

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 6 DECEMBER 2011 AT 1.30PM

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**UPDATE REPORT &
ADDITIONAL INFORMATION**

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PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Objectors.
2. Applicant or agent or supporters.

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 6 DECEMBER 2011 AT 1.30PM
LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent/Supporters/Parish Council/Town Council/Neighbourhood Representatives
5.1	21	1/00786/FUL – HAMPTON VALE ALLOTMENTS, CORIANDER DRIVE, HAMPTON VALE, PETERBOROUGH	Councillor John Amps Mr Roger Tallowin (O & H Hampton Ltd)	Parish Councillor Applicant
5.2	31	11/00885/FUL – LAND TO THE NORTH OF THE VILLAGE HAL, GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH	Councillor David Harrington Councillor Ward Mr Sam Metson (Bidwells)	Ward Councillor Parish Councillor Agent
5.3	57	11/01520/OUT – LAND TO THE REAR OF 207 – 239 PETERBOROUGH ROAD, STANGROUND, PETERBOROUGH	Mrs Kisby (Local Resident) Mr John Dadge (Barker Storey Matthews)	Objector Agent
5.4	75	11/01598/HHFUL – 39 DUNBLANE DRIVE, ORTON SOUTHGATE, PETERBOROUGH, PE2 6SW	Councillor Sue Allen	Ward Councillor
5.5	81	11/01704/FUL – LAND OPPOSITE 3 HURN ROAD, WERRINGTON, PETERBOROUGH	Councillor Colin Burton Councillor Darren Fower Mr Alan Smith Mr Len Carter (PROVISIONAL) (Local Resident) Mr Barry Nicholls (Architectural & Surveying Services Ltd) Mr Chase Wilson	Ward Councillor Ward Councillor Werrington Neighbourhood Council Representative Objector Agent Applicant

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BRIEFING UPDATE

P & EP Committee 6 December 2011

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	11/00786/FUL	Hampton Vale Allotments, Coriander Drive, Hampton Vale, Peterborough. Use of land for allotments involving the enclosure of the site and engineering works for the laying-out of the allotments and provision of an access from VT25. (to replace the existing allotment site - VG10, allocated and approved as part of the Hampton Vale Development Brief December 2005).

Cat Proof Fencing

Following further consultation with Natural England and the Local Planning Authority's Wildlife Officer a condition is recommended requiring the provision of fencing to the application site boundaries in order to prevent cats crossing the site and going into the adjacent nature reserve. The precise nature of this fencing (its design, height, specification and extent) can be agreed through the condition discharge process. It is therefore recommended that the following condition is imposed on the Decision:

Notwithstanding the submitted information, and prior to the commencement of the development, details of the proposed boundary treatments to serve the allotment site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be implemented on site prior to the first use of the allotment in accordance with the approved details and subsequently retained as such in perpetuity.

Reason: In the interests of neighbour amenity and in order to ensure an appropriate boundary treatment adjacent to the Orton Pitt SSSI and SAC located to the west of the application site in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD.

Timing and provision of the allotment site

The site falls outside of the Hampton Outline application boundary and therefore the scope of the original S106 Agreement (91/P0556). Notwithstanding this, the proposed application does not prejudice the delivery of a 1.2 hectare allotment site, as required by the original S106 Agreement, it will just result in it being provided in a different location. The S106 Agreement did not specify a particular site.

In view of the above when the new housing site allocation SA47 (previously part of the allocated allotment site) is developed it will be necessary for the S106 Agreement linked to the housing development to include an appropriate trigger point for the provision of the revised allotment site in order to safeguard against a situation whereby the housing is provided and the revised allotment site is not.

For the avoidance of any doubt it will also be necessary for the applicant to vary the original S106 Agreement in due course, in light of the fact that the obligation will not be met within the realms of the original S106.

It is therefore recommended that the following informative is imposed on the decision:

The applicant is reminded that any subsequent application for the development of site allocation SA47 of the Site Allocations DPD will require the S106 Agreement linked to the development to include a schedule in relation to the provision of the revised allotment site prior to the completion of the housing development on site (suitable trigger to be agreed). For the avoidance of any doubt the applicant will also be required to vary the original S106 Agreement linked to the Outline Hampton application (91/P0556) at the time of the submission of the application for the housing development, as the allotments will no longer be delivered in connection with this development.

