy CS22 of the adopted Core Strategy.
- C13 Notwithstanding the submitted information, the new extensions and the car park extension hereby approved shall not be brought into use until the additional mini soccer pitch and hard pitch shown drawing number L-1325-PRP-001 Rev 05 have been laid out. These pitches shall thereafter be maintained and retained unless the express approval of the Local Planning Authority for an alternative arranging is given.
Reason: In order to ensure that sufficient space is available for play in accordance with policy CS19 of the adopted Core Strategy.
- C14 The new extensions shall not be brought into use until the new cycle parking has been provided in accordance with the locations shown on drawing number L-1325-PRP-001 Rev 05. Prior to the implementation of the cycle parking the design of the stands and shelters shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: In order to ensure sufficient cycle parking in accordance with policy CS14 of the adopted Core Strategy.

- C15 Prior to the new extensions being brought into use a School Travel Plan and a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain SMART targets to encourage the use of non-car modes of transport to access the school including proposed measures to be implemented to achieve the targets and also hard/soft measures to mitigate the effects of the additional pupils/staff and to reduce car mode share. The Travel Plan shall thereafter be implemented and monitored as agreed. The Parking Management Plan shall set out in detail the methodology which the school will use to control and manage staff parking within the site and also to control parent parking in the vicinity of the site including pick up/drop off. The development shall thereafter operate in accordance with the approved plans.
Reason: In the interests of encouraging travel by sustainable modes in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.
- C16 Prior to the reconfigured car park at the front of the site being brought into use details of the barrier shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason : In the interests of parking management and highway safety in accordance with policy CS14 of the adopted Core Strategy and polices PP12 and PP13 of the adopted Planning Polices DPD.
- C17 Prior to the commencement of construction, temporary heavy duty vehicle crossings shall be provided at the access points in accordance with the details shown on the Temporary Heavy Duty Vehicle Crossing Details. These crossings shall thereafter be retained until construction works are complete.
Reason: In order to protect the existing highway in the interests of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD.
- C18 Construction works including deliveries to the site and hours of working shall be in accordance with the approved construction details including the Site compound Drawing (received August 2014), Site Logistics and Management Plan 001 Rev A, Traffic Management Plan revision B, the Updated Logistics Plan and Construction Management Plan (June 2014 as relevant).
Reason: In the interests of highway safety and residential amenity in accordance with policies PP3, PP12 and PP13 of the adopted Planning Policies DPD.
- C19 If during development contamination not previously identified is found to be present at the site, then no further development shall be carried out within the affected area until a Method Statement detailing how this unsuspected contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Method Statement.
Reason: To ensure all contamination within the site is dealt with in accordance with the NPPF in particular paragraphs 120 and 121.

Copy to Councillors N Arculus and Y Maqbool



Location Plan

14/00206/FUL

Land To The West Of Williams Close Newborough Peterborough

Scale: NTS

Date: 20th August 2014 **Created by:** LMG Planning Services



This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2013.

This page is intentionally left blank

Planning and EP Committee 2 September 2014

Item Number 5.2

Application Ref:	14/00206/FUL
Proposal:	Residential development comprising 42 dwellings, access, associated works and landscaping
Site:	Land to the West Of Williams Close, Newborough, Peterborough
Applicant:	David Wilson Homes (South Midlands)
Agent:	Brian Barber Associates
Referred by:	Director of Growth and Regeneration
Reason:	Level of interest in the application
Site visit:	24 th February 2014
Case officer:	Miss V Hurrell
Telephone No.	01733 453480
E-Mail:	Victoria.hurrell@peterborough.gov.uk
Recommendation:	GRANT subject to the signing of a legal agreement and relevant conditions

1 Introduction

This application was reported to members of the Planning and Environmental Protection Committee on 22 July 2014 with an Officer recommendation of approval (subject to conditions and satisfactory completion of a S106 Agreement).

Members resolved to defer the application on the following grounds:-

1. To resolve concerns about overlooking/loss of amenity from plots 14 and 20 to the neighbouring properties on Williams Close;
2. To resolve highway concerns about the impact of the development on Soke Road;
3. To enable a review the viability appraisal.

Following the Committee Resolution the applicant has submitted an amended layout plan. This includes the following changes:-

- a. The relocation of plot 14 further away from the boundary with Williams Close, so that it is off set from it by 4.5 metres increasing the separation distance to No 4 Williams Close to 15 metres
- b. The relocation of plot 20 away from the boundary with Williams Close so that it is off set by 5 metres thereby increasing the separation distance to No 2 Williams Close by 17 metres. In addition the house has been handed to reduce the scale of the two storey element along this boundary.
- c. The creation of a single access onto Soke Road and the relocation of this access closer to the eastern edge of the site.
- d. Creation of a separate pedestrian access opposite to plot 23 onto Soke Road for bin collection purposes.

This report deals solely with the reasons for which the application was deferred as these are the only outstanding matters. The viability appraisal is confidential and is appended separately to this report.

2. Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site which is some 1.8 hectares in size comprises an area of land on the western edge of Newborough within the village boundary. The site is bordered to the north, south and west by Thorney Road, Soke Road and St Martins Road respectively. To the east lies existing open space and residential properties along Williams Close. Beyond Thorney Road and St Martins Road to the north and west is open countryside and agricultural fields. The site is flat with no particular landscape features other than boundary hedging and intermittent trees.

The application site forms part of an allocation within the Adopted Site Allocations Development Plan Document (2012) as site SA6.11, with an indicative figure of 62 dwellings.

The site is predominantly within Flood Zone 1, with a small proportion of the North West corner being located in Flood Zone 2.

Proposal

Planning permission is sought for erection of 42 dwellings with associated access points onto Thorney Road and Soke Road. The entrance onto Thorney Road would be the principal point of access, serving 35 of the dwellings. A private drive serving 7 dwellings is proposed from Soke Road

15 of the proposed dwellings are 3 bedroom, 5 are 3/4 bedroom and 22 are 4 bedroom. The dwellings would be predominantly two-storey. Three include accommodation in the roof space.

1.16 acres of open space is proposed in the north-west corner of the site, which incorporates the extent of the flood plain.

None of the dwellings would be affordable.

The applicant has confirmed the ground works will be required to build the site up because of the ground conditions. Soil will be imported on site and left to settle. Some of this depth will then be removed.

3 Planning History

Reference	Proposal	Decision	Date
13/00001/SCREEN	Screening opinion	Comments	06/02/2013

4 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 1 - Economic Growth

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport

Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Peterborough Core Strategy DPD (2011)

CS13 - Development Contributions to Infrastructure Provision

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

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.

Peterborough Planning Policies DPD (2012)

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

5 Consultations/Representations

Only the consultations which are relevant to the deferred matters are reported below.

Internal

Bereavement Services – No objections. A S106 contribution towards the provision of a new cemetery should be made as existing facilities are nearing exhaustion.

Education & Children's Dept - Planning & Development – No objections. A S106 contribution is not required in this instance.

Transport & Engineering Services –No objections to the amended layout. Will need to look at how the footpath crosses the access to the private drive but this can be done at the detailed design stage.

Section 106 Major Group – No objections. A reduced S106 contribution of £115,000 has been agreed with the applicant on viability grounds. A £2000 monitoring fee also applies.

Strategic Housing Officer – No objections. Notes that the Design & Access Statement states that "Consultations on the viability of the site took place during 2013. In November 2013, it was agreed with the Council that a reduced S106 contribution with no affordable housing was appropriate."

External

A reconsultation letter has been sent to the Parish Council in relation to the amended layout plan. Any further comments received from it will be tabled to members in the Update Report. The comments below are those made in relation to the original application.

Newborough & Borough Fen Parish Council – Objects to the application as there are concerns the sewerage system could not cope with extra houses and the entrance into Thorney Road is dangerous.

Local Residents/Interested Parties

A reconsultation letter has been sent to Councillor Harrington in relation to the amended layout plan. Any further comments received from him will be tabled to members in the Update Report. The comments below are those made in relation to the original application.

Cllr Harrington – Broadly supports the application but has reservations about the access onto the main B1040, foul sewerage and flooding. Has no issues with the layout or type of dwellings proposed. Considers that the developer has done well in coming up with a suitable mix for the site which will complement the existing surroundings.

Reconsultation letters have been sent to residents on Williamson Close and Soke Road. Any further comments received will be tabled to members in the Update Report. The original neighbour comments relating to Soke Road and relationships with Williamson Close are included below for reference. Those relating to other matters are not reported again as the application was not deferred on these grounds.

Twenty four neighbour letters were received in relation to the original application. A further four letters were received prior to Planning and Environmental Protection Committee on 22 July and tabled to members in the Update Report. These raised the following objections to the planning application. The other objection is from the Parish Council and has been reported above.

Traffic and Access

- The location has very narrow roads where only one car at a time may use it and therefore we feel that this will be a safety issues to drivers and especially to children/pedestrians but

also horse riders – specifically pedestrians have to stand on the grass near the ditch to allow cars to pass.

- Soke Road is very busy and should have a 20mph speed restriction and a weight restriction as many vehicles including heavy lorries speed along this road

Layout

- The plans show the relocation of plot 20. A relatively small reposition but with serious consequences if you happen to live in one of the small bungalows (1, 2, 3 Williams Close, especially No 2). The flank wall of the building is now within three quarters of a metre (30 inches) of the boundary and spans the full width of No 2's garden.
- For someone living in a small bungalow with a small back garden and who has paid a premium on their house to have views over open countryside they will now have a 10 metre high brick wall. Who will compensate them for loss of value but more importantly loss of quality of life.
- The proposal will have a negative and drastic effect on properties adjoining the site. Williams Close has a number of bungalows and the building of houses backing onto them is an invasion of privacy.
- The distance between dwelling No 20 and the boundaries of the properties on Williams Close is unacceptable. How are we supposed to maintain our hedges etc?
- The pedestrian link appears to go along the wall of No 1 Williams Close. We are unhappy about this.
- Surely it would be possible for bungalows instead of two storey properties to be built at the back of the bungalows in Williams Close. What has happened to the law that prohibited the building of higher properties overlooking one storey dwellings.
- We noticed that the dwellings backing onto St Martin's Road have a greater distance from the hedge than the properties overlooking Williams Close.
- Notice that plot 20 has increased in size from the original drawing. Why is this necessary?
- The proposal would have an unacceptable impact on Nos 2 and 4 Williams Close.
- Plot 20 and plots 14/15 should be reserved for single storey bungalows, a solution that would at least be less unacceptable. Better still, they should not be built on at all.
- I understand that it has been a long standing convention that where proposed houses threaten to totally degrade the view from existing bungalows then only bungalows can be built close by. Even if this is not the case it would appear to be an obvious solution in this case.
- There will be two windows looking directly into our living area.
- 4 Williams Close will have a semi-detached house erected next to the rear back garden fence – this will block out sky line views from main living area.
- A little consideration for all home owners would have been appreciated having garden backing onto gardens would have at least been acceptable.

To date 1 further letter of representation has been received in relation to the amended layout plan. This raises the following matters:-

- The amended scheme results in three junctions with 20 yards, not possible for the amount of cars that already use this road especially as most homes have two cars. The accesses should be kept as per the original plan and the developer made to pay to widen the road.

6 Assessment of the planning issues

The main considerations are:-

- * Impact of Plots 14 and 20 on Williams Close
- * Impact on Soke Road
- * S106/ Viability

1. Impact of Plots 14 and 20 on Williams Close

As set out above members deferred the application on 22 July on the grounds of concerns about overlooking/loss of amenity to the neighbouring properties on Williams Close.

Following this an amended layout plan has been submitted. As indicated under section 1 above plot 14 is now sited 4.5 metres off the boundary increasing the separation distance with No 4 Williams Close to 15 metres (it was originally 13 metres).

This increase in separation distance is considered by Officers to be sufficient to prevent any overbearing impact arising even with the change in ground levels proposed. Neither is it considered that any unacceptable overshadowing would result. Plot 14 would have a side facing bathroom window. A condition requiring that this window be fitted with obscure glazing and top opening only is recommended. This is considered to be sufficient to prevent any undue overlooking.

Plot 20 has been relocated 5 metres away from the boundary thereby increasing the separation distance with No 2 Williams Close to 17 metres (it was originally 13.5 metres). In addition the house type has been handed so the shorter side elevation is now positioned adjacent to the boundary. As with plot 14 this increase in separation distance is considered by Officers to be sufficient to prevent any overbearing impact arising even with the proposed change in ground levels. Neither is it considered that any unacceptable overshadowing would result. With the handing of this house type there would be no side facing windows adjacent to the boundary so no undue overlooking would result.

