

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 8 DECEMBER 2009 AT 1.30PM

Items Attached

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**UPDATE REPORT &
ADDITIONAL INFORMATION**

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

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

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. Parish Council, Town Council or Neighbourhood representatives.
2. Objectors
3. Applicant or agent or supporters.

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 8 DECEMBER 2009 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
4.1	1	09/00942/FUL: LAND SOUTH OF A47 AND EAST OF GREAT NORTH ROAD, WANSFORD, PETERBOROUGH	Councillor Holdich Councillor Lamb Councillor Richard Clarke Mr Barry Nichols	Ward Councillor Ward Councillor Wansford Parish Councillor Planning Consultant (Speaking on behalf of the Applicant)
4.2	11	09/00996/FUL: COMPASS SOFA, 1 MIDGATE, PETERBOROUGH	Mr Colin Molyneux	Applicant
4.4	23	09/01155/FUL: 157-161 FLETTON AVENUE, FLETTON, PETERBOROUGH	Councillor Rush Mr Peter Lee Mr John Ratcliffe	Ward Councillor Objector (Speaking on behalf of Fair Play for Fletton) Planning Consultant (Speaking on behalf of the Applicant and the Agent)

BRIEFING UPDATE

P & EP Committee 8 December 2009

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1 .	09/00942/FUL	Land South Of A47 And East Of Great North Road Wansford Peterborough , Use of land for one extended gypsy family consisting of two living caravans and one family room caravan and two communal facilities blocks, revised access, parking and facility block (part retrospective)

Head of Transport and Engineering – Recommend the imposition of the following planning condition:-

Prior to commencement of development vehicle to vehicle visibility splays of the following dimensions 2.4m x 59m on both sides of the access shown on plan No OS06 shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2.4m x 59m measured from and along respectively the channel line of the carriageway.

Reason: In the interests of Highway safety, in accordance with Policy T1 and of the Adopted Peterborough Local Plan (First Replacement).

Community Protection –

NOISE

Requests that a noise assessment be carried out to ensure that the occupants will not be adversely affected by noise from the A47 and A1.

Planning Officer response – On the basis of numerous site visits to the application site (that indicated that the site is not adversely affected by traffic noise), it is not considered appropriate to request such information to be submitted by the applicant.

CONTAMINATED LAND

Requests that the following conditions be applied:

Condition 1

No development (beyond that already undertaken) approved by this planning permission shall be commenced until:

- a). A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

REASON: To ensure that the proposed site investigations and remediation will not cause a risk to human health or pollution of Controlled Waters.

Condition 2

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To protect human health and the environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

Condition 3

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

IMPORTED MATERIAL

Requests a condition to that requires the testing of such materials that are brought on to the site. The wording of this condition is to yet to be agreed with Community Protection.

One letter of objection has been received from a neighbouring land owner:-

The application site

- falls outside the development limits of any settlement,
- is in the open countryside.

There is a presumption against development in such locations National planning policy PPS7 and Peterborough Local Plan (First Replacement) (adopted 2005) policy LNE1. The site is identified on the Peterborough Local Plan (First Replacement) proposals Map (adopted 2005) as being:-

- within an Area of Best Landscape and
- the Nene Valley

These areas are covered by planning policies LNE5 and LT11 and LNE8 of the Local Plan and the saved policies of the Local Plan. The policies relating to the Area of Best Landscape and Nene Valley aim to protect the special character of the area and the proposal will be entirely at odds with this.

The site also, in part, falls within an area of Flood Land and Wash Land within which policy U5 is relevant.

The nearest settlements to the application site are Wansford and Sutton which are approximately 1.3km and 2.2km from the application site and neither of these have a significant service base.

Furthermore the A47 is heavily trafficked and it would be unsafe for adults or children to cycle or walk from the application site to these settlements. In addition the range of services within the adjacent settlements is extremely limited and any residents on the site would, for example, have to travel to enjoy a comprehensive range of services and facilities and in particular to meet the educational needs of any resident children. Peterborough Local Plan (First Replacement) Policy H27 provides a criteria based policy for the assessment of proposals for gypsy caravan sites and in this context it is contended that the proposal will have an a) adverse impact on the appearance and character of the area within which it would be situated and b) is not within a reasonable distance of local facilities and services. It is also considered that, if approved, c) the proposal could have an adverse impact on the amenities of the occupiers of, what will be, the adjacent, roadside restaurant and accommodation when that approval is

implemented. Accordingly the proposal is also considered to be in conflict with policy H27. Having regard to the above as the Council is not intending to produce gypsy and traveller DPD and the Council's Core strategy submission document has not yet been adopted significant weight must be attached to the development plan in the form of the Adopted Local Plan and Saved Policies of the adopted local plan. The proposal is clearly in conflict with the policies contained within the development plan and we would therefore request that this application is refused.

2 .	09/00996/FUL	Compass Sofa 1 Midgate Peterborough PE1 1TN, Change of use from A1 to A3 and A5 (restaurant with take away)
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Further consultation responses

Environmental Protection Officer – general guidance has been issued regarding the type of filtration equipment that should be used, the flue and duct height and efflux velocity. No detailed comments can be provided without a formal submission of technical details.

Whilst the applicant has not provided full technical specification of the type of filtration equipment to be used, nor the type and exact positioning of the ducting extraction point, it has been indicated that extraction will take place above first floor level to the rear of the site. It is considered that sufficient extraction that will meet the guidance set out by the Environmental Protection Officer can be achieved in this location without causing harm to the amenity of surrounding occupiers or the character and appearance of the City Centre Conservation Area.

Amended condition

C3 Prior to the uses hereby approved commencing; full details of any filtration and/or extraction equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the nature and location of filtration equipment to be used (including Sound Power Level data), the height of termination of the flue above the ridge height of adjacent buildings and the efflux velocity of air discharged from the ducting. Development shall be carried out in accordance with the approved details and implemented prior to the uses hereby approved commencing.
Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control), Planning Policy Guidance (PPG24 Planning and Noise), and Policy DA2 of the Peterborough Local Plan (First Replacement).