Timescales for the commencement of the development

In view of the likely timescales for the delivery of the proposed housing allocation it is recommended that the trigger for the commencement of the development is extended to five years. It is therefore recommended that condition 1 of the Committee Report is reworded to read as below:

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

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

2.	11/00885/FUL	Land To The North Of The Village Hall, Guntons Road, Newborough, Peterborough. Development of 18 dwellings, associated access and parking.
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A letter has been received from Bidwells (Agent) in response to Members resolution of Committee meeting 8th November 2011. The contents are as follows:

On behalf of my client, West Register (Realisations) Ltd, I am writing further to the publication earlier this week of the minutes of the meeting of Peterborough City Council's Planning and Environmental Protection Committee on 8th November 2011, which includes the formal resolution of the Committee in relation to the above planning application.

I understand that the application was deferred to allow members to review the viability appraisal prepared on behalf of my client which formed the basis of the officers' recommendation for approval. I trust that this opportunity will help to alleviate members concerns and allow them to understand why officers have made their recommendation.

The Committee also asked my client to consider transferring some land from the site, currently proposed to form part of the garden areas to plots 9-11, to be used as an amenity area to the rear of the adjacent village hall as a 'compromise' if it was confirmed that no financial obligations could be reasonably secured. This followed a suggestion made by Councillor Ward of Newborough Parish Council during the course of the meeting.

My client has carefully considered this request but is unable to agree to it. As you are aware, the viability appraisal demonstrates that the proposed development is not profitable in the current or foreseeable market. Reducing the size of the gardens associated with three of the proposed dwellings may lower their value even further. Given the nature of the already depressed housing market in the area, a further reduction in value will make it less likely that the development of the site can be completed.

Reducing the length of the gardens of plots 9-11 may raise further issues in relation to the amenity of the future occupiers. The impact of noise from the village hall was a concern raised by the Parish Council in its original consultation response to the planning application. Reducing the distance between the properties and the land associated with the village hall, particularly if it is to be used as an enlarged public amenity area, may serve to exacerbate those issues.

My client is also concerned that this obligation is not justified in planning terms. The statutory framework for securing planning obligations is set out by the Government Circular 05/05 (July 2005). As you are aware, the Circular requires all planning obligations to be directly related to the proposed development, necessary to make the proposed development acceptable in planning terms and fairly and reasonably related in scale and kind to the proposed development.

I note the Committee concerns regarding the lack of negotiations between the applicant and Parish Council to identify a suitable way forward on Section 106 matters. As you know, when you mad us aware of the concerns of Councillor Harrington and the Parish Council regarding the recommendations made by officers, we contacted them to explain the background to the difficulties relating to the viability of the site and the need to undertake a viability assessment. Nevertheless, the Parish Council has since made it clear that it is seeking a 'profit share' from the development and will object until 'a suitable agreement is reached to benefit the village in monetary or other ways'. Such a requirement is not supported by the statutory framework for securing planning obligations set out in Circular 05/05. This makes it clear that:

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

'Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a 'betterment levy' (sections B6 and B7)'

My client is not prepared to negotiate with the Parish Council on this issue and believe it is only right and property that matters relating to planning obligations are discussed between the applicant and the local planning authority, as required by section B3 of Circular 05/05.

Whilst we can understand that there may be concerns that no affordable housing or financial contributions are proposed as a result of the vitality of the scheme, policies CS8 (Meeting Housing Needs) and CS12 (Infrastructure) and CS13 (Developer Contributions to Infrastructure Provision) all make clear that financial viability will be taken into account when negotiating with developers. At the same time, the scheme provides for the necessary infrastructure and no additional requirements directly related to the proposed development are necessary to make it acceptable in planning terms. The proposal therefore complies with the requirements of Circular 05/05. My client is satisfied that officers have entirely recognised this in recommending approval of the application.

I would also like to highlight the development that has commenced on site (refs: 02/01721/OUT and 06/00948/REM) provides for no on-site affordable housing, contrary to the suggestion of Newborough Parish Council.

As you have recognised, my client's proposal offers the best opportunity to ensure that the development of the site is completed. The site has remained part-constructed but stagnant for some years, to the detriment of the local area. My client's proposal represents an investment in Newborough and will provide a mix of new housing that will respond to identified needs. It will also contribute towards the City Council's ambitious targets for growth during a very challenging economic period.

We hope that members will take the recommendations of the Council's officers on board and allow the development to proceed.