This amended scheme is considered to accord with policy PP3 of the adopted Planning Policies DPD.

Neighbour Representations

The following neighbour representations were made in respect of the original application (including the responses received in respect of the update report) in relation to the impact on Williams Close. As indicated if any further representations are received these will be tabled to members in the update report.

- *The revised plans show the relation of plot 20. A relatively small reposition but with serious consequences if you happen to live in one of the small bungalows (1, 2, 3 Williams Close, especially No 2). The flank wall of the building is now within three quarters of a metre (30 inches) of the boundary and spans the full width of No 2's garden.*
As set out above with the increase in separation distances the proposal is considered to be acceptable. In addition the house on plot 20 has been handed to reduce the extent of the built element close to the boundary.
- *For someone living in a small bungalow with a small back garden and who has paid a premium on their house to have views over open countryside will now have a 10 metre high brick wall. Who will compensate them for loss of value but more importantly loss of quality of life.*
The separation distances now proposed are considered to be acceptable to prevent unacceptable harm to the amenity of the officers of the Williams Close especially numbers 2 and 4. It should be noted that loss of property value is not a material planning consideration. Neither in planning terms is there a right to a view.
- *The proposal will have a negative and drastic effect on properties adjoining the site. Williams Close has a number of bungalows and the building of houses backing onto them is an invasion of privacy.*
For the reasons set out the separation distances are now considered to be acceptable.
- *The distance between dwelling No 20 and the boundaries of the properties on Williams Close is unacceptable. How are we supposed to maintain our hedges etc?*
For the reasons set out the separation distances are now considered to be acceptable.
- *The pedestrian link appears to go along the wall of No 1 Williams Close. We are unhappy*

about this.

The amended plan moves the path away from the boundary so that it is no longer directly next to the rear garden of No 1 Williams Close.

- *Surely it would be possible for bungalows instead of two storey properties to be built at the back of the bungalows in Williams Close. What has happened to the law that prohibited the building of higher properties overlooking one storey dwellings.*

There is no law which prohibits higher buildings overlooking smaller ones. Each proposal has to be considered on its own merits and for the reasons set out above the separation distances are now considered to be acceptable. The developer has advised that it would not be feasible to build bungalows on plots 14 and 20 without losing further value from the site which would further impact upon the viability and therefore deliverability of the scheme. In addition from an urban design perspective a bungalow on plot 20 would not be desirable as it would not sit comfortably with the adjacent plots.

- *We noticed that the dwellings backing onto St Martin's Road have a greater distance from the hedge than the properties overlooking Williams Close.*

This is purely as a result of the site layout. For the reasons set out above the relationships with Williams Close are now considered to be acceptable.

- *Notice that plot 20 has increased in size from the original drawing. Why is this necessary?*

This was as a result of a change in house type. For the reasons set out above the relationship with the properties on Williams Close is now considered to be acceptable.

- *The proposal would have an unacceptable impact on Nos 2 and 4 Williams Close.*

For the reasons set out above the relationship with the properties on Williams Close is now considered to be acceptable.

- *Plot 20 and plots 14/15 should be reserved for single storey bungalows, a solution that would at least be less unacceptable. Better still, they should not be built on at all.*

The developer has advised that it would not be feasible to build bungalows on plots 14 and 20 or to remove these dwellings without losing further value from the site which would impact upon the viability and therefore deliverability of the scheme. In addition from an urban design perspective a bungalow on plot 20 would not be desirable as it would not sit comfortably with the adjacent plots. For the reasons set out above the relationship with the properties on Williams Close is now considered to be acceptable.

- *I understand that it has been a long standing convention that where proposed houses threaten to totally degrade the view from existing bungalows then only bungalows can be built close by. Even if this is not the case it would appear to be an obvious solution in this case.*

There is no law which prohibits higher buildings overlooking smaller ones. Each proposal has to be considered on its own merits and for the reasons set out above the separation distances are now considered to be acceptable. The developer has advised that it would not be feasible to build bungalows on plots 14 and 20 without losing further value from the site. In addition from an urban design perspective a bungalow on plot 20 would not be desirable as it would not sit comfortably with the adjacent plots.

The proposal will have a negative and drastic effect on properties adjoining the site - Williams Close has a number of bungalows and the building of houses backing onto them is an invasion of privacy. For the reasons set out above the relationship with the existing properties on Williams Close is considered to be acceptable.

- *There will be two windows looking directly into our living area.*

For the reasons set out above the relationship with the existing properties on Williams Close is considered to be acceptable.

- *4 Williams Close will have a semi-detached house erected next to the rear back garden fence – this will block out sky line views from main living area.*
For the reasons set out above the relationship with the existing properties on Williams Close is considered to be acceptable.
- *A little consideration for all home owners would have been appreciated having garden backing onto gardens would have at least been acceptable.*
For the reasons set out above the relationship with the existing properties on Williams Close is considered to be acceptable.

2. Impact on Soke Road

As indicated under Section 1 members deferred this application on the grounds of the impact of the development on Soke Road. The Local Highway Authority had raised concerns about highway safety in view of the creation of the new accesses and recommended refusal of the application.

Following the deferral of the application the Local highway Authority advised the applicant on alterations to address its concerns. An amended layout plan has been submitted on this basis. The amended plan serves the 7 dwellings via a single access point (two accesses were previously proposed) and this access point has been positioned as close to the eastern edge of the site as possible, whilst still allowing for sufficient visibility splays. The pedestrian link within the site has been relocated to run parallel with the back of the ditch and then to connect with the existing footway. A separate pedestrian access has been created opposite plot 23 in order to facilitate refuse collection and to minimise bin pulling distances for the future occupiers.

The Local Highway Authority has confirmed that this amended scheme is acceptable to it and it therefore now raises no objection to the scheme. The way which the footpath crosses the access into the private drive will need to be considered further but this is a point of detail which can be dealt with via a condition.

As such the amended proposal is considered to comply with policy PP12 of the adopted Planning Policies DPD.

Neighbour Representations

The following neighbour representations relating to Soke Road were set out in the original report and are included here again for reference along with the Officer response.

- *The location has very narrow roads where only one car at a time may use it and therefore we feel that this will be a safety issues to drivers and especially to children/pedestrians but also horse riders – specifically pedestrians have to stand on the grass near the ditch to allow cars to pass.* The amended layout is considered by the Local Highway Authority to be acceptable and addresses its previous highway safety concerns. A new footpath would be created and pedestrians will be able to walk through the private drives off the road.
- *Soke Road is very busy and should have a 20mph speed restriction and a weight restriction as many vehicles including heavy lorries speed along this road.* This is not considered necessary for this application and the Local Highway Authority has not requested any such restrictions. These would therefore need to be pursued with the Local Highway Authority direct, outside the planning process.
- *The amended scheme results in three junctions with 20 yards, not possible for the amount of cars that already use this road especially as most homes have two cars. The accesses should be kept as per the original plan and the developer made to pay to widen the road.*
The arrangement shown on the amended drawing follows discussion with the Local Highway Authority which considers it to be an acceptable and workable arrangement which addresses their previous concerns in respect of highway safety. Given this, there is no justification for requiring the road to be widened.

3. S106/Viability

As set out under section 1 above members resolved to defer the above application in order to review the viability appraisal which has been submitted and agreed by Officers. A viability report will be tabled separately to members as this is a confidential document.

In summary a viability assessment has been submitted with the application as a result of which a reduced Section 106 payment of £115 000 has been agreed (full POIS would have been £306 000). This will be split as follows:-

- £45 688.40 towards off site affordable housing provision (this was originally reported as £54 688.40 which was typographic error).
- £11 811.60 towards Bereavement Services
- £57 500 towards the provisions of Community Facilities
- Provision of Householder Information Packs

The proposal is therefore considered to comply with policy CS13 of the adopted Core Strategy.

7 **Conclusions**

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

- the site is allocated for housing and its development will help meet housing need
- safe access into the site can be provided from Thorney Road and Soke Road and a new footpath link created.
- the development can be accommodated within the site without any unacceptable adverse impact upon the amenities of the neighbouring properties
- the development can be accommodated without any significant adverse impact upon existing landscaping
- the impact of the proposed development upon ecology of the site is considered to be acceptable
- the development will allow an acceptable level of amenity for the new residents including the provision of Public Open Space
- subject to further archaeological assessment the proposal not adversely affected any buried remains
- the site can be adequately drained

The proposal is therefore in accordance with Policy CS1, CS2, CS8, CS13, CS14, CS16, CS17, and CS22 of the Peterborough Core Strategy DPD (2011), policy SA6 of Peterborough Site Allocations DPD (2012), policies PP01, PP02, PP03, PP04, PP12, PP13, PP14, PP16, PP17 and PP19 of the Peterborough Planning Policies DPD (2012) and Sections 1, 4, 6, 7, 8, 10 and 11 of the National Planning Policy Framework (2012)

8 **Recommendation**

The Director of Growth and Regeneration recommends that planning permission is GRANTED subject to conditions and the completion of a S106 Agreement:-

- 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 development hereby approved shall be carried out in accordance with the following approved details:-
- S212-110 Site Location Plan
 - S212-100 M Site Plan

- H405---5 Rev G Irving
- H404---5 Rev F Irving
- H408---5 Rev E Drummond
- H408---5 Rev H Drummond
- H414---5 Rev G Bradbury
- H414---5 Rev H Bradbury
- H451---5 Rev H Hurst
- H456---5 Rev C Avondale
- H456---5 Rev D Avondale
- H486---5 Hollinwood
- H486---5 Hollinwood
- P341—D5 Rev G Hadley
- P341—D5 Rev K Hadley
- P341-WD5 Rev F Hadley
- P341-WD5 Rev F Hadley
- P382-EB5 Rev K Archford
- T307-E-5 Rev J Nugent
- T307-I-5 Nugent
- Garage type G201
- Garage type G102
- Arboricultural Assessment dated February 2013
- Transport Statement February 2014
- Desk Study and Ground Investigation February 2013
- Flood Risk Assessment January 2014
- Ecological Appraisal January 2014
- Specification for an Archaeological Trial Trench Evaluation March 2013
- Geophysical Survey Report January 2013
- Heritage Statement January 2013

Reason: In order to ensure that the development reflects that which has been applied for.

- C 3 No development including ground/enabling works shall take place until a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The programme of work shall include:-
- a programme of evaluation by trial trenching
 - systematic manual auger survey for palae-environmental analysis
 - watching brief of other groundwork associated with road construction, excavation of utility trenches and landscaping

The scheme shall thereafter be implemented as agreed.

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

- C4 Prior to the commencement of any ground/enabling works a Construction Management Plan to address the scope of these works shall be submitted to and approved in writing by the Local Planning Authority. This plan should include but not be limited to the following:-
- Details of the number of vehicle movements to and from the site including haul routes.
 - Details of a temporary access into the site from Thorney Road. There shall be no vehicle access from Soke Road or St Martin's Road.
 - Hours of working
 - Parking, Turning and Loading/Unloading areas for all construction/contractors vehicles
 - Site compounds/storage areas

- Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction.
- A noise management plan including a scheme for the monitoring of construction noise;
- A scheme for the control of dust
- Details of remedial measures to be taken if complaints arise during the construction period.
- Details of any temporary lighting during the construction period
- An Environmental Management Plan
- Details of tree protection measures for retained trees.

The ground/enabling works shall thereafter take place in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenity of the area and highway safety in accordance with policy CS16 of the adopted Core Strategy DPD and policies PP3 and PP12 of the adopted Planning Policies DPD.

- C5 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, a proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 6 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 6.

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

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C8 The development permitted by this permission shall be carried out in accordance with the approved Flood Risk Assessment prepared by MEC 20545/01 14/3336, dated January 2014 and the following mitigation measures detailed therein:-
1. All built development (houses) will be located within flood zone 1.

The mitigation measures shall be fully implemented prior to the first occupation of the dwelling to which they relate.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS22 of the adopted Core Strategy.

- C9 Prior to the commencement of any development other than ground/enabling works, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The works/scheme shall thereafter be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. The following also needs to be submitted as part of any approved works/scheme:

- Full and up to date design details of the whole proposed drainage system for this development including detailed specifications of any drainage elements.
- Clear details of the ownership and responsibility of maintenance of all drainage elements for the lifetime of the development.
- Approval from North Level Internal Drainage Board for discharge water into its drainage system.
- A copy of the calculations for estimating the attenuation requirements

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policy CS22 of the adopted Core Strategy.