3 .	09/01032/FUL	Aldi Foodstore, Flaxland, Bretton, Peterborough. PE3 8DF, Extension to existing car park to form additional 21 car parking spaces - retrospective
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On 19 November 2009, Councillor Nick Sandford sent an email to confirm that he has withdrawn his objection provided the proposal complies with Local Plan Policy and PPG13 (Transport) as advised by the planning officer.

4 .	09/01155/FUL	157 - 161 Fletton Avenue Fletton Peterborough PE2 8DB, Construction of 10 two-bed and 4 one-bed apartments in three blocks (part retrospective)
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Senior Architectural Liaison Officer - I would normally suggest that 'Secure Parking' in accordance with PCC parking requirements (Residential Design Guide Para 5.10.2) should be complied with. This suggests that no more than 10 spaces are located in any courtyard. And controlled access (gated) should be considered. Unfortunately, a secure gated parking court is not practical with this layout. Visitors / Mail / Rubbish Collections, Service & Trade persons etc, will all require some form of access to the internal parking court and to visit residences in Block C. To the benefit of the design, the parking, as shown, will be overlooked by all occupants and access is restricted to only one point of entry. Although not ideal and above the recommended number of spaces, I would assess the security of parking for residents as adequate owing to this close proximity to their homes.

The applicant has detailed that the existing boundary wall to the rear of the development adjacent to Garrick Walk, will be retained and repaired where necessary.

On a previous site visit I noted that this existing wall was fitted with barbed wire indicating its vulnerability to climbing. I would therefore recommend that this existing boundary wall and all new 1.8m High CB Fencing, should be topped as a minimum with additional sections of 300mm wooden trellis and any barbed wire removed. I would also recommend, that with the consent of neighbours, that the side boundary treatments are also increased with sections of similar height trellis to provide additional protection to these neighbouring properties.

The applicant does not appear to have made any mention of Lighting for the Courtyard Parking. I would recommend that bollard lighting in the parking court is not appropriate. Column or building mounted lighting emitting a white light should be provided in this area, to ensure pedestrian and vehicle safety / security. With the correct style and positioning of columns this should not interfere with neighbouring properties.

The applicant has mentioned in Paragraph 6.2 of the Design & Access Statement, that storage for cycles will be provided, however I have failed to locate these on the Site Plan. The design and location of the cycle storage facilities should be conditioned.

The applicant has not provided any detail what type of access control will be provided for residents of the individual flats and main entrance areas. I would advise that all ground floor glazing and doors should meet Secured By Design Specifications and be externally glazed with laminated glass. I would also advise that all utility meters are placed external to the buildings to ensure that access to the flats is limited to residents.

ADDITIONAL COMMENTS RECEIVED:

A) Mr Beeby

Requests that Committee does not consider the application until the Local Govt Ombudsman has reconsidered its response to the original complaint made by Fair Play For Fletton in respect of the handing of Application 08/01504/REM.

B) Mr Slinger

- i) Disagrees with the Committee Report's list of 'main considerations'. The only guidance available to the council on the first two issues is the Peterborough Residential Design Guide adopted 2002 (Notwithstanding that it does not formally form part of the development plan). The third issue is irrelevant as the outline permission expired in February this year and the reserved matters application was unlawful and was quashed. The only pertinent part of the planning history is the earlier almost identical reserved matters application 08/00892/REM that was very clearly and properly refused. The application is unarguably contrary to the provisions of the PRDG, contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan and contrary to the established precedent of the council as articulated in the decision of 08/00892/REM Refused 23rd September 2008. The material planning considerations above all lead to a recommendation for refusal. I would be very pleased if you could identify what the other material planning considerations are that would override these and lead to a recommendation for approval and where these other considerations are identified in the current development plan. I am sure that if this case has to return to the Ombudsman or the High Court, there will have to be a proper and legitimate adopted policy to support your current recommendation.
- ii) If this application is recommended for approval, it effectively means that the officers will have unilaterally thrown out the Peterborough Residential Design Guide without any reference to the Councillors who adopted it. The report fails to alert the Committee to this problem. The Committee needs to be very clear that if they approve this application, they have in consequence removed all design standards in Peterborough without any proper consultation or due process. It will no longer be possible for planners to insist on basic levels of amenity, daylight, overlooking, etc in developments as this application will have successfully ignored them all and will stand as a precedent for appalling design and slum conditions.

- iii) Are you prepared to change the recommendation to committee in light of the obvious discrepancy between this recommendation for approval and the previous refusal of the almost identical proposal on 23rd September before Cllr Fazal was identified as the applicant?
- iv) Comparing the current application with the one refused in September and the one that was quashed in October, there is no significant difference between them. If this application was found to be contrary to policies DA1, DA2 and DA6 on 23rd September this year, then it is still unacceptable and must be recommended for refusal. Any other course lays officers and the whole Council open to allegations of wrong-doing. You may be aware that the Local Government Ombudsman has re-opened his investigation of this matter following the action in the High Court and I understand he is due to give his conclusions later in December. Perhaps the committee should be aware of this and be given the opportunity to take the ombudsman's views into account.
- v) There are also very material differences between the expired outline consent and the current application - The outline consent at least respected the building line. The footprint of the current application is not only very significantly closer to the road but is also significantly greater in area. Will you be bringing these differences to the committee's attention? On the critical question of overlooking, the outline consent was for siting and the disposition of the internal rooms was not determined at that stage - therefore the 16M between the buildings could have been legitimately achieved if there were habitable rooms on one side of the parking court and bathrooms and kitchens on the other. This is not the case in the current application. Will you be bringing this distinction to the committee's attention?
- vi) Please also see below Mr Slinger' comments on the Committee Report (in red) with Officer comments in blue.