Sam Metson
Planning Associate, Bidwells

3.	11/01520/OUT	Land To Rear Of 207 - 239 Peterborough Road, Stanground, Peterborough. Construction of care village comprising of care home, assisted living, supported living and extra care accommodation- use class C2 (outline with matters of appearance, landscaping and layout reserved).
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Description change to include demolition of 219-221 Peterborough Road:

'Construction of care village comprising of care home, assisted living, supported living and extra care accommodation - use class C2, pursuant to demolition of 219 to 221 Peterborough Road, (outline with matters of appearance, landscaping and layout reserved)'

4.	11/01598/HHFUL	39 Dunblane Drive, Orton Southgate, Peterborough, PE2 6SW. Construction of ground and first floor side extension.
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No Further Comments

5.	11/01704/FUL	Land Opposite 3 Hurn Road, Werrington, Peterborough. Use of land for one extended gypsy family composed of 2 static caravans and 1 touring caravan.
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The Agent (Barry Nicholls) – Wishes Committee to be aware of the following:

- Our client is a single family who meets the criteria of C01/06
- The site is for a single family this intended not to be a "site" as some people may try to distort. The site will be enforceable.
- The site will be rate paying and will have all mains connections to water and services

- The application complies to all planning policies as confirmed by PCC and its support by the officers
- This site is similar to that won at appeal “Lazy Acre” and is similar to location of amenities.
- The EHO confirms that the sound requirements are met by the design. Some of the houses on Hurn Road may fail the HH&SRS hence be unfit to occupy due to their lack of sound insulation to walls/floors/roofs etc.
- The residence is set back to provide a secure site for the family and allow the land to be retained around it. This also enables the site to be acceptable under C01/06
- No Sound barrier is required hence the impact is now acceptable as confirmed by the planning officers, highways and other consulted parties

Stewart Jackson MP – Objects to the proposal on the following grounds:-

- It is unsuitable due to the proximity of the proposed development to the main electrified East Coast Mainline railway.
- Materials have yet to be agreed with the Planning Department in order to ameliorate sound pollution and so there has been no material improvement on previous applications which have been refused.
- It is contrary to policy as enunciated in both the Core Strategy and Site Allocations Plan and in particular, it establishes a precedent with respect to unsuitable residential development in open countryside (also Policy H13 of the Peterborough Local Plan (First Replacement) 2005). No overriding need for any residential development has been identified by the City Council. The site has NOT hitherto been identified in any planning policy documents for residential development on any scale.
- The proposal contravenes policies Core Strategy CS7 and Local Plan H27 in that the development of the site would have a general adverse impact upon the residential amenity, appearance and character of the existing residential neighbourhood.
- References in the application documentation to other sites, petition and supporting letters are superfluous and not material to the substance of the planning policy in respect of this application (11/01704/FUL) which is *sui generis*.
- For these reasons I trust that this application is brought to the Planning and Environmental Protection Committee in due course and rejected by elected members.

Cllr John Fox – Objects to the proposal on the following grounds:-

- Any buildings of this nature would not be conducive to the area and would be a blight on the landscape and have a detrimental visual effect on the nearby residents.
- There is no need for any residential development in this area whatsoever due to the overall impact it would have on the countryside, which would be totally changed.
- This is a quite cul-de-sac for motorised vehicles gaining access to the nearby ex-railway cottages and any development would add to the traffic concerns of any residents with young children who can now play out in the fields in safety. There would be an increase of traffic and some vehicles would be larger than normally seen in this narrow stretch of road.
- I am also concerned about the noise from generators that, even though clad, would have on the welfare and well being of nearby residents, especially in the summer months.
- I have concerns about the lack of sewage and clean water facilities at this site and would expect these to be present if any planning permission was given.

- I am also concerned about the close proximity of the main Rail link and the dangers that this could hold.

Cllr Judy Fox– Objects to the proposal on the following grounds:-

- I would like to apologise for not being able to attend the Planning Meeting today, but would ask if the following comments could be read out at the meeting please:
- I write to oppose the application for 2 Static and 1 Touring Caravan at Land Opposite 3 Hurn Road, Werrington, Peterborough 11/01704/FUL. My reasons are as follows:
- The proposal for the development on this site would not be conducive to the area and would also have a detrimental visual effect on the nearby residents.
- There would be an increase of traffic down this narrow road of which some vehicles would be a lot larger than normal and as it is a cul-de-sac and is only used by motorised vehicles accessing the cottages in Hurn Road at present, the extra traffic would add concerns of any residents with children who at present can play outside safely.
- Even though there is an intention to put cladding on the caravans, I still believe this will not be enough to stop the noise of the nearby trains.
- Lastly, I would ask you to put yourself in the position of the residents, for when they moved to this area one of the main reasons would have been to enjoy a quiet countryside environment with a Rural Vista when looking out of the window. This will now be totally destroyed by the unacceptable site and possible disturbance of their peace by the noise of close by generators, especially in the warmer months of summer.

Cllr Lane - Objects to the proposal:-

I write in objection to application 11/0174/FUL and ask for committee to refuse permission for the reason outlined below.