- C10 Prior to the commencement of development other than ground/enabling works a scheme, including phasing, for the provision of mains foul water drainage including on and off site connections shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and NPPF (2012)

- C11 Notwithstanding the details hereby approved T1 as indicated in the Ecological Appraisal dated January 2014 shall be felled by utilising a soft felling technique unless immediately prior to works a repeat aerial survey is undertaken that concludes the area is free of bats. The conclusions of any such updated survey should be submitted to and approved in writing by the Local Planning Authority before any tree felling takes place.

Reason: To protect features of nature conservation importance, in accordance with Policy PP16 of the adopted Planning Policies DPD.

- C 12 Prior to the first occupation of any dwelling a scheme of bird and bat boxes including details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with policy PP!6 of the adopted Planning Policies DPD.

- C13 No development other than ground/enabling works shall take place until details/samples of the following have been submitted to and approved in writing by the Local Planning Authority;
- Wall, render and roofing materials (samples)
 - Windows and external doors including any roof lights (details);
 - Cills and lintels(details);
 - Rainwater goods (details);

The samples and details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall thereafter be carried out in accordance with the approved details

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

- C14 Notwithstanding the submitted information and prior to the commencement of any development except ground/enabling works a timetable for the laying out of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall thereafter be laid out in accordance with the approved timetable and at no time thereafter shall this area be used for the storage of construction vehicles, equipment or portakabins etc.
- Reason: In the interest of ensuring future residents have adequate access to Public Open Space and in the interest of the visual amenity of the area, in accordance with Policy CS16 of the adopted Core Strategy DPD.

- C 15 Notwithstanding the submitted information, within two months of the commencement of development a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include details of long terms design objectives, management responsibilities and maintenance schedules. The development shall thereafter take place in accordance with the approved details.
- Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C16 No development other than ground/enabling works shall take place until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-
- Planting plans including retained trees, species, numbers, size and density of planting
 - Details of the attenuation feature
 - Ground levels around retained trees
 - An Implementation programme

The development shall thereafter be carried out in accordance with the approved details no later than the first planting season following occupation of the dwelling to which it relates or in the case of the open space the approved timetable.

Any trees, shrubs or hedges forming part of the approved landscaping scheme which would include any landscaping within the Public Open Space (but not contained in enclosed rear gardens to individual dwellings) that die, are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD

C 17 Notwithstanding the submitted information no development other than ground/enabling works shall take place until details of the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, the following elements:-

- 1) Hard landscaping finishes including details of car/road markings and pedestrian access and crossing points;
- 2) Details of bin storage areas and enclosure
- 3) Details of boundary walls and fencing
- 4) An amendment to the alignment of the pedestrian link to allow for defensive planting either side of its.

The hard landscaping work shall be undertaken in accordance with the approved details prior to first occupation of the dwelling to which they relate.

Reason: To ensure a satisfactory finish to the development in the interests of visual amenity in accordance with policy CS16 of the adopted Core Strategy DPD.

C 18 Prior to the commencement of any site infrastructure including ground/enabling works a detailed contoured plan with existing and proposed spot heights and cross sections (including retaining structures) shall be submitted to and approved in writing by the Local Planning Authority. These shall indicate the slab level of the ground floor of all of the dwellings, their associated gardens and parking area. The development shall thereafter be carried out in accordance with the approved detail.

Reason: In order to protect and safeguard the amenities of the adjoining and future occupiers, in accordance with Policy CS16 of the adopted Core Strategy DPD.

C 19 Notwithstanding the submitted information prior to the commencement of any ground/enabling works an Arboricultural Method Statement in respect of any changes in levels within the root protection areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority. The ground/enabling works shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure the protection of retained trees in accordance with policy PP16 of the adopted Planning Policies DPD.

C20 The development hereby approved shall be carried out in accordance with the approved Arboricultural Method Statement dated February 2013 including the tree protection measures identified within. The tree protection measures should be installed prior to the commencement of development and thereafter retained until the works within the vicinity of them are complete.

Reason: In order to ensure the protection of retained trees in accordance with policy PP16 of the adopted Planning Policies DPD.

C21 Prior to the commencement of any development other than enabling/ground works which are covered by a separation condition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively the following):-

- Haul Routes to and from the site
- Hours of working
- Parking, Turning and Loading/Unloading areas for all construction/contractors vehicles
- Site compounds/storage areas
- Temporary Access points
- Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction.
- A noise management plan including a scheme for the monitoring of construction noise;

- A scheme for the control of dust arising from building and site works
- Details of remedial measures to be taken if complaints arise during the construction period.
- Details of any temporary lighting during the construction period
- Environmental Management Plan

The development shall thereafter take place in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenity of the area and highway safety in accordance with policy CS16 of the adopted Core Strategy DPD and policies PP3 and PP12 of the adopted Planning Policies DPD.

- C22 Within three months of the commencement of development details of external lighting including the lighting of private areas shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design of the lighting columns, their locations and LUX levels. The lighting scheme shall thereafter be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with policy CS16 of the Peterborough Core Strategy DPD (2011).

- C23 Prior to the first occupation of any dwelling pedestrian visibility splays of 2.0m by 2.0m shall be provided at the junction of all shared and single private accesses with the highway. These splays shall thereafter be maintained free from any obstruction over a height of 600mm.

Reason: In the interests of the safety of all users of the public highway in accordance with policy CS14 of the Core Strategy DPD and policy PP12 of the Planning Policies DPD.

- C24 Prior to the first occupation of any dwelling served by them, the accesses to Thorney Road and Soke Road along with their associated visibility splays and off site highway works to Thorney Road shown on drawing numbers 212_100M and 20545_03_003 shall be implemented. The visibility splays shall thereafter be kept free of any obstruction over 600mm in height in perpetuity.

Reason: In the interests of the safety of all users of the public highway in accordance with Policy PP12 of the adopted Peterborough Planning Polices.

- C26 The roads and footways linking each dwelling with the public highway shall be constructed to a minimum of base course level prior to the occupation of that dwelling. The parking areas showing on drawing number S212-100 M shall also be provided before the first occupation of the dwelling which they would serve.

Reason: In the interests of the safety of all users of the public highway in accordance with Policy PP12 of the adopted Peterborough Planning Polices.

- C27 Prior to the construction of the new access from Soke Road and the associated footpath details of how the footpath crosses the new access along with details of any retaining structures to the ditch shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD.

- C28 Notwithstanding the submitted information before the development hereby permitted is first occupied, the proposed first floor window to the side elevations of plot 14 shall be obscurely glazed to a minimum of Level 3 obscurity, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. This window shall thereafter be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Informatives.

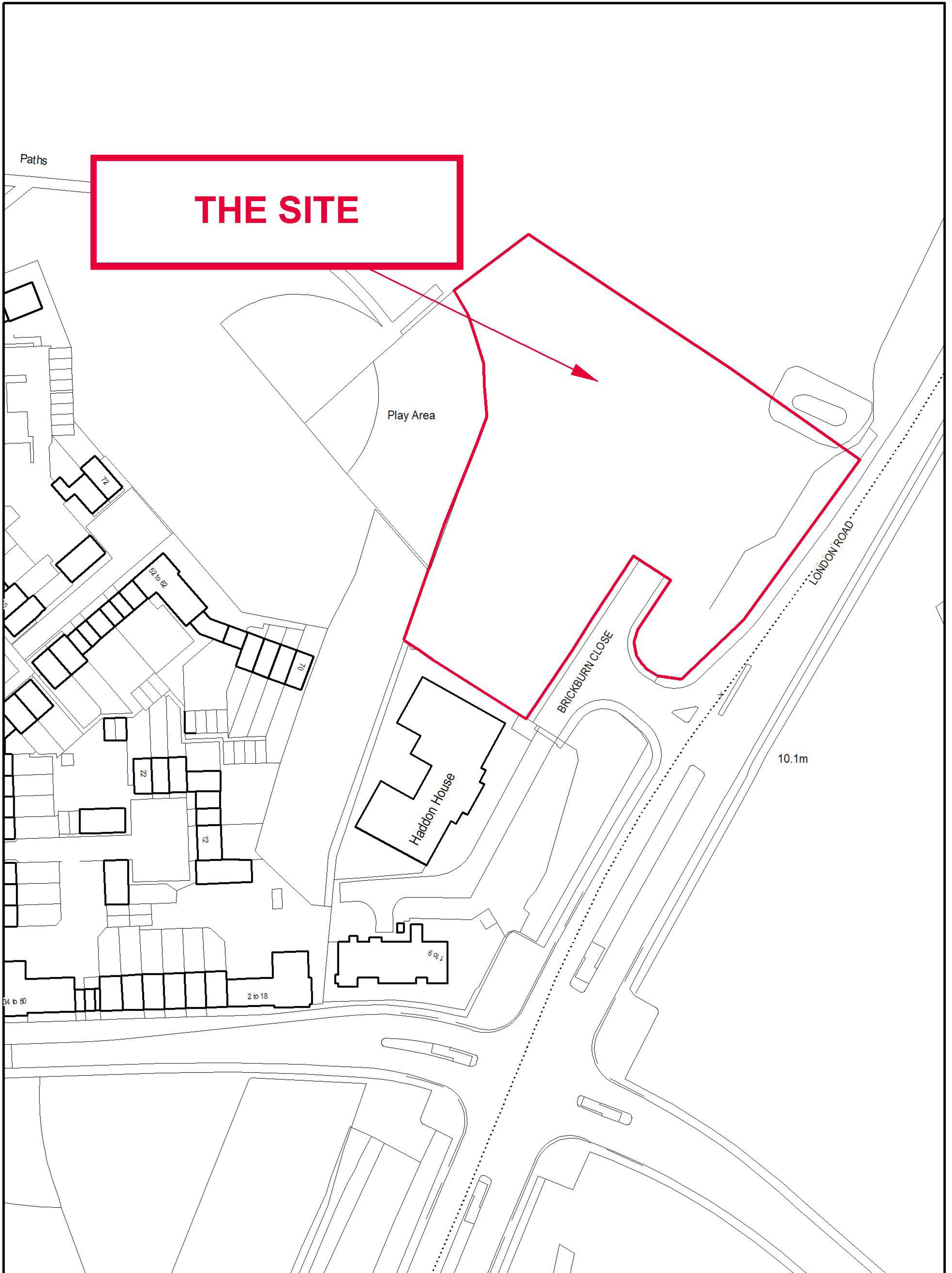
1. This permission should be read in conjunction with, and the development is subject to, the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and associated legislation between ^IN; and Peterborough City Council dated ^IN;.
2. The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licensed under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Co-Coordinator on 01733 453578.
3. The attention of the applicant is drawn to the need to make a formal application to the Council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 agreement. Application forms for Section 38 agreements are available from Transport & Engineering - Development Team on 01733 453421 or email HighwaysDevelopmentTeam@peterborough.gov.uk.
4. The development involves works to the public highway. Such works must be the subject to an agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works adequate time is allowed in the development programme for approval by the Council of the designer, main contractor and sub contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from Transport and Engineering- Development Team on 01733 453421.
5. Public Health Act 1925 S17-18
The development will result in the creation of new street(s) and dwellings. It will be necessary for the Council as Street Naming Authority to allocated appropriate street names and property numbers. Before development is commenced you should contact the Technical Support Team Manager- Highway Infrastructure Group on 01733 453461 for details of the procedure to be followed and information required.
6. It is an offence to take, damage or destroy the nest of any wild bird while it is being built or in use. Trees, scrub and/or structures likely to contain nesting birds between 1st March and 31st August are present on the application site. You should assume that they contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Planning consent for a development does not provide a defence against prosecution. The protection of nesting wild birds remains unchanged even when planning permission is granted. For further information on surveys contact Peterborough City Council's Wildlife Officer (wildlife@peterborough.gov.uk)

Copy to Councillor D N Harrington

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

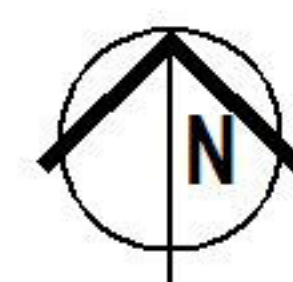
Document is Restricted

This page is intentionally left blank



LOCATION PLAN **14/00501/FUL**
 Land Adjacent Haddon House Brickburn Close

Scale NTS **Date** 20/8/2014 **Name** AH **Department** Planning Services



This page is intentionally left blank

Application Ref: 14/00501/FUL

Proposal: Erection of foodstore with associated car parking and landscaping

Site: Land Adjacent Haddon House, Brickburn Close, Hampton Centre, Peterborough

Applicant: ALDI Stores Ltd

Agent: Mr Alastair Close
Planning Potential Ltd

Referred by: **Cllr Seaton**

Reason: Regeneration, choice, economic benefit, public support

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

The site is on the west side of the A15 London Road, just north of the junction with Clayburn Road. On the corner of Clayburn Road and the A15 is Haddon House, a residential facility for persons with autism, which is accessed off Brickburn Close, a small side road. Brickburn Close was put in as Haddon House was developed, in 2011. It divides after 20m into two spurs, one leading to Haddon House and one, currently unused, which the applicant proposes to use as access to their site.