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the development on the street scene
- The impact of the proposal upon the residential amenities of adjoining occupiers
- Outline planning permission was granted under 05/0149/OUT for 14 flats with siting and access approved. The remaining reserved matters were approved in 2009 under 08/01504/REM but a legal challenge was made on the basis that the siting of the blocks in the reserved matters submission was different to that approved under the outline planning permission.

MR SLINGER'S COMMENT

The Outline permission 05/0149/OUT referred to is not a "Main consideration" as it expired in February and is no longer current. The reserved matters application 08/01504/REM was quashed and therefore can not be a "Main consideration". Both these items should be removed from the report.

OFFICER REPLY

EVEN THOUGH THE OUTLINE PERMISSION HAS NOW LAPSED IT IS A MATERIAL CONSIDERATION AS THE APPLICATION WAS APPROVED IN 2006 AND THERE HAVE BEEN NO SIGNIFICANT POLICY CHANGES SINCE THEN.

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

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- DA1** Development should be compatible with its surroundings, with no adverse visual impact.
- DA2** Development should have no adverse impact on the amenities of occupiers of nearby properties.
- H7** Residential development on sites not allocated for housing should make efficient use of the site in terms of density and layout and respect the character and layout of the surrounding area
- H15** New residential development should be undertaken at the highest net density that is compatible with the surrounding area
- H16** Residential development should provide satisfactory levels of amenity for future residents
- T1** New development should provide safe and convenient access to and from the site
- T9** High quality off-street cycle parking should be provided
- T10** Maximum car parking standards
- LNE9** Development should make adequate provision for landscaping of the site
- LT1** Open space should be provided for new residential development either on site or by way of off-site contribution to existing open space in the locality.
- LT2** Planning obligations should be sought to secure financial contributions for off site open space to meet the needs of the development.
- IMP1** Provision should be secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

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

1. PPS 3 Housing- Advises that good design is fundamental to the development of high quality new housing. (Reiterates advice also set out in PPS 1)
2. PPS 13 - Transport
3. ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:
 - i) relevant to planning;;
 - ii) necessary to make the proposed development acceptable in planning terms;
 - iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
 - iv) fairly and reasonably related in scale and kind to the proposed development;
 - v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

4. Peterborough Residential Design Guide March 2002
5. Planning history – see below

3 DESCRIPTION OF PROPOSAL

The proposal is for the provision of 14 apartments. 10 to be provided in the two blocks of two and a half

storey high buildings positioned at the frontage of the site facing on to Fletton Avenue. 4 to be provided in a two storey high block positioned to the rear of these. Access to the site would be via a central access point from Fletton Avenue to a central courtyard containing 14 car parking spaces, bin storage areas and small areas of grass landscaping. Ten of the apartments would have two bedrooms, and four one bedroom.

4 DESCRIPTION OF SITE AND SURROUNDINGS

Building works have commenced on site, but have now stopped in view of the legal challenge to the approval of reserved matters issued under 08/01504/REM. The site was previously vacant and before that used as a second hand car sales garage with parking. The area surrounding the site is predominately two storey residential housing.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/01504/REM	Construction of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	19.06.2009	Permitted
08/00892/REM	Erection of 4 one-bed and 10 two-bed apartments in two blocks (amended elevations rec'd 8/9/2008)	02.10.2008	Refused
08/00070/REM	Erection of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	27.05.2008	Withdrawn
05/01449/OUT	Residential development revised scheme comprising of 14 flats in 3 blocks with associated parking, communal open space including access and sitting	21.02.2006	Permitted <u>MR SLINGER'S COMMENT</u> Unlawfully and quashed by the High Court <u>PLANNING OFFICER COMMENT</u> CORRECT, THIS SHOULD HAVE BEEN STATED HERE AS WELL AS IN SECTION 1 OF THE REPORT.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections subject to the imposition of conditions and informatives.

Historic Environment Manager – Comments awaited.

Head of Environmental Health Services – Comments awaited.

EXTERNAL

Senior Architectural Liaison Officer – Comments awaited

NEIGHBOURS

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

- The development is out of character with the area
- No site appraisal has been submitted as set out in the Peterborough Residential Design Guide (the RDG)

- The bay windows project forward of the building line and are too close to the pavement and may cause a hazard
- Trees would have to be removed to accommodate Block A
- The proposal should be looked at by the Fire and emergency services
- There will be an increase in crime and disorder with so many units for rent
- Poor outlook for ground floor occupants of Block C – one metre to the boundary
- Overdevelopment of the site – too dense when compared to existing development
- Unacceptable visual impact
- Buildings too high, overbearing impact
- Plans show no fire escapes or heating ducts
- There should be a communal TV/satellite system
- Too close to existing properties
- Loss of privacy and light to the adjoining neighbours
- Would create extra parking and traffic problems in the immediate area
- Refuse collection areas not practical as they could block parking spaces and vice versa and could result in problems of smell and vermin
- Drainage – soakaways are ineffective and neighbouring properties may get flooded
- Planning history of refused and quashed planning permissions so this should not be allowed
- Noise pollution
- Building works have already commenced on site, the buildings should be demolished
- Buildings are forward of the established building line and adjacent properties
- Loss of property values
- Houses would be more appropriate than flats
- Damage has already been caused by construction works
- Insufficient on site amenity space proposed and there should be clothes drying areas
- Flats are not appropriate in this area of medium and small semi detached houses
- Impact on neighbouring trees
- Contrary to planning policies and guidance
- Agent did not carry out pre-application consultation with community
- There will be reduced visibility for vehicles entering Fletton Avenue from Manor Drive
- The development would result in on street parking causing more congestion and road safety issues
- No landscaping is proposed
- No lighting details are submitted
- No hard landscaping details are submitted
- Internal layouts differ between plans and may not comply with building regulations
- Door steps prevent disabled ground floor access
- Flues appear sited on or close to boundaries or may interfere with access
- Parked vehicles could prevent ground floor windows being opened

MR SLINGER'S COMMENT

The list should have also referred to overlooking distances & amenity space.

PLANNING OFFICER COMMENT

ALREADY COVERED BY BULLET POINTS ABOVE.