To start with I have a reservation with the details of this application and wish to highlight a particular concern. The applicant has put forward a suggestion for noise attenuation to protect the living environment of the caravans by the addition of timber cladding - with reference to the caravans being of a Tingdene style. A noise assessment survey that was carried out for an earlier application, yet absent from this one, suggested that sound-proofing would be possible in that application, and referred to the intended Tingdene style of home. The applicant has repeated the mention of Tingdene in this current application. However, in this one, as in all others, the static caravans are intended to be of the Arronbrook Clipper style and nothing like a Tingdene.

From the evidence of my research, there is a marked difference in size and quality of these two styles. The Tingdene is a style of lodge or park home that may be found on residential sites, and once treated with timber cladding they look more like a log cabin than a mobile home. Because of this difference, I am not convinced that the Arronbrook Clipper style of caravan can receive the cladding treatment that is suggested and still allow the caravans to be habitable with adequate ventilation and noise protection.

Moving on to what I consider the main reason for a refusal should be, I ask committee to consider the following. In the agenda papers for this application, officers make assertion that this plot is not found in an area of best landscape value - and yet alongside this we also read that officers involved with the previous application said the plot is compatible with the rural nature of the immediate area.

When considering how this development would sit in its surroundings, I ask committee to be mindful of Annex C of Circular 1/2006 that suggests landscaping can help a development to blend into its surroundings and maintain visual amenity, rather than making it appear isolated. From this guidance it must surely follow that planting should be complementary to a well conceived and acceptable land use, rather than being used to camouflage the harmful impact of unacceptable development. I would also suggest that any planting to screen the development would be ineffective, as it would take a number of years to mature and be of proper use, and whilst doing so the visual amenity would be affected, and would appear not to follow the 1/2006 guidance.

To my mind, any development on this plot would be incongruous and incompatible with the open countryside. Core Strategy Policy CS9, Gypsies and Travellers, stipulates that planning permission will only be granted for the development of land for a caravan site if all its criteria can be satisfied. Criterion (e) states the site “should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.” The application fails on these points.

I therefore ask committee to REFUSE planning permission for reason that it is contrary to Core Strategy Policy CS9(e).

Werrington Neighbourhood Council - Objects to the proposal on the following grounds:-

- Our position on this application has not changed from our response to application 10/00412/FUL and 10/1065/FUL, which I attach for your reference. We have also made a submission on 20 Sept 2011 relating to application 11/01320/FUL which raises the same objections. We understand this application has gone to appeal.
- This new application should be refused. We do not accept that this is a suitable location for this use.
- We note the claim that no mounding is needed to secure the required reduction of noise levels inside the caravans and in the amenity open space for the residential use. We would like to have sight of the response of the experts on this matter so that we can see whether this is the case or not in our judgement. Mounding and fences previously required have been judged as unacceptable in this location by the Planning Authority.
- We note that the applicant has presented evidence of local support for his proposal. Having discussed this with the residents' representative we understand that there is united opposition to the proposal from the owners and tenants of the properties directly affected in Hurn Road.
- We do not think that the evidence presented regarding other development in the countryside or urban fringe is material in considering the impact of this proposal on residential amenity and the character of the area. What is being proposed will make significant and in our judgement unacceptable changes to amenity and character in this locality. We accept that the provision of small private sites for gypsy families is needed but the possible locations for this have been carefully researched and this was not identified as one of the possible sites.
- If your recommendation is for approval we would ask that the application be considered by the committee on the grounds of its controversial nature and because an earlier similar proposal has been refused by the Committee.

The **agent** has submitted the following information in support of the proposal. Whilst this information was also submitted in support of the previous application, the agent has requested it be considered as part of this proposal, as it is still considered to be relevant:-

- a petition of support with 11 signatures from local businesses.
- a petition of support with 66 signatures from residents
- a letter from the Gypsy and Traveller Supporting Schools Team – to state that Mr Wilson's children attend school and pre-school
- a letter from Werrington Dental Practice to state the applicants are patients of the practice
- a letter from Werrington Health Centre to state the applicant is registered with the practice
- a letter from the East Anglian Gypsy Council
- a letter from a local football team of which one of the applicants children is a member
- 4 letters of support from residents

6.	11/01786/HHFUL	1 Thomas Close, Bretton, Peterborough, PE3 9AY. Convert first floor balcony to form lounge.
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Parish Council

The Parish Council have not raised any objection to the development.

Neighbours

No letters of representation have been received from neighbours. The Consultation period expires on 06.12.11. Members are therefore requested to consider the application for decision, subject to receiving any neighbour representations.