The application site is undeveloped, and unallocated other than being part of the identified Urban Extension area. It is on high ground relative to the rest of Hampton, with open space and a play area to the west (rear), undeveloped ground to the north, and, beyond that, the recent development of a gym and restaurants.

The site includes an area of drainage ditch, and one tree which has not been assessed, but is to be retained.

On the opposite side of the main road is the allocated, but as yet undeveloped, area of Hampton Leys.

2 Planning History

The site is within the red line of the original Hampton outline consent, but the use is not within the terms of that consent.

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)

CS12 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

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 Planning Policies DPD (2012)

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

4 Consultations/Representations

The only outstanding matter is the Highways objection. The LHA comments as follows:

The revised scheme submitted by the applicants is acceptable and it is considered that there are no highway safety issues with the proposed access alterations. The Local Highway Authority therefore raise no objections to this proposal subject to conditions.

5 Assessment of the planning issues

This application was considered by Members at the July committee meeting. Members resolved to defer the application in order to establish whether satisfactory amendments could be agreed in respect of the access (Brickburn Close), to address the Local Highways Authority objection relating to junction design and access.

This objection was: The junction has not been designed for large HGVs, which cannot manoeuvre through the junction without encroaching on opposing lanes.

The applicant has submitted revised plans, which show a junction design which allows for a safe access. Conditions are recommended to secure these changes prior to the store being brought into use.

6 Conclusions

The remaining concern that Members expressed at the July meeting can be adequately addressed.

7 Recommendation

Based on Members previous resolution, and the revised plans provided by the applicant, it is recommended that permission is granted subject to the conditions below.

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 a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site

management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C3 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority for approval in writing.**

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 5 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.**

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3 above.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C5 Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. The following also needs to be submitted as part of any approved works/scheme:**

- **Copies of calculations for the discharge rate and storage volume requirements with written confirmation from Anglian Water of the acceptance of those discharge rates**
- **Confirmation of compliance with the approved Hampton Phase 2 Surface Water Drainage Strategy (2002) or any amendment to this strategy which may be approved by the Local Planning Authority.**
- **Details of any flow control device.**

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with Policy CS22 of the Peterborough Core Strategy DPD.

- C6 The development shall take place in accordance with the approved Hampton Phase 2 Surface Water Drainage Strategy (2002) or any amendment to this strategy which may be approved by the Local Planning Authority.**

Reason: To ensure that the impermeable area of the development is in accordance with the Hampton Phase 2 Surface Water Drainage Strategy to safeguard the site and the surrounding areas from flooding due to the discharge of surface water from the site and to

ensure that there is adequate foul and surface drainage provision in accordance with Policy CS22 of the Peterborough Core Strategy DPD.

C7 No development shall take place until details of the following materials 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.

- Bricks and render (including samples)
- Doors and windows
- Shopfront framing
- Canopy.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C8 No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of noise emitted from all fixed plant and machinery shall not exceed 44 dB LAeq, 1 hour between 0700 and 2300 hours and 39 dB dB LAeq, 5 minutes between 2300 and 0700 hours when measured or calculated at 1 metre from the façade of noise sensitive premises. The measurements and calculations shall be made according to BS 4142:1997.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C9 Prior to the store being brought into use boundary treatments and a scheme of landscaping, including hedging to the front and side of the site, shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

C10 Prior to the store being brought into use a scheme of lighting shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Column mounted white light shall be specified to the car park, and the details shall include a lighting plan showing spill to the neighbouring residential site.

Reason: In the interests of the safety and security of users of the site, and the prevention of crime, in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

C11 Prior to the store being brought into use a scheme of measures to support the City Council's Environment Capital aspiration shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

C12 Any external CCTV to be installed shall not be installed until details have been submitted to and approved in writing by the Local Planning Authority. Installation shall be carried out in accordance with the approved details.

Reason: In the interests of the safety and security of users of the site and the area in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

C13 Prior to the store being brought into use cycle parking for the use of shoppers and staff shall be provided in accordance with details to be submitted to and approved in

writing by the Local Planning Authority. The cycle parking shall be retained thereafter.

Reason: In the interests of highway safety and to encourage travel by sustainable modes in accordance with policy CS14 of the adopted Core Strategy.

C14 Prior to the store being brought into use a pedestrian-cycle link shall be provided to the footpath at the rear (west) of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to encourage travel by sustainable modes in accordance with policy CS14 of the adopted Core Strategy.

C15 Prior to the store being brought into use a staff travel plan shall be submitted to the Local Planning Authority for approval in writing. The Plan shall contain SMART targets and shall identify measures to achieve those targets and shall be implemented on occupation of the development.

Reason: In the interests of promoting the use of non-car modes of travel to the site in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD.

C16 Prior to the store being brought into use nesting boxes for birds shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

C17 Prior to the store being brought into use the works to the store access and its junction with the A15 London Road shall be implemented in accordance with the principles shown on plan 13082-SK140723.3

Reason: In the interests of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD.

C18 Prior to the store being brought into use a plan showing 98 car parking spaces for staff and customers shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall be implemented in accordance with the approved plans prior to the store being brought into use.

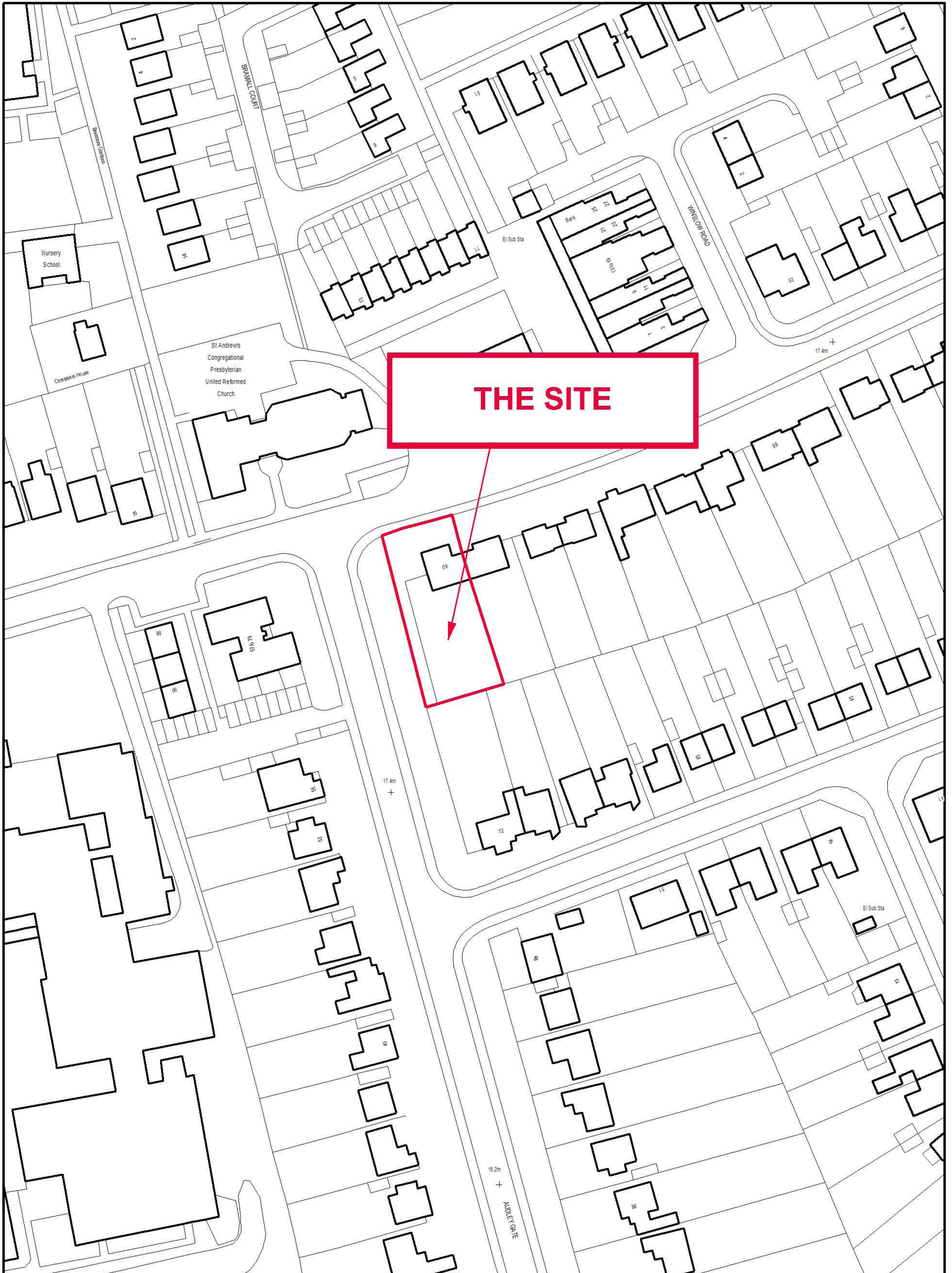
Reason: In the interests of highway safety in accordance with policy PP12 adopted Planning Policies DPD.

C19 The store shall not be open outside the hours of 8am to 10pm. No deliveries shall take place outside the hours of 6am to 10pm Monday – Saturday, 9am to 10pm Sundays.

Reason: In the interests of the amenity of occupiers of neighbouring properties in accordance with Policy

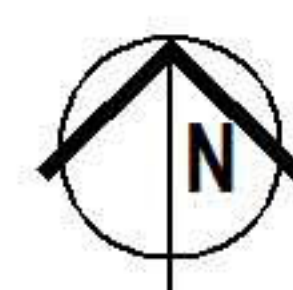
Copy to Councillors S M Scott OBE, D A Seaton and N V North

This page is intentionally left blank



LOCATION PLAN **14/00895/HHFUL**
 80 Ledbury Road

Scale NTS **Date** 20/8/2014 **Name** AH **Department** Planning Services



This page is intentionally left blank

Application Ref: 14/00895/HHFUL

Proposal: Two storey side extension and first floor rear extension

Site: 80 Ledbury Road, Netherton, Peterborough, PE3 9PJ

Applicant: Mr Shokat Ali

Agent: Mr N P Branston mrics
Branston Assoc.

Referred by:

Reason:

Site visit: 14.06.2014

Case officer: Mr D Jolley

Telephone No. 01733 453414

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site is a significantly extended two storey property located on a corner plot. The street scene comprises a large detached and link detached properties with a school to the west and Netherton local centre to north-east. The property benefits from two off-street parking spaces to front.

History

The site received planning permission in 2009 for the erection of a single storey front extension, first floor extension above garage to the eastern side, two storey side extension to the western side and single storey rear extension. The development that took place was not in accordance with the approved plans which also contained a number of discrepancies. As a result subsequent applications were submitted to regularise the situation, including the current application.

Under the 2009 consent the width of the western two storey side extension was approved at 4.8 metres wide.

Application number 13/01691/HHFUL approved an increase in the width of the western extension to 5.2m. In addition, at first floor permission was given for an additional 1.8m from the original rear wall to facilitate a usable disabled bathroom. The previous approved application did not extend beyond the rear wall at first floor. Finally the 2013 approval did not include the large single storey rear extension shown on the 2009 plans.

A garage/outbuilding has also been partially erected in the rear garden with a tarmac vehicular access. This aspect does not form part of this application and is currently being investigated separately by the Council's Enforcement Compliance Team.