COUNCILLORS

Cllr Rush objects on the grounds that the proposal would result in reduced privacy and light levels for neighbouring sites, be visually intrusive and out of character with the surrounding houses and street scene, be positioned 1.5m forward of the established building line, be higher than neighbouring properties and have 14 car parking spaces served off a central courtyard rather the recommended 10 quoted in the guidance.

7 REASONING

a) Introduction

The key issues with regard to this proposal are the planning history of the site, the proposed design and appearance, and its impact upon the residential amenities of the surrounding residents.

MR SLINGER'S COMMENT

The "planning history" of the site is not a "key Issue" – the application should be determined on its own merits in accordance with the policies and guidance adopted by the Council and not on the basis of dubious historic mistakes or unlawful actions.

PLANNING OFFICER COMMENT

THE PLANNING HISTORY IS A MATERIAL CONSIDERATION. AN EXTANT PERMISSION CARRIES MORE WEIGHT THAN AN EXPIRED ONE BUT OFFICERS / COMMITTEE STILL HAVE TO WEIGH UP WHAT CHANGES THERE MIGHT HAVE BEEN IN POLICY AND/OR PHYSICAL CHARACTERISTICS OF THE SITE OR DEVELOPMENT SITE BETWEEN PERMISSION BEING GRANTED IN 2006 AND NOW.

b) Planning History

Outline planning permission was granted in 2006 for 14 flats. The siting of the flats and access also formed part of that approval. Following the withdrawal and refusal of subsequent reserved matters applications in 2008, a third application for the reserved matters, planning reference 08/01504/REM, was approved by Planning Committee earlier this year. This decision was challenged by way of an application for leave to have the decision judicially reviewed and this leave was granted. The Council has accepted the grounds for legal challenge put forward and the outcome of this has had the effect of quashing this planning permission .

MR SLINGER'S COMMENTS

- a) It should have been mentioned that the 2006 outline permission has now expired.
- b) It should have been mentioned that the reason why the reserve matter consent was quashed was because it sought to expand the size of the development beyond that approved at outline.

PLANNING OFFICER COMMENT

- a) THIS FACT WAS NOT MENTIONED AS IT WAS CONSIDERED IRRELEVANT BECAUSE IT IS NOT POSSIBLE FOR A RESERVE MATTER APPLICATION TO BE MADE GIVEN THE FOOTPRINT OF THE DEVELOPMENT AS CURRENTLY BUILT.
- b) SECTION 1 OF THE REPORTS EXPLAINS WHY THE RESERVE MATTER CONSENT WAS CHALLENGED

Therefore this current full planning application has been submitted, which is very similar in nature to the previous reserved matters application reference 08/01504/REM, and based upon similar footprints to those approved at the outline application.

MR SLINGER'S COMMENT

The 08/01504/REM application has a significantly different footprint to the one approved at expired outline approval. That is why it was unlawful and quashed. The current application has the same footprint as that deemed unlawful by the High Court.

PLANNING OFFICER COMMENT

IT HAS NOT BEEN STATED THAT THE FOOTPRINT OF THE CURRENT APPLICATION IS THE SAME AS THE OUTLINE PERMISSION: WE SAID IT WAS SIMILAR. THE SITING ON THIS FULL APPLICATIONS DOES NOT HAVE TO MATCH THE SITING ON THE PREVIOUSLY APPROVED SCHEME. OFFICERS AND COMMITTEE NEED TO CONSIDER WHAT THE DIFFERENCES BETWEEN CURRENT SCHEME AND PREVIOUSLY APPROVED SCHEME (ALBEIT LEGALLY CHALLENGED) AND ASSESS IF THERE ARE ANY PLANNING REASONS AS TO WHY THE CURRENT SCHEME SHOULD NOT BE APPROVED.

This application therefore "stands alone" and the Local Planning Authority are entitled to consider matters afresh. This being said, the granting of the outline planning permission in February 2006 with siting and access being approved is a material consideration to the determination of this application and the LPA should consider what material differences may have occurred with regard to the proposal, planning policy and the physical site and surroundings since that time.

MR SLINGER'S COMMENT

The February 2006 outline approval expired and is no longer a material consideration. In any event, that footprint was significantly smaller than either this application or what was built on site by the developer.

PLANNING OFFICER COMMENT

THE PLANNING HISTORY OF THE SITE, EVEN EXPIRED CONSENTS ARE MATERIAL CONSIDERATIONS. THE FURTHER BACK IN TIME THEY GO THE LESS WEIGHT THEY WILL CARRY BUT AN OUTLINE GRANTED IN 2006 WILL BE A MATERIAL CONSIDERATION. ALSO AN EXPIRED CONSENT WILL CARRY LESS WEIGHT THAN AN EXTANT ONE.

c) Design and layout

Three blocks of accommodation are proposed on site to provide the 14 apartments.

Design

There are two blocks of accommodation proposed on the site frontage facing Fletton Avenue (Blocks A and B). Both of these are to be two and a half storey blocks, with velux style roof lights to provide light to the accommodation within the roof space.

The design and visual appearance of these two blocks in the street scene would be similar to a pair of semi-detached properties rather than flat blocks, which is characteristic of the surrounding area. These blocks are positioned further forward of the adjacent properties building line, however this is not considered to result in an adverse visual impact on the street scene.

Bay window detailing has been introduced, which is also similar to some surrounding properties. The heights of these frontage Blocks would be around 1m higher than the adjacent two storey residential properties. The design and appearance of these two blocks of accommodation was improved during the three previous reserved matters applications, to make them more in keeping with the character of the surrounding area. The additional height of these new buildings and the proposed velux windows are not characteristic of the surrounding area. However, on balance, these differences are not in this instance considered to be sufficiently harmful to justify refusal of the proposal.

Block C to the rear of the site which backs onto Garrick Walk, would be a two storey high block and contain 4, 2 bed roomed apartments. A gabled appearance is proposed, similar in appearance to the adjacent properties. The scale and appearance of this block is considered to be acceptable and not out of keeping with surrounding development.

MR SLINGER'S COMMENT

There is no drawing at all that shows the relationship of the proposed development to the scale of the houses in Garrick Walk – not even a survey to indicate comparative heights. The planning officer cannot possibly make a judgement on the scale and appearance when there is no evidence upon which to base his view.

PLANNING OFFICER COMMENT

THESE MATTERS ARE ASSESSED BY THE CASE OFFICER DURING THE SITE INSPECTION.

On balance, the visual appearance of the development is considered to be acceptable and not out of character with the surrounding area in accordance with Policies DA1 and DA2 of the Local Plan.

MR SLINGER'S COMMENTS

- a) The proposal should be described as three storey. The combination of the increased height together with the protrusion in front of the building line will definitely have an adverse visual impact on the street scene – this would be apparent if the applicant had produced a north-south site section showing the relationship with the existing buildings in Fletton Avenue and Garrick Walk.
- b) There are no definitive dimensions in any of these drawings and terms such as “about 1M” are meaningless. Definite dimensions are required if the Council are to be able to make a proper informed decision.
- c) Fletton Avenue is very consistent in its scale and appearance and the differences introduced by the scheme are such that refusal could be justified.

PLANNING OFFICER COMMENT

- A) THE BUILDING DOES NOT HAVE TO BE ON THE EXACT SAME “BUILDING LINE” OR EXACT SAME HEIGHT TO FIT INTO THE STREET SCENE. THERE IS NOT UNIFORMITY ALONG THE STREET. THE BAY WINDOWS TO THE FRONT ADD SOME INTEREST WHEREAS A FLAT FRONT WOULD APPEAR MORE BLAND.

- B) THE DIFFERENCE IN HEIGHT SCALES OFF THE PLAN AT 1 METRE BUT THERE IS ALWAYS A SMALL MARGIN FOR LEEWAY ONE WAY OR THE OTHER. IF THE HEIGHT DIFFERENCE WERE 1 METRE AND 5 CENTIMETRES OR 95 CENTIMETRES, THERE WOULD BE NO MATERIAL DIFFERENCE IN APPEARANCE.
- C) IT IS NOT CONSIDERED THAT THERE IS A LEVEL OF UNIFORMITY IN FLETTON AVENUE THAT WARRANTS IDENTICAL COPY OF OTHER BUILDINGS

Car and cycle Parking

The car parking is to be located within a private central courtyard area on the site. It will be screened from the street scene by the front two blocks of accommodation and so will not be unacceptably visually dominant in the street scene. Whilst smaller car parking courts are generally recommended, the car parking proposed in this instance would have a high degree of natural surveillance from the surrounding apartments and there are no highway safety concerns in respect of this level of traffic using the access. On this basis, the proposed car parking courtyard serving 14 cars is considered to be acceptable in this instance. The level of car parking proposed 14 spaces is acceptable and in line with the maximum standards in the Peterborough Local Plan and Policy T10. The provision of any additional car parking on site would be contrary to this planning policy. The Residential Design Guide (RDG) recommends that courtyard parking be limited to no more than 10 spaces, however, taking account that the Council has previously granted an outline planning permission for 14 flats, there is no other practicable way of delivering the parking and it is not desirable to have less than 14 spaces (one per flat), the proposal is considered acceptable.

MR SLINGER'S COMMENTS

The council cannot justify ignoring the PRDG just because it has been negligent enough to do so before in an application that has long since expired. This application should be determined on its merit in line with current policy and not on the basis of historic bungalows. The council does not have to grant permission for 14 flats. If there is only room for 12 spaces, then they should only give permission for 12 flats, etc. This illustrates that the application is overdevelopment – it does not fit on the site.

PLANNING OFFICER COMMENT

RESIDENTIAL PARKING STANDARDS ARE NOW MAXIMUMS HAVING REGARD TO PPS3. DEPENDING UPON THE TYPE AND LOCATION OF DEVELOPMENT IN RELATION TO PUBLIC TRANSPORT AND LOCAL AMENITIES, SOME SCHEMES MAY WARRANT HAVING NO PARKING AT ALL, PARTICULARLY CITY CENTRE SITES. THIS SITE IS WELL PLACED FOR SERVICES AND IS A FLAT DEVELOPMENT. TAKING THESE ISSUES INTO ACCOUNT, 12 SPACES ARE ACCEPTABLE. IT IS NOT BEING PUT ASIDE BUT IT DOES NOT FORM PART OF THE DEVELOPMENT PLAN, IT IS GUIDANCE ONLY AND CAN BE GIVEN ONLY LIMITED WEIGHT. WE ALSO NEED TO TAKE ACCOUNT OF THE AGE OF THIS GUIDANCE, PRE-DATING PPS1, PPS 3 AND THE CURRENT LOCAL PLAN. THE PRDG WAS ADOPTED BEFORE NATIONAL AND LOCAL POLICY CONCERNING DENSITY OF DEVELOPMENT AND ENSURING MINIMUM STANDARDS.

Cycle stand provision will be required and this will be covered by the imposition of a condition .

MR SLINGER'S COMMENTS

a) If wider blue badge spaces are required in the conditions and if cycle stands are required in the conditions, these need to be indicated now – otherwise they will presumably infringe on the already sub-standard “amenity space” or will not be installed at all.

b) The officer has failed to address the problem of windows opening outwards over the car parking area in terms of escape in fire or ventilation or of daylight if anything other than a small saloon car is parked in front of the window or the unacceptable consequences on noise and amenity of other residents' cars exhaust fumes being discharged into ground floor windows

PLANNING OFFICER COMMENTS

A) THE IMPACT OF PROVISION OF THE CYCLE STANDS ON THE AMENITY SPACE AREA IS TAKEN ACCOUNT OF. THERE IS NO NEED FOR DETAILS OF THE CYCLE STANDS TO BE SUBMITTED UP FRONT.