Currently there are several enforcement cases ongoing in relation to this property which are being investigated as follows:

- The ground floor single storey rear extension is larger than approved under the 2009 consent and was not included in the subsequent 2013 planning application;
- The applicant has partially erected a hoarding around the site which is also the subject of an ongoing enforcement case;

- The outbuilding has been constructed although it requires further assessment to determine whether it has been constructed in accordance with permitted development limits.

Proposal

The Applicant seeks to regularise what has been constructed on site.

The two storey side extension adjacent to the neighbour's garage on the eastern side has been constructed approximately 1.0 metre further forward than the approved scheme under application number 09//00156/FUL and 13/01691/HHFUL. The applicant also seeks to alter the two storey side extension to the west side of the property, creating a hipped roof as opposed to the two dormer arrangement approved under 13/01691/HHFUL.

2 Planning History

Reference	Proposal	Decision	Date
13/01691/HHFUL	Construction of 2 X two storey side extensions and single storey rear extension (part retrospective)	Permitted	15/01/2014
09/00156/FUL	Two storey side extension, first floor extension above garage, single storey rear extension	Permitted	29/07/2009

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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

4 Consultations/Representations

Enforcement Team

No comments have been received in relation to this application, however ongoing enforcement action is detailed in the history section above.

Local Residents/Interested Parties

Initial consultations: 21
Total number of responses: 4
Total number of objections: 4
Total number in support: 0

- The floor plans do not tie in with what has already been erected on the site. Object to both as overdevelopment of a prominent corner site. The proposed ground floor and first floor rear extensions, which are already under construction, will result in a massive house out of keeping with the scale of its neighbours. Its impact will be exacerbated by the proposed outbuilding which is far larger than any other in the vicinity and appears to take up more than half of the remaining garden. Only a small part of the building appears to be a garage which begs the question of what use the remaining two-thirds will put to, given the presence of what appear to be significant windows and doors in what has already been constructed.
- The rear walls as built on site project farther into the garden than the two storey side extension shown on these plans, covering the hatched area shown on the block plan. I assume that the inclusion of this extension on the block plan, although not on the detailed floor plans, could not be used to circumvent the need for planning permission in future if the owner wanted to retain it should planning permission be granted for this proposal. In addition the very substantial outbuilding at the end of the garden is not included in this application even though it has been partially erected.
- Taking on board one of the resident's complaints about the appalling state of 80 Ledbury Road and the hope that something can be done under the Untidy Land Notices (Section 215 of the Town and Country Planning Act).
- It seems the building is already under construction, plus a separate dwelling in the garden with access across private land.
- There have been several planning applications for this building and it seems the property owner will build what he wants with no care for the environment and community. If he had any respect for the neighbourhood the house would have been completed some time ago and been in sympathy with the area.
- It has long been the owner's intention to build an old peoples home here and he is simply trying to confuse the situation with various planning applications.

The following objections were received from the attached neighbour

- I have seen a letter sent to people who have expressed their concerns to the council dated 2nd June. I am worried by the date mentioned in Mr Machen's letter about comments having to be received which is 28th June. Although I have been trying to get someone from the Council to take my concerns seriously since I first wrote on 6th December 2013, it is only after I made several phone calls more recently I eventually I received a visit three weeks ago from someone in Building Control. He told me he would not sign off until the issues are resolved.
- On 26th June Mr Jolley visited and inspected my property, took photos and was able to see the problems I am facing. I feel as the owner of the adjoining property whose home is being adversely affected by what is happening, my case is not the same as those who are concerned about other matters relating to 80 Ledbury Road.
- I would like your assurance that my views will be taken into account when this planning application comes before the officers-planning committee and in particular about the eaves of the new extension overhanging my boundary, the damage to my garage roof and the joining of the new extension to my garage which does not I think comply with

correct building regulations as the photos show.

5 Assessment of the planning issues

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- Objections

This report will focus on the differences between the previously approved applications. This is because the applicant has already substantially extended the house under the 2013 planning permission. Therefore the key consideration for members is assessing what impact the latest changes would have on neighbour amenity and the character of the area.

The impact of the proposal on the character of the area

The bringing forward of the two storey side extension by 1.0 metre so that it is level with the neighbour's garage will have no material impact upon the character of the area as the extension will still appear subservient to the host dwelling because the ridge of the extension sits below the main house roof.

The alteration to the first floor of the two storey extension on the opposite side of the dwelling is considered to be neutral in impact. Whilst it slightly increases the bulk and depth of this element of the proposal, it removes the double dormer arrangement of the previous approvals. There is no precedent of dormers within the local area and it is considered that a more conventional design for the extension is beneficial to the overall character of the area, mitigating the increase in bulk.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The impact of the two storey side extension adjacent to the neighbour's garage has become a complex matter in so far as an acceptable drainage solution between the applicant and the neighbour has not been found.

Notwithstanding this it is not considered to be a material planning consideration. The issue of drainage will be dealt with through the operation of Building Regulations and the Building Control Team have confirmed that no Building Regulations approval will be granted until the drainage situation is resolved. In addition, the operation of civil law provisions between neighbours may be used to resolve any outstanding issues. The public law planning process is not intended to deal with such issues.

It is the Local Planning Authorities view that the proposal to bring the extension forward by 1.0 metre will have no greater impact upon the amenity of the neighbour than the development approved under application numbers 09/00156/FUL and 13/01691/HHFUL. It does not overshadow the neighbour and will not have an overbearing impact.

The neighbour has also objected on the grounds that the eaves of the roof of the extension overhang his property. The granting of planning permission does not permit the applicant to overhang neighbouring land. The neighbour's permission is required in order to do this. This is a private land law matter and will not be dealt with through the planning process.

The two storey side extension to the west flank of the dwelling has no impact upon neighbour amenity as it is sufficiently far from all neighbours so not to cause overshadowing or overbearing

Objections

Four letters of representation were received in relation to the proposal.

The Longthorpe and Netherton Residents Association have highlighted the untidiness of the land, this is not a material consideration in the determination of this application.

An objector states that the development is taking too long. This is not a material consideration in the determination of the application.

An objector states that the dwelling will be used for an old people's home. This change would require planning permission and does not form part of this application and as such is not a material consideration.

An objection relates to the description of development. The objector states that the garage and single storey rear extension that has been constructed should be included. The garage to the rear of the garden does not form part of the consideration of this application. The single storey rear extension shown on the block plan is included in error and it is recommended that if Committee is minded to approve the application that the proposed condition C2 below is included to expressly exclude the extension from the approval.

6 Conclusions

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

- The proposal will not unacceptably harm the character of the area or the amenity of the occupiers of neighbouring dwellings; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) and policies PP2 and PP3 of the Peterborough Planning Policies (DPD) 2012.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

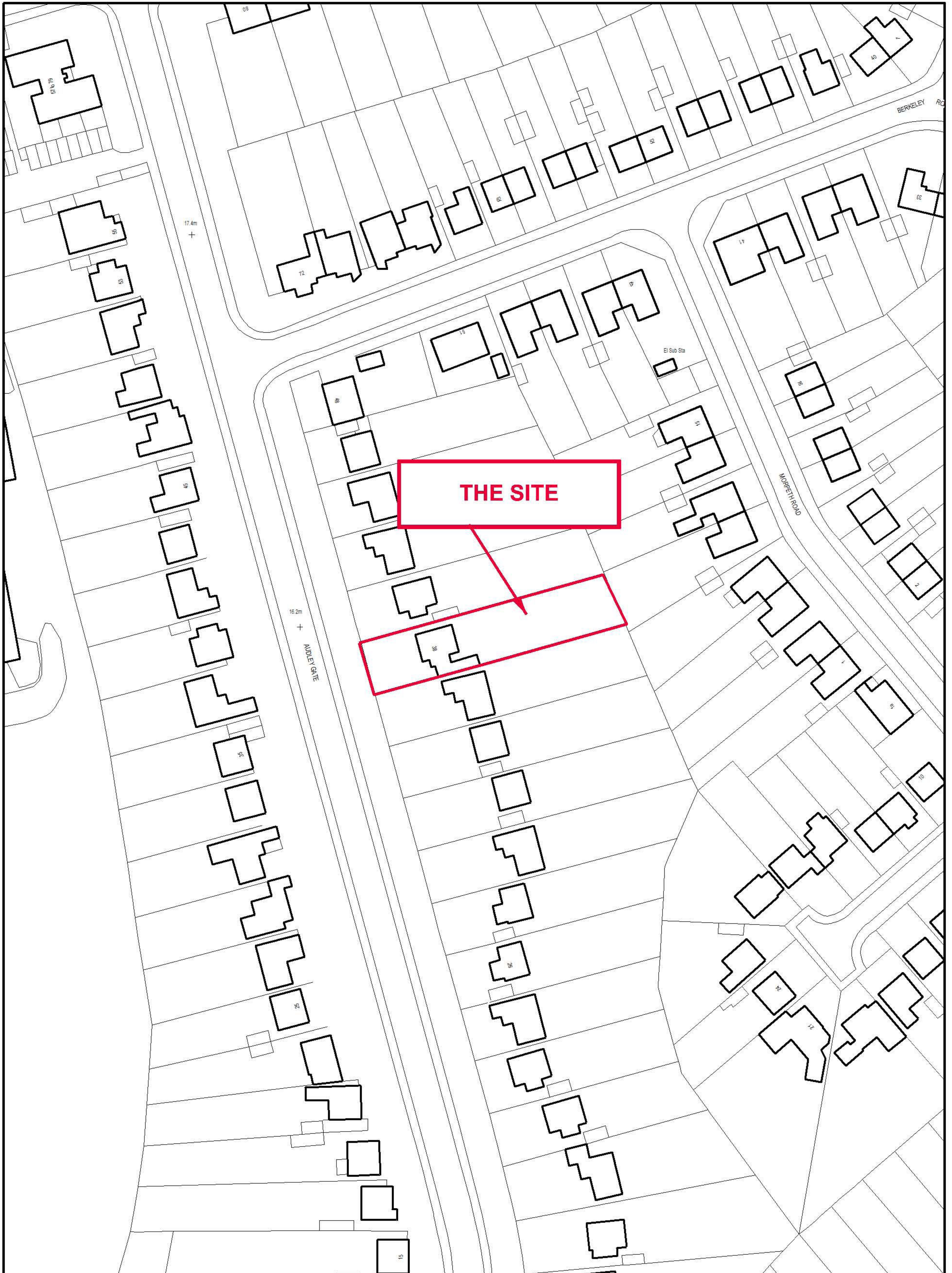
Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 2 Notwithstanding the approved plans, the hatched area within the proposed block plan shown on drawing number 13.097/2 F does not form part of this application and no extension in this location is approved under this permission.

Reason: To preserve the character of the area; in accordance with policy PP3 of the Peterborough Planning Policies (DPD) 2012 and policy CS16 of the Peterborough Core Strategy (DPD) 2011.

Copy to Councillors N Arculus and Y Maqbool

This page is intentionally left blank



LOCATION PLAN 14/01025/HHFUL

38 Audley Gate

Scale NTS **Date** 20/8/2014 **Name** AH **Department** Planning Services



This page is intentionally left blank

Application Ref: 14/01025/HHFUL

Proposal: Two storey side and single storey rear and side extension

Site: 38 Audley Gate, Netherton, Peterborough, PE3 9PG
Applicant: Mr B Ali

Agent: Mr Sajid Ayub

Referred by: **Cllr Arculus**
Reason: Loss of amenity to neighbours, impact on architectural landscape
Site visit: 11/6/14

Case officer: Ms L Lewis
Telephone No. 01733 454412
E-Mail: louise.lewis@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Audley Gate is characterised by detached houses set back from the street. The houses are typical of their period (1960s) with shallow pitched roofs and good-sized windows. Although the houses are all of the same general style, there are design variations.

As the street runs north-south, all of the houses have plots east-west. No 38's plot is about 14m wide, with the west end to the street, and 64m deep. The house is set about 13 m back from the footway.

No 38 has a gable end to the street. It is staggered with the houses to each side; No 36 is set further back on its plot, No 40 slightly further forward. To the south side of the main house is a single-storey flat roofed element containing the hall, then a garage. This flat-roofed part extends as far as the southern side boundary and has a total width of about 4.8m. The house is set slightly off the northern boundary, allowing for a side-way.

The proposal is for a two-storey side extension, set slightly back from the front of the house, and with a width of about 3.8m. This would be roofed with a roof at right angles to the existing roof, the ridge set down by about 0.7m. The side extension would allow for a larger hall at ground floor, a small bathroom, and would lead through to the extended kitchen. This kitchen would be mostly single storey, and this element would project from the rear of the house by about 5m. It would not extend all the way across the rear of the original house, to allow for a window to the rear dining room.