B) IF THERE IS ANY ISSUE REGARDING ESCAPE OR FIRE REGULATIONS, THIS WILL BE HIGHLIGHTED DURING BUILDING REGULATIONS SUBMISSION. THE ISSUE COULD BE EASILY RESOLVED BY INSERTION OF A DIFFERENT TYPE OF OPENING WINDOW, IF INDEED IT IS A PROBLEM. IN PLANNING TERMS IT DOES NOT PRESENT A REASON TO REFUSE PERMISSION.

Open Space

Small areas of grass are to be provided on site for the use of residents. . These areas could be used by residents to sit outside in summer or to hang their washing outside. As only one and two bedroom apartments are proposed on site, the lack of on site amenity space is not considered to be unacceptable, as it is unlikely to be required to serve the needs of families The RDG advises that 25 metres per flat should be provided if communal garden areas are proposed. In this instance the total area of the small open space areas within the site are 179 square metres, approximately half the area recommended in the RDG. It is recognised that the areas of open space are not sufficient in themselves to meet the open space needs generated by this development. Additionally, some of this space will be taken by the provision of cycle stands. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision in order to meet the needs of future residents.

MR SLINGER'S COMMENTS

- a) The "small areas of grass" will be small areas of mud. They will be more or less in permanent shadow and will need regular maintenance. The smaller the areas of amenity space, the more important the quality of design for use. Grass will not work in this way. A proper usable landscape scheme is needed
- b) All local and regional guidance dictates that there should not only be communal open space but that each flat should have private amenity in the form of a terrace or balcony.
- c) A section 106 contribution towards off site open space provision is no substitute for proper external space for each flat and its use in this way is inappropriate and perverse

PLANNING OFFICER COMMENTS

- A) LANDSCAPING IS CONDITIONED. AGREE, THE AREAS DO NOT HAVE TO BE GRASSED AREAS BUT COULD BE HARD SURFACED. THERE IS NO REASON WHY THIS CANNOT BE DEALT WITH BY CONDITIONS.
- B) POLICY H16 OF THE LOCAL PLAN DOES NOT STATE THIS AS A REQUIREMENT.
- C) POLICY LT2 OF THE LOCAL PLAN DOES PROVIDE FOR THIS AS BEING AN ACCEPTABLE WAY OF DEALING WITH SPACE WHERE THERE ARE MORE THAN 9 DWELLINGS BEING PROPOSED

d) **Residential Amenity**

This application proposes the same number of residential units, contained within the same general configuration of three blocks of accommodation on site, as the previously approved outline and reserved matter applications.

MR SLINGER'S COMMENTS

It should be mentioned here that the reserve matter consent has been quashed.

PLANNING OFFICER COMMENTS

AGREED, BUT THIS POINT IS MADE IN SECTION 1 AND NOT REPEATED.

Impact on light levels

Blocks A and B are positioned between the two storey properties of No.163 and No.155 Fletton Avenue. Both of these neighbouring properties have window/door openings on their side elevation facing the sides of blocks A and B. Whilst there will be a reduction in light reaching these side windows and doors from the proposed development, the impact is not considered to be so harmful as to warrant refusal of the proposal, particularly as the windows affected do not appear to serve any main habitable rooms. The positioning and heights of Blocks A and B on the site frontage and their relationship with the adjacent properties would not significantly reduce the light levels previously enjoyed by these properties.

MR SLINGER'S COMMENTS

The windows light halls, landings and kitchens and had hitherto enjoyed unrestricted daylight. The buildings on site were previously single storey. Therefore a three storey gable within three feet of these windows is a significant deprivation and should be recognised as such. Any reputable designer would work around these constraints. It is not true to say that light levels.

PLANNING OFFICER COMMENTS

THE SIDE ELEVATION OF 163 IS IMMEDIATELY ADJACENT TO THE SIDE ELEVATION OF ONE OF THE FRONT BLOCKS AND THEREFORE DOES CUT OUT A GREAT DEAL OF LIGHT TO THE SIDE WINDOWS. HOWEVER, UNTIL RECENTLY THERE WAS A BUILDING IN THE SAME PLACE AS THAT PROPOSED HAVING THE SAME EFFECT. IN RESPECT OF 155, IT IS CONSIDERED THAT THERE IS ADEQUATE SEPARATION BETWEEN THE SIDE ELEVATION AND THAT OF THE ADJACENT PROPOSED BLOCK.

Block C is to be two storey in height, similar to the properties on Garrick Walk.

MR SLINGER'S COMMENTS

The properties in Garrick walk are two storeys high but the storey heights are much less than those proposed by the developer. Planners seem to be unable to recognise that buildings can not be measured in "Storeys" they have to be measured in metres and that Block C is not even remotely similar to the properties in Garrick Walk.

PLANNING OFFICER COMMENTS

THERE ARE BUILDINGS OF MANY DIFFERENT HEIGHTS IN THE AREA . WHILST THERE MIGHT BE A DIFFERENCE BETWEEN THE HEIGHT OF EXISTING AND PROPOSED TWO STOREY BUILDINGS, THE QUESTION IS WHETHER OR NOT THE DIFFERENCE IS DETREMENTAL TO THE APPEARANCE OF THE STREET SCENE AND ON AMENITY.

This block would be positioned to the north of the properties on Garrick Walk, therefore there would be no harmful overshadowing impact or unacceptable impact on their sunlight levels. There will be some limited shadowing to the bottom of neighbouring gardens of 155 and 163 Fletton Avenue for a short period after sunrise and before sunset. This is not significant enough to warrant refusal of the application

MR SLINGER'S COMMENTS

This is untrue as can be demonstrated with a sunlight protractor – The garden of 155 will be in more or less permanent shadow until midday and that of 163 will be in more or less permanent shadow after mid day – if the officer is going to make these unsupported statements, they need to be backed up with technical evidence. This can be proved even at a basic level by applying the formula given in the Peterborough Residential Design Guide.