The upstairs of the two-storey part would accommodate two more bedrooms.

2 Planning History

10/01646/FUL	Proposed outbuilding - part retrospective	PER	30.11.2010	25.01.2011
11/00847/FUL	Construction of Proposed Outbuilding - Part Retrospective	PER	27.05.2011	21.07.2011

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)

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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

4 Consultations/Representations

Given the nature of the proposal there have been no formal consultations with any statutory consultees.

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

Objections have been received from four neighbouring households on the following grounds:

- Will tend to reduce the openness of the relatively unique streetscape
- Will set undesirable precedent
- Filling in the gaps between dwellings will reduce spacious nature of the street over time
- Similar extension was refused and dismissed at appeal – principles remain valid
- Effect of proposal would be bulky and overbearing when viewed from the front, rear and side of our property (No 36 to the south) – there would be no objection to an enlarged single storey extension or two storey at the rear of the property
- There would be no compensating planning benefits from the point of view of the community
- There will be more cars parked on the road, on the pavement, on the verges, this is already happening because of multiple occupancy in some of the properties in the road
- Road is part of a bus route and should be kept as clear as possible

- Parking congestion can be a hazard to people crossing the road
- Will affect the view from our property (No 37) instead of mature trees we will see bricks and mortar
- People in the second storey of 38 will be able to see into part of our back garden which is not presently overlooked

5 Assessment of the planning issues

The development is acceptable in principle, being a residential extension to a residential property in a spacious residential area. One neighbour has commented that there will not any planning benefit to the community, but this is not a requirement that would relate to this proposal and it could not be resisted on this basis.

The key issues are:

- Design and impact on the streetscene
- Impact on neighbour amenity
- Parking.

Design and Impact on the Streetscene

Audley Gate has various housing designs, including roofs both parallel and perpendicular to the street. These are not grouped in any particular pattern, and some houses have roofs which continue down over single storey elements. This creates variation in the streetscene, and along with the staggered building line emphasises the separation of dwellings.

No 38 has a roof which is perpendicular to the street (that is, the ridge runs front to back), as do the dwellings to each side. The proposed two storey side extension would be roofed at right angles to the main roof, with the ridge set down slightly. This would keep the mass down and would also, by using a different orientation of roof line, use the pattern of variation that already exists in the street to break up the built form and ensure that the new element does not appear overly dominant.

The house at No 44 has been similarly extended, and in that case it is not the shape of the roof that makes it stand out but the stark red of the roof tiles.

Matching materials should be used for the proposed extension. An informative will be appended to the planning consent for No 38 suggesting that the applicant uses tiles taken off the existing roof for the front part of the new roof, as this method is often used to ensure a consistent appearance on the public face of extended buildings.

As there are already differing roof styles in the street it is not considered that the proposal would cause any harm. The ridge would be set down slightly, and although the pitch would be different to that of the main house this is unlikely to be readily noticeable.

Neighbours have commented that the proposal would reduce the openness of the streetscene. The separation between the house and No 36 will reduce from the current 6m to about 2.4m. This is clearly a reduction, but equally clearly there will still be a noticeable separation therefore the overall open character of the street will be maintained. The distance is similar to that between No 44 and No 42.

Neighbours have commented that the proposal could establish an undesirable precedent, and that the spacious nature of the street could be lost over time. Establishing a precedent is not something to be given weight, as each proposal must be judged on its individual merits.

The existing house is tile-hung at first floor to the front. This is a feature of several similar houses in the street. No mention is made of this in the application documentation. It is not considered that the front of the extension needs to be tile-hung, but it is considered that the detail of the corner,

where the brick projects slightly from the main part of the wall, should be replicated on the extension. This is shown on the plans, but in the absence of a condition it could easily be left off when the extension is constructed. A condition is therefore recommended.

Impact on neighbour amenity

The neighbour most closely affected would be at No 36, to the south. There are two first floor side windows on the dwelling, which are both secondary windows to the main bedrooms. The proposed side extension would be opposite the forward of these two windows, but because of the staggered layout of the dwellings it would not be opposite the rearmost of the two windows. The distance between the side windows and the proposed new side wall would be about 2.4m.

Given that the windows to No 36 are north-facing side windows it is not considered that the proposed extension would have a significant detrimental impact on occupants in terms of loss of light.

The occupants of No 36 have also objected on the grounds of overbearing impact. The two-storey part of the extension will not have any significant impact at the rear of their property, as their house is set further back. The new extension would be visible from the front bedroom window, but it would be 2.4m away sideways and would project about 5m at the front beyond the front of No 36. The centre of the existing bedroom window in No 36 is about 1m away from the side of that house.

The proposed new extension would reduce outlook from this window at No 36, but given the set off distances it is not considered that this would be to an unacceptable degree. The proposed new extension would be to the north of No 36 and so there would be no material loss of sunlight.

The ground floor to No 36, on the north side of the plot, is occupied by the garage so there would not be any concern about impact on this part of the house.

The single storey extension would have a pitched roof which would slope up and away from No 36. This will have an eaves height of about 2.6m, set about 1m off the boundary, to the north of No 36. This is not considered to be harmful.

There is already a side landing window to No 38, which offers an outlook towards the two side windows, but it appears to be obscure glazed. In order to avoid overlooking from the new landing window, which would be 3.8m closer, a condition requiring obscure glazing is recommended.

A neighbour across the road has commented on loss of view, and overlooking from the second storey into his garden. The front-to-front distance between the two houses is about 50m so this is not considered to be a material concern.

The proposal is therefore considered to comply with Policy PP3.

Parking

The extension would result in the loss of the garage. The existing front driveway is generous, and would easily accommodate two or three vehicles with space for them to turn. Some objections have been received on the grounds of loss of parking, but there is no requirement for occupants to retain the existing garage for parking, and only a small amount of driveway will be lost. Neither can an application be resisted on the grounds that there will be more parking on a driveway.

The proposal is considered to comply with Policy PP13.

Appeal decision at No 33

Some neighbours have referred to the current application as being the same as one refused/dismissed at No 33 in 2008, but there are material differences. The plans refused at No 33 were for a side extension continuing the existing roof lines, which would have increased the perceived bulk of the extension and created a dwelling of greater unrelieved mass than others in the street. That application would have resulted in only a 1m gap between neighbouring dwellings,

which is not considered to be adequate in this context.

The Inspector also concluded that there would be some overbearing impact on the immediate neighbour, but no unacceptable loss of light or overshadowing.

Overall, it is not considered that the current proposal is sufficiently similar that the appeal decision should influence the decision on the current application. As set out above, the form, mass and separation are all materially different. Also, of course, the earlier proposal was determined under a different policy regime.

6 Conclusions

The proposal will not cause any material harm to the amenities of occupiers of neighbouring properties

There will be no harm to the streetscene

The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policies PP2 and PP3 of the Peterborough Planning Policies DPD.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** 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 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 3 Before the development hereby permitted is first occupied, the proposed window(s) to the landing on the south elevation shall be obscure glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C 4 Prior to the commencement of construction details of the brick detailing to the south west corner of the extension shall be submitted to and approved in writing by the Local Planning Authority, showing how the projecting brick corner detailing to the south-west corner of the original house will be replicated on the south-west corner of the extension. Construction shall be carried out in accordance with the approved details.

Reason: In order to maintain the architectural character of the area in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

Copies to Councillors N Arculus and Y Maqbool

This page is intentionally left blank



LOCATION PLAN
14 Woodbyth Road

14/01036/HHFUL

Scale NTS **Date** 20/8/2014 **Name** AH **Department** Planning Services



This page is intentionally left blank

Application Ref: 14/01036/HHFUL

Proposal: Proposed one and two storey side and rear extensions. - Revised application 2

Site: 14 Woodbyth Road, Peterborough, PE1 3PE,
Applicant: Mr Z Iqbal

Agent: Mr N P Branston mrics
 Branston Assoc.

Referred by: **Cllr Peach**

Reason: Applicant and family require the additional space.

Site visit: 24/07/2014

Case officer: Mr S Falco
Telephone No. 01733 454408
E-Mail: sam.falco@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site Description:

The site is located at the end of the residential cul de sac Woodbyth Road, and as such occupies a very prominent position within the streetscene. The dwelling is a well-proportioned, detached 2 storey 1940's/1950's property, built in red LBC rustic brick and dark red plain tile roof. The property has a single storey side flat roof former garage building, which has been converted into living accommodation. Car parking is accommodated on site in the hardstanding area on the property frontage.

Proposal:

Planning permission was granted in July 2011 under planning reference 11/00736/FUL for single and two storey side and rear extensions. This extension was never built and this planning permission has now lapsed.

This current revised proposal, proposes a large 2 storey L-shaped wrap around extension to the side and rear of the property, with a small single storey section adjacent to the boundary with No.9 at the rear.

The proposed side extension is positioned approximately 1.2m back from the front elevation of the property, with a 3.6m width for a depth of 6.7m and then a 5.2m width for a further 4m depth. Providing an overall length of approximately 11m for the two storey side extension. The wider 5.2m part of the extension, extends beyond the existing rear elevation of the property.

The 2 storey rear part of the extension, which wraps around from the side of the property, extends 4m beyond the rear wall of the property and has a width of 8.2m. For the remaining 3.4m wide section of the rear extension, adjacent to the boundary with No.9, the extension has both a single and two storey element. The two storey extension projects 2.3m out from the rear wall of the property and the single storey extension projects 4m out from the rear wall.

The main changes to the previous approval is the addition of a larger two storey element at both the side and rear, replacing extensions at both the side and rear that were previously approved as

single storey.

2 Planning History

Reference	Proposal	Decision	Date
11/00736/FUL	Proposed one and two storey side and rear extensions	Permitted	19/07/2011
11/01990/HHFUL	Proposed one and two storey side and rear extensions - revised application	Refused	06/02/2012

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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

4 Consultations/Representations

Victoria Park Residents Association

No comments received

Local Residents/Interested Parties

Initial consultations: 12

Total number of responses: 1

Total number of objections: 0

Total number in support: 1

Neighbour Representation from Occupiers of 12 Woodbyth Road:

No Objections to the current proposals.

We feel that the plans improve the property and will enhance the appearance of the whole of Woodbyth Road.

Cllr John Peach Representation and Call-In:

The applicant has had a number of meetings with planners in an effort to get an acceptable design, after a lot of work with his designer we feel a good design has been submitted. It is acceptable with both his neighbours and would not affect residential amenity in the street.

5 Assessment of the planning issues

a) **Background Information:**

The applicant has submitted 2no previous planning applications for similar extensions to the property since 2011. The first application was for 2 storey side and rear extensions, planning reference 11/00736/FUL, and this was granted planning permission in July 2011 after amendments were negotiated to achieve an acceptable scheme.

6 months after this planning permission was approved, a subsequent planning application for a two storey, side and rear extension was refused, under planning application reference 11/01990/HHFUL. This was on the grounds that the previously approved extension was the absolute maximum size of extension, that Officers considered could be acceptably accommodated on this site, without detriment to the site and surrounding area. This larger refused scheme was considered to be both out of scale and harmful to the character and appearance of the property and also detrimental to residential amenity of neighbouring sites by way of its overbearing and overshadowing impact. The applicant at the time, chose not to appeal this refusal of planning permission.

This current application is the third application for a predominately 2 storey side and rear extension to the property, and is larger in size than both the two previous applications. This time in addition to the accommodation previously approved, some of side and rear sections of the extension which were previously restricted to be single storey accommodation in the approved consent, are now proposed to be 2 storey.

Cllr Peach has referred the application to Planning and Environmental Protection Committee, on the grounds that the family are in need of more space, due to the need to accommodate the applicant's elderly parents.

b) **Character and Appearance:**

The host dwelling is located in a very prominent position in the streetscene, at the end of the street, facing Dogsthorpe Road. Due to this highly prominent positioning within the street, it is extremely important that any proposed extension to the property is appropriately sited and designed, to reflect the scale and character of the main property and to ensure that it would not result in any adverse visual impact on surrounding streetscene.

The original proposal, permitted under application ref: 11/00736/FUL was a single 3.6m wide 2 storey side extension, which wrapped itself around the rear of the property with a 2.3m projection off the rear boundary, with a simple lean to single storey extension which projected 1.7m beyond this. This achieved an acceptable additional width to the property, that was proportionate to the host dwelling, and this together with the set back from the property frontage and lower roof height resulted in an acceptable relationship and subservience with the main property.

This current proposal in addition to the 3.6m wide two storey side extension, proposes a second wider 5.2m, 2 storey side extension, positioned towards the rear of the existing property. Whilst this wider 2 storey side extension is set back significantly from the front elevation, it does result in an overall increase in the property from 6.3m to 11.5m. This substantial increase in width and bulk, would be an overdevelopment of the property and one that was not be in keeping with the scale and proportions of the main dwelling, to its visual detriment. As such, it is considered the proposed two storey extension would appear visually incongruous on the property, and would result in a harmful unbalanced visual appearance in the streetscene.

The larger two storey rear extension now proposed, whilst not visible from the streetscene, does also add an extremely large bulky and mass to the property, and one which is not considered would respect the scale and proportion of the existing house. It has an overall width of approximately 11.5m, whereas the existing property is only 6.3m wide.

The entire proposal is more than doubling the footprint of the existing property in a way that does not reflect and respect the character of the property or that of the wider area and as such is not in accordance with policy CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012.

c) Residential Amenity:

The proposed increase in size of the previously approved 2 storey side and rear extensions, projecting 4m instead of the previously approved 2.3m is considered to form an unacceptable over-bearing and overshadowing impact upon both the adjacent neighbouring properties, No.9 and 12 Woodbyth Road.

Although no.9 is detached from no.14, it is in close proximity and located due north of the proposed extensions. It is deemed that the increase in projection, albeit set off the boundary, will result in an overshadowing and overbearing impact.

No.12 is located to the south of the proposal, however has an entrance door and a number of windows on the north elevation facing the applicants property. The elevation that these windows face is deemed to be large and oppressive due to the 5.5m projection closer to the boundary and the large expanse of brick wall, devoid of detail with very little break in the masonry.

Whilst the applicant's needs for additional accommodation for elderly parents is understood, it is considered that this need could not outweigh the harm that would be caused to the visual appearance of the property in the streetscene and the impact on neighbouring properties, in this instance. It is considered that were the applicant to re-apply for the same extension approved under planning application 11/00736/FUL which would still provide the applicant with a generous 4 bedroom house, that this should still provide generous living accommodation for the family needs. The only accommodation that would be lost as a result of reduction in size of the extension would be the provision of a smaller master bedroom and en-suite facility.

Therefore Officers are still of the view that the maximum size of extension that could acceptably be accommodated on site, without having significant detrimental impact on neighbour amenity, would be that which was proposed under the previous permission Ref: 11/00736/FUL. This current proposal would have a significant impact on neighbour residential amenity in terms of its overbearing and overshadowing impact and would therefore not be in accordance with Policy CS16 of the Peterborough Core Strategy DPD 2011.

d) Highways

The resultant 4 bedroom property would require the provision of two car parking spaces on site in accordance with Policy PP13 of the Adopted Peterborough Planning Policies DPD 2012. Whilst the layout of the two parking spaces on plan 11.006/2 H would not accord with our normal parking requirements, as they cannot be accessed independently of each other and should be positioned side by side and not parallel with the road, there is sufficient space on site to achieve an acceptable parking layout. Therefore as there will remain on site after the proposed extensions sufficient space to accommodate the parking of 2 cars, the proposal is considered to be in accordance with the requirements of Policy PP13

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.

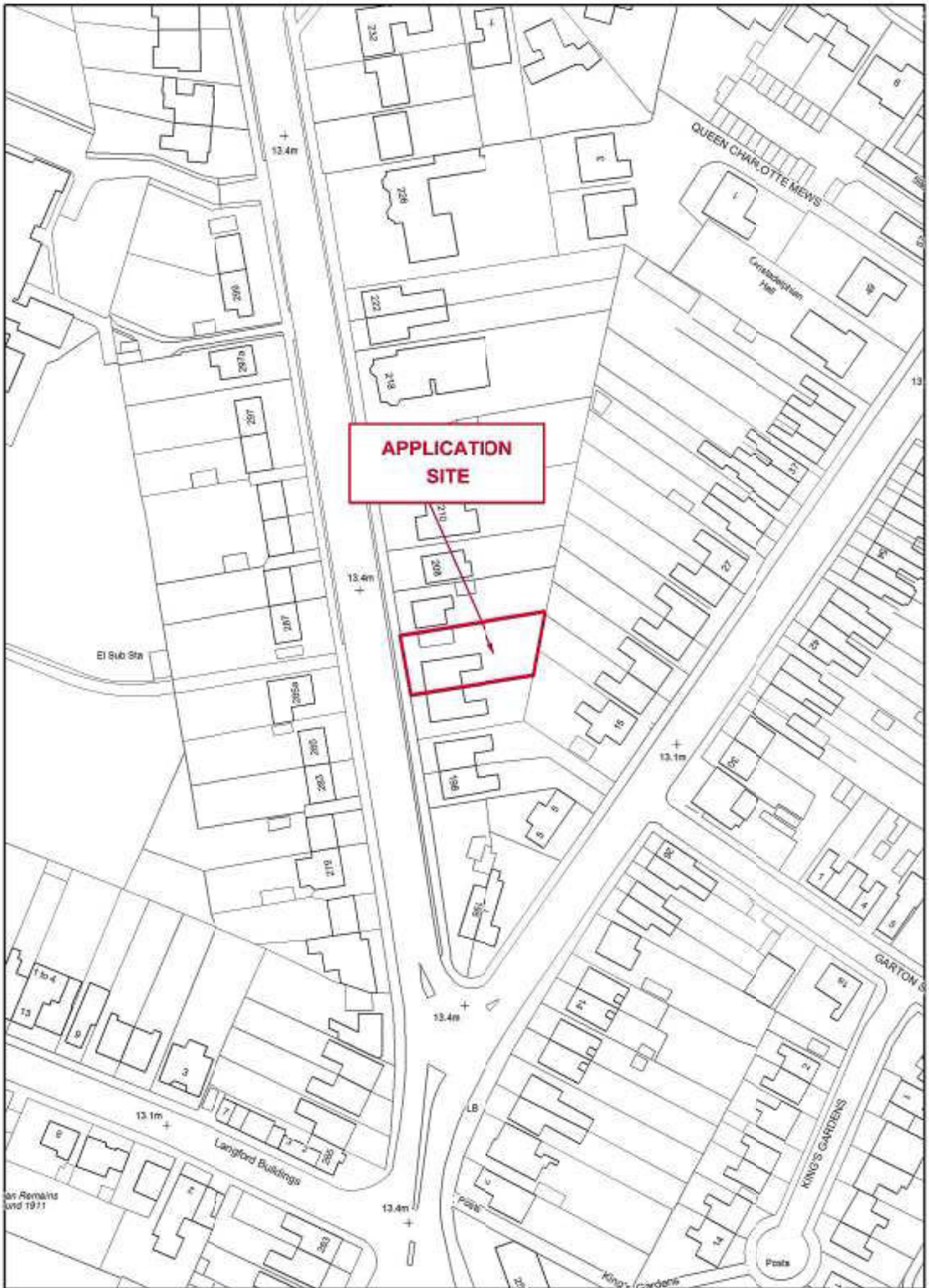
7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

- R 1 The proposed two storey side and rear extension is of a scale and size that fails to respect or reflect the size, scale and proportions of the existing property, resulting in visual harm to the character and appearance of the property and the surrounding streetscene. As such, the proposal is considered to be contrary to Policies CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012.
- R 2 The proposed two storey side and rear extension, by virtue of its excessive size and projection at first floor, would result in an unacceptable overshadowing, and overbearing impact on the adjacent sites No's 9 and 12 Woodbyth Road, to the detriment of their residential amenity. The proposal is therefore contrary to Policies CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Core Strategy DPD 2012.

Copy to Councillors J Shearman and J P Peach

This page is intentionally left blank



LOCATION PLAN 14/01167/HHFUL

204 Dogsthorpe Road, Peterborough

Scale NTS Date 20/8/2014 Name LG Department: Planning Services

© Crown copyright and database right 2011. Ordnance Survey. 10004236

PCC GIS



This page is intentionally left blank

Application Ref: 14/01167/HHFUL

Proposal: Proposed two storey rear extension, detached gymnasium/store, new front wall and new rear fence

Site: 204 Dogsthorpe Road, Peterborough, PE1 3PB,
Applicant: Mr Z Mehmood

Agent: Mr N P Branston mrics
 Branston Assoc.

Referred by: **Cllr Peach**

Reason: The applicant is very short of living accommodation, and I am not sure residential amenity would be lost if granted.

Site visit: 14.08.2014

Case officer: Mr S Falco
Telephone No. 01733 454408
E-Mail: sam.falco@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site Description:

The site comprises of a 2 Storey semi-detached, early 20th C property, with a wide driveway and timber detached garage positioned at its side. The site is located on the main road of Dogsthorpe Road.

Proposal:

The proposal consists of four separate elements:

- 1) A two storey rear extension to the main property, measuring 5.6m (projection) x 3.3m (width), with a flat roof measuring 5.5m in height.
- 2) The removal of the timber garage to the side of the property and construction of a wall and gates 5m from the back of the public highway, allowing for 2no cars to be parked clear of the public highway on the driveway. The proposed wall to the side of the house, measures 2m at its highest point. In addition to the above, a replacement wall is proposed to the front of the dwelling enclosing the small front garden, measuring 2m in height.
- 3) Erection of a detached outbuilding to the bottom of the garden, for uses ancillary to the main dwelling. The outbuilding is located in the far south east corner of the plot, adjacent to the rear boundary walls. The outbuilding is proposed to measure 6.6m (width) x 8m (depth), with an eaves height of 2.8m and 3.6m to the ridge.
- 4) Replacement of the fence that extends along the boundary between 202 and 204 Dogsthorpe Road. The fence is proposed to be 1.8m in height with a timber trellis up to a height of 2.4m.

2 Planning History

Reference	Proposal	Decision	Date
13/00721/HHFUL	Proposed single storey rear extension, detached gymnasium/store, new front wall and new rear fence	Permitted	18/07/2013

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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

4 Consultations/Representations

Victoria Park Residents Association

No comments received

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

3 letters of objection have been received.

Representation 1:

The 2 storey extension will overlook and overshadow my garden to the rear of the site, affecting my privacy.

Representation 2:

The proposed upper floor window will overlook my property to the rear of the site. The window is larger than that existing and will be positioned several metres closer to the boundary. I also object to the garden building, as it is excessively high and will block light from the corner of my garden.

Representation 3:

Objection to the two storey extension as it would overlook my property.

5 **Assessment of the planning issues**

a) **Background information:**

Planning permission was granted under planning reference 13/00721/HHFUL for a:-

- single storey rear extension to the property;
- a large garden building, and
- walls and fences

Subsequent to this approval, pre application discussions took place with the applicant, relating to additional development now proposed under this current application. The applicant was advised that the additional development was not considered to be acceptable, due to the significant detrimental impact that would result to the character and appearance of the area, and neighbouring residential amenity.

b) **Character and Appearance:**

Whilst the proposed two storey, flat roof rear extension would not be visible from the surrounding streetscene, it would form a visually poor addition to the property by way of its size, two storey height and flat roof nature, which would not in keeping with the character and proportions of the existing house. Generally two storey flat roof extensions are rarely acceptable, even on the rear elevations of property's, as their flat roofs are so visually at odds with the host property they adjoin, whose two storey accommodation is contained within a pitched roof structure.

The new walls/railings proposed to the front elevation of the dwelling under the previously approved application was reduced in height to achieve an acceptable appearance in the streetscene. The boundary wall and railing now proposed under this application have increased in height again to 2m height, the height that was deemed to be unacceptable under the previous application. A 2m wall/railings around the small front garden in front of the house and adjacent to the public footpath is deemed would appear out of character with the other lower height boundary treatments in the area, and be an incongruous feature in the streetscene, to its visual detriment, due to the height and appearance.

The 2m high wall proposed to the side of the property is considered to be acceptable because it would be positioned 5 metres from the back of the public highway, and set behind the front elevation of the property. Its visual dominance in the streetscene would therefore be significantly reduced, from that of a front boundary treatment and it would appear in keeping with the scale of the property, and form a secure line for the rear garden area.