PLANNING OFFICER COMMENTS

SHADOWING OF GARDENS IS A PLANNING CONSIDERATION. IN THIS CASE THE WORST SHADOWING WILL OCCUR TOWARD THE BOTTOM OF THESE GARDENS RATHER THAN THE AREAS IMMEDIATELY NEXT TO THE HOUSE. IT IS NOT THE CASE THAT THAT THERE IS A RIGHT TO SUNLIGHT TO GARDENS ALL DAY LONG.

The RDG sets out prescriptive guidance (at Chapter 4) with regard to sunlight and daylight levels and recommends that applicable calculations be applied according to orientation of buildings for the "worst" time of year for sunlight i.e. winter equinox. Whilst the proposed blocks do not adversely affect sunlight and daylight levels to existing neighbouring property, the distance between the opposing blocks is less than the optimum recommended to achieve solar gain. The distance between the blocks is approximately 16 metres. In order to achieve the desired solar gain to block C in the winter, the distance between the blocks should be approximately 21 metres. However, it must be reiterated that the RDG is guidance only and not development plan policy.

MR SLINGER'S COMMENTS

21 metres is coincidentally also the minimum distance between habitable rooms given in the PRDG. The PRDG is ADOPTED SUPPLEMENTARY PLANNING GUIDANCE and there is nothing "only" about it. It cannot be put aside for the convenience of an incompetent design.

PLANNING OFFICER COMMENTS

IT IS NOT BEING PUT ASIDE BUT IT DOES NOT FORM PART OF THE DEVELOPMENT PLAN, IT IS GUIDANCE ONLY AND CAN BE GIVEN ONLY LIMITED WEIGHT. WE ALSO NEED TO TAKE ACCOUNT OF THE AGE OF THIS GUIDANCE, PRE-DATING PPS1, PPS 3 AND THE CURRENT LOCAL PLAN. THE PRDG WAS ADOPTED BEFORE NATIONAL AND LOCAL POLICY CONCERNING DENSITY OF DEVELOPMENT AND ENSURING MINIMUM STANDARDS.

Additionally, Section 4.10 states that whilst housing layouts should be designed to maximise daylight and sunlight levels, this should not be at the exclusion of other considerations. In this instance, it is considered that the separation distance between the proposed blocks is acceptable **It is not – see above.**

Similarly, the guidance recommends that living room windows face south or near to south. The living room windows in the proposed blocks face north. However, this helps to preserve privacy to neighbouring properties as living room windows facing south would result in potentially greater overlooking to neighbouring gardens.

MR SLINGER'S COMMENTS

There is no reason why there should be a back-land block C. If the development was of a single block facing the road with parking and amenity to the rear there would be no problem. The entire difficulty of this development can be found in the four flats of the rear block. If these were omitted, the proposals – although of the lowest conceivable quality could technically work.

PLANNING OFFICER COMMENTS

OFFICERS / COMMITTEE ARE TASKED WITH ASSESSING THE PROPOSAL BEFORE US. A SCHEME WITH 3 BLOCKS HAS BEEN ACCEPTED BY OFFICERS AND COMMITTEE AT OUTLINE STAGE ONLY 3 YEARS AGO.

Privacy

None of the three blocks of accommodation have any side windows facing directly into neighbouring sites, therefore there will be no direct overlooking from side windows into any neighbouring sites. Blocks A and B on the site frontage have the living room windows positioned facing on to the road frontage with bedrooms and bathroom windows on the rear elevation. There will be oblique overlooking from these rear upper floor bedroom windows into the neighbouring gardens. However this is considered no more intrusive than the existing situation where neighbouring two storey semi-detached properties already have upper floor windows that overlook into each other's garden space.

Block C would be positioned at right angles to the properties on Garrick Walk and Manor Avenue and the windows on the rear elevation are to be bedroom, bathroom and kitchen windows with the main habitable rooms on the front facing the internal courtyard. There would be very oblique overlooking from upper windows into the front and rear garden spaces of neighbouring sites, however again this is not considered to be any more harmful than this existing oblique overlooking of neighbouring sites that already exists.

MR SLINGER'S COMMENTS

This does not address the point that there is overlooking (only just oblique) from the bedroom windows of Block C into the rear living room and bedroom windows of Nos 155 and 163 at a distance of 16M. Even if this was acceptable within a "flatted development" as is suggested by the officer below, it is entirely inappropriate and unacceptable for upper floor flats to overlook into established family houses in this way.

PLANNING OFFICER COMMENTS

THE OBLIQUE ANGLE MEANS THAT OVERLOOKING WILL BE CONSTRAINED TO A DEGREE THAT RESULTS IN LOW LEVELS OF OVERLOOKING.

The window to window distances between the front and rear blocks on site, at 16 metres are less than the recommended 21 metres. However, this relates to the more usual relationship of the rear garden to housing backing into the rear garden of other housing i.e. a back to back relationship.

MR SLINGER'S COMMENTS

a) It does not. This criterion is used almost universally for flats and it tend to be rigidly enforced and with very good reason.

Whilst this proposal involves habitable windows facing each other, there is no issue of overlooking into private garden as the internal facing windows overlook the parking and communal areas. It is accepted that flatted development usually cannot provide the same levels of privacy where internal relationship is concerned as can "traditional" housing development.

MR SLINGER'S COMMENTS

b) This is not normally accepted as suggested. The problem is if anything more acute in flats as overlooking takes place from upper floors looking into ground floor windows. In traditional development upper floors tend to be bedrooms so the problems are less critical. Also in traditional development the occupants have the option of planting, fencing and screening to modify the level of overlooking whereas in this instance there is nothing but tarmac between the viewers.

Increasing the window to window distances would result in the loss of the proposed front garden areas and the moving the two front blocks closer to the road. This would not be desirable and would have a negative visual impact on the street scene.

MR SLINGER'S COMMENTS

c) This is not true. Applying the guidance of the 21M overlooking requirement would result in the removal of block C, Blocks A&B moving back onto the building line, adequate parking, landscape and amenity space.