The rear detached outbuilding is proposed at the height and width that was previously considered acceptable and approved under application ref: 13/00721/HHFUL and therefore has extant permission. It is not considered that the outbuilding would detract from the character and appearance of the area.

The proposals set out above, specifically the 2 storey flat roof rear extension and the 2m high front boundary wall/railings are considered to be significantly detrimental to the character and appearance of host property and the surrounding area, contrary to CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012.

c) **Area / Neighbour Amenity:**

The previously approved planning permission (ref: 13/00721/HHFUL) comprised of a single storey rear extension with a projection of 5.6m from the rear elevation of the

property along the adjoining side boundary with No.202, which was deemed, on balance, to be acceptable. The currently proposed 5.6m projection of a two storey flat roof extension along the adjoining side boundary with No.202, under this application, is deemed to be wholly unacceptable due to the significant detrimental effect by way of its overbearing and overshadowing impacts on the residential amenity of the occupiers of no. 202 Dogsthorpe Road. Due to the original design of no.202 and 204 with significant 2 storey rear projections, the space in between them, where this extension is proposed to be positioned is absolutely critical in retaining an acceptable level of light to the rear French doors of no.202, adjacent to the proposed extension. Furthermore, the bulk of the previously permitted garden building, in addition to the proposed two storey 5.6m extension to the house, would result in a very overbearing impact on no.202 Dogsthorpe Road.

The applicant proposes the 2 storey extension because he requires more living space for his family. The proposed extension does not propose to increase the number of bedrooms for the property. The existing 4 bedroom property would remain a 4 bedroom property, but the additional first floor accommodation would allow the 4th bedroom to be extended to in excess of 9m in length. At ground floor as per the previously approved application, the property would have a sequence of 3no. linked living rooms on the ground floor from the front to the rear of the property. If further bedroom accommodation were required the applicant could consider the option of using some of the ground floor accommodation which is extremely generously proportioned in space terms in comparison to many 4 bedroom properties. In this instance it is considered the applicant's need for additional accommodation could not outweigh the resulting harm that would be caused to the residential amenity of neighbouring properties.

The 2m wall/railings to the side of the property, to secure the rear garden are deemed acceptable, and would not result in any adverse impact. However, the wall proposed to the small front garden of the property is considered detrimental to the visual amenity of the area, by way of creating an excessively tall and harsh boundary treatments along the back of the footpath, which is out of keeping with the character of the area.

The proposed outbuilding is the same size and height as the previously approved application and is considered to be acceptable in terms of its relationship with the surrounding neighbouring sites. This outbuilding also has an existing extant planning permission for this structure, by virtue of the previously approved consent, reference13/00721/HHFUL.

The proposed replacement fence along the boundary between 202 and 204 is proposed at 1.8m with a 600mm high trellis above, measuring a total height of 2.4m above ground level. This is considered to be too high for a residential boundary fence and would add to the overbearing impact on no.202 when considered together with the garden building and 2 storey rear extension positioned hard up against this adjoining side boundary. The height of this boundary fence under the previous permission was conditioned to be a maximum height of 2.2m in height and it is considered that is still the maximum height that would be acceptable for this boundary treatment.

In light of the above assessment, it is considered the proposed development would be detrimental to the residential amenity of neighbours and the amenity of the area and so would be contrary to Policy CS16 of the Peterborough Core Strategy DPD 2011 and PP03 of the Peterborough Planning Policies DPD 2012.

d) Highways:

The proposal would retain the adequate space on site for two cars to be parked clear of the public highway. The existing vehicle access to the site would also be retained. The proposal is therefore considered to be in accordance with Policy PP12 and PP13 of the Peterborough Planning Policies DPD 2012.

e) **Representations:**

Objections have been received from a number of residents on Garton End Road, their rear boundaries back on to the application site. They have unanimously stated that the resulting overlooking impact from the 2 storey extension will cause a harmful impact on their residential amenity. Whilst the proposed extension would result in additional views into the rear of the properties backing on to the site, it is deemed that the approximate 23m separation distance between first floor windows, would on balance result in an acceptable relationship between these sites. There will also be about a 12m separation from the rear window of the proposed extension to the start of the nearest garden. Therefore the additional impact of overlooking from that that presently exists on site, is not deemed to be significant, or to warrant a refusal of planning permission.

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 Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

- R 1 The proposed two storey flat roof rear extension fails to respect or reflect the design, character and proportions of the host dwelling, resulting in an unacceptable adverse visual impact on the site and surrounding area. As such, the proposal is deemed contrary to Planning CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Planning Policies DPD 2012.
- R 2 The proposed two storey rear extension by virtue of its siting, size and height, positioned on the adjoining boundary with No.202 would result in an unacceptable overshadowing, and overbearing impact on the residential amenities of the occupiers of this neighbouring site. The proposal is therefore contrary to Policies CS16 of the Peterborough Core Strategy DPD 2011 and PP02 of the Peterborough Core Strategy DPD 2012.
- R 3 The 2m high wall to be positioned around the perimeter of the small front garden area is deemed to be too high for a front boundary wall, which abuts the highway in this residential context, and would result in an incongruous and alien feature to the visual detriment of the site and surrounding streetscene. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD 2011 and Policy PP02 of the Peterborough Core Strategy DPD 2012.

Copy to Councillors J Shearman and J P Peach

This page is intentionally left blank

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
2 SEPTEMBER 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Marco Cereste Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer(s):	Simon Machen – Director of Growth and Regeneration Emma Naylor – Senior Strategic Planning Officer	Tel. 453475 Tel: 863881

APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA (CASTOR PARISH COUNCIL)

RECOMMENDATIONS	
FROM : Director of Growth and Regeneration	Deadline date : 2 September 2014
<p>1. That Castor Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).</p> <p>2. That the neighbourhood area is not designated as a business area.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the receipt of an application from Castor Parish Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement (2012, page 36).
- 1.2 Members will recall that you approved five neighbourhood areas in 2013, namely Bretton, Deeping Gate, Glinton, Northborough and Peakirk. This area, if approved, would then become the sixth neighbourhood area in Peterborough.
- 1.3 In addition to the previously approved neighbourhood areas detailed in 1.2 above and the current application, Committee are advised that the adjoining parish of Ailsworth has applied to designate the whole of the parish of Ailsworth as a neighbourhood area. The consultation on that application closes at 12 noon on Tuesday 9 September 2014 and will be subject of a report to Committee in due course.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of Castor Parish Council's application to designate a neighbourhood area. The reasoning behind said recommendations is included within this report. It is expected that the Committee will determine the application following consideration of the recommendations and the reasons provided.
- 2.2 This report is for the Committee to consider under its Terms of Reference in paragraph 2.5.1.1 and Schedule 2.5.3 of part 3, section 2, of the Constitution, to exercise the functions of the Council under the Town and Country Planning Act 1990, specifically "Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area)."

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
---	-----------	---	------------

4. **CONSIDERATION OF APPLICATION**

4.1 The Localism Act 2011

The Localism Act 2011 introduced (into the Town and Country Planning Act 1990) the concept of neighbourhood development plans and neighbourhood development orders. Neighbourhood development plans and orders can be prepared by a 'relevant body' (notably a parish council or recognised neighbourhood forum), for a designated neighbourhood area.

Neighbourhood plans and orders are optional. There is no statutory requirement for a plan or order to be prepared for any area.

Following the enactment of the Localism Act 2011, relevant bodies can opt to apply for the designation of an area as a neighbourhood area and, subject to the successful designation of the neighbourhood area, subsequently prepare a neighbourhood plan and/ or order for said area.

4.2 Application

As a parish council, Castor Parish Council automatically qualifies as a relevant body under section 61G(2) of the Town and Country Planning Act 1990.

Castor Parish Council proposes that the whole of the parish area be designated as a neighbourhood area.

The reason put forward by the parish council for the area proposed was:

“The entire parish is specified as the designated area. This is a logical designation as it allows for neighbourhood planning for the entire parish and ensures full inclusivity within the parish.”

4.3 Factors for consideration

The appropriateness of the proposed neighbourhood area has been considered: consequently, the recommendations outlined at the start of this report are put forward for consideration by the Committee.

In line with section 61 of the Town and Country Planning Act 1990, the following factors have been taken into consideration as part of the assessment of the appropriateness of the area.

- i) Whether the specified area falls entirely within Peterborough City Council's area.
- ii) Whether the specified area, in whole or part, has already been designated as a neighbourhood area, and whether there are any other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reasons provided by the parish council as to why the area is appropriate.
- iv) All representations received during the six week consultation period.
- v) Whether the proposed area should be designated as a business area.

5. CONSULTATION

- 5.1 Castor Parish Council's application to designate a neighbourhood area was received on 17 June 2014. A six week consultation period on the application ran from Tuesday 1 July to 12 noon on Tuesday 12 August 2014. The application, and the opportunity to comment, were advertised on the Council's website, on Castor Parish Council's website and on the Castor Village Hall notice board. The adjoining parish councils, Ailsworth, Marholm, Bretton, Orton Longueville and Orton Waterville, were notified. Relevant ward Councillors and portfolio holders were also notified.
- 5.2 No comments were received during the six week consultation.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that the Committee will determine the application to designate a neighbourhood area following consideration of the recommendations and the reasons for these recommendations made herein.
- 6.2 The Committee is able to choose one of the following three options for the application: Option A, 'area approved, without amendment'; Option B, 'area approved, with minor amendments'; Option C 'minded to approve an area, but only if significant amendments are made which are subject to a further round of consultation'. The Committee is not permitted in law to reject the proposal outright.
- 6.3 The Committee must also decide whether it is appropriate to designate the area as a business area.

7. REASONS FOR RECOMMENDATIONS

7.1 Recommendations:

- 1) That Castor Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).
- 2) That the area is not designated as a business area.

7.2 Reasons for recommendations:

- i) The specified area falls entirely within Peterborough City Council's area.
 - ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
 - iii) The reason stated on the application form is considered justified.
 - iv) No comments were received during the consultation period in objection to or in support of the proposed area.
 - v) Paragraph 4.4.25 (page 37) of the city council's Statement of Community Involvement states that in reaching its decision on whether to designate a neighbourhood area as a business area, the city council will take into account whether the area is wholly or predominantly business in nature; the number of people residing in the area; and the results of public consultation. The parish of Castor is not wholly/ predominantly business in nature. Furthermore, no representations in relation to the designation of the area as a business area were received during the consultation period. In light of these considerations, it is not deemed appropriate to designate the area as a business area.
- 7.3 Summary: It is considered that the whole of the parish is a logical and appropriate area for designation as a neighbourhood area and that the neighbourhood area should not be designated as a business area.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 As outlined in Section 6 'Anticipated Outcomes', the options from which recommendation '1' above is selected and which are available to the Committee are:

Option A: 'area approved, without amendment';

Option B: 'area approved, with minor* amendments';

Option C: 'minded to approve an area, but only if significant* amendments are made which are subject to a further round of consultation'.

** Page 36 of the Statement of Community Involvement outlines what is classed as a 'minor' and 'significant' amendment.*

8.2 It is recommended that Options B and C are discounted. It is considered that minor or significant amendments would not result in a more appropriate or strategic neighbourhood area, and therefore it is not considered that either minor or significant amendments to the area would derive any significant benefits.

8.3 In relation to recommendation '2', the alternative option is that the neighbourhood area is designated as a business area. It is recommended that this option is discounted in light of the fact that the parish is not wholly or predominantly business in its nature, as is the criteria stipulated in the Town and Country Planning Act 1990 (Section 61H(3), as inserted by Schedule 9 of the Localism Act 2011) for the designation of business areas.

9. IMPLICATIONS

The designation of the Neighbourhood Area will have some implications.

9.1 Legal Implications

The Council must act in accordance with the legislative requirements regarding neighbourhood planning (introduced via the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 during the processing of applications to designate neighbourhood areas; and in accordance with the consultation and engagement arrangements described in the Peterborough Statement of Community Involvement. These processes have been adhered to. The Committee must approve Option A, B or C for the application, but is not permitted to refuse the application outright.

9.2 Financial Implications

There are no financial implications associated with the designation of a neighbourhood area. There is however financial implications associated with the subsequent provision of assistance to the parish council and delivery of statutory requirements during the preparation and adoption stages of their neighbourhood plan and/ or order. These will be met from existing budgets.

9.3 Cross-service Implications

The designation of a neighbourhood area has implications for the Communications Team: it will be required to prepare and issue a press release detailing the designation.

10. BACKGROUND DOCUMENTS

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

No background documents.