PLANNING OFFICER COMMENTS TO A), B), C)

THERE ARE PLENTY OF INSTANCES WHERE HOUSING/PRINCIPAL WINDOWS FACING EACH OTHER IS LESS THAN 21 METRES WITH NOT ABILITY TO SCREEN OR PLANT – OPPOSING TERRACED HOUSING ACROSS A NARROW STREET IS ONE SUCH EXAMPLE. THE 21 METRES IS A GUIDELINE BUT IS NOT “SET IN STONE” FOR EVERY DEVELOPMENT AS ITS APPLICATION HAS TO TAKE INTO ACCOUNT DIFFERENT SITE CIRCUMSTANCES AND DEVELOPMENT SCENARIOS. THE STATUS OF THE RESIDENTIAL DESIGN GUIDE IS SUCH THAT FULL WEIGHT CANNOT BE AFFORDED TO IT.

In view of this, and as previously accepted by the previous permissions the sub-standard window to window distances between the blocks of accommodation on site would on balance be considered to be acceptable and would be a matter for future occupiers to consider whether they were willing to accept

MR SLINGER'S COMMENTS

The permissions were quashed by the High Court as unlawful. Window to window distance is wholly unacceptable. The City council cannot justify ignoring its own standards on the grounds that someone may at some time in the future be desperate enough to accept the problems.

PLANNING OFFICER COMMENTS

ALREADY COVERED THIS ABOVE.

The existing rear boundary wall to Garrick Walk is proposed to be retained and repaired where necessary, with 1.8 close boarded fencing proposed to the side boundaries. These boundary treatments are considered to be acceptable to protect the privacy and amenity of adjacent sites. It is not proposed to take any form of access to the site from Garrick Walk.

Noise disturbance

In respect of possible noise disturbance to surrounding neighbours. The proposal is for a residential use in a residential area, therefore they are considered to be compatible land uses. Whilst the density of development and hence the number of people living on this site would be greater than on neighbouring sites, this in itself would not generate unacceptable noise levels for neighbouring residents. The car parking proposed on site is considered to be acceptable and of no more of a disturbance than the previous car sales garage use. Therefore its is not considered any noise disturbance for neighbouring properties generated as a result of this proposed development would be of a level that would be unacceptable in planning terms or contrary to Policy DA2 of the Local Plan.

MR SLINGER'S COMMENTS

The problem of noise is that of a tarmac car park surrounded by brick walls will reverberate and amplify any noise that occurs within it. If the buildings were the correct distance apart, there would be an opportunity for landscaping and some softening to try and absorb some of the problem. It is clear the officer has not addressed this point.

PLANNING OFFICER COMMENTS

THERE IS NO EVIDENCE THAT INDICATES THAT THIS IS LIKELY TO BE A PROBLEM AND WITHOUT SUCH EVIDENCE IT CANNOT BE A JUSTIFIED REASON FOR REFUSAL.

Bin storage

Two bin storage areas are proposed on site to accommodate the needs of the development. A private refuse collection company would collect the refuse from within the site to overcome the need to provide a bin collection point on the site frontage, this would be required if Peterborough City Council were to collect the site's waste. I understand this has been done to address residents' previous concerns about unsightly bins being placed on the site frontage on collection days, and the potential problems with residents not returning them to the rear storage area after collection. The siting and design of the bin stores on site are considered to be acceptable in planning terms. It is not considered that their location would result in unacceptable disturbance or harm to the amenity of neighbouring sites, or that they would be more subject to odour and/or vermin problems compared to any other arrangement. The bin storage areas proposed are therefore considered to be in accordance with the requirements of Policy DA2 of the Local Plan.

MR SLINGER'S COMMENTS

The bins stores as drawn do not work – once the doors are open, they block the path of the bin.

PLANNING OFFICER COMMENTS

THIS WOULD ONLY BE THE CASE IF THE DOORS WERE BUILT SO THAT THEY COULD NOT BE 'PEGGED BACK' AGAINST THE EXTERIOR WALL OF THE BIN STORE.

e) S106

It is recognised that the areas of open space proposed on site are not sufficient to meet the open space needs generated by this development. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision to meet the needs of future residents. This is in accordance with Policies LT1 and LT2 of the Local Plan.

MR SLINGER'S COMMENTS

This does not address the provision of private open space to the flats.

PLANNING OFFICER COMMENTS

PREVIOUSLY COVERED

This requirement accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

f) Miscellaneous

Many of the points raised by objectors are covered in the report above. The following are comments on those points raised which may not be covered above:

- The requirement for site appraisals has been overtaken by the submission of Design and Access Statements. The Local Planning Authority (LPA) considers there is sufficient information in this regard to determine the application.
- The bay windows are located sufficiently set back from the public highway so as not to cause any hazard. The Local Highway Authority (LHA) has not raised objections in this regard.
- The LPA cannot discriminate between tenures and it cannot be assumed that there will be more crime associated with rented property.
- Matters such as central heating ducts would be considered under building regulations and are not normally an issue for consideration under a planning application. The applicant is not proposing external fire escapes. Any future requirement for this would necessitate submission of a separate planning application.

MR SLINGER'S COMMENTS

The planning should have regard to such obvious flaws.

PLANNING OFFICER COMMENTS

WE WOULD NOT NORMALLY CONSIDER DETAILS OF GAS FLUES IN AN APPLICATION (DE MINIMIS) AND WE ARE NOT CONSIDERING FIRE ESCAPES AS NONE ARE PROPOSED.

- The drainage of the site will need to be approved under the building regulations.
- The history of the site has been taken account of when considering the application

MR SLINGER'S COMMENTS

It should not be – It should be assessed on its own merits.

PLANNING OFFICER COMMENTS

YES BUT TAKING ACCOUNT OF DEVELOPMENT PLAN AND ALL MATERIAL CONSIDERATIONS. PLANNING HISTORY IS A MATERIAL CONSIDERATION. THE WEIGHT GIVEN TO THAT HISTORY IS A MATTER OF JUDGEMENT.

- The LPA is aware that works have taken place on site. The determination of the application must be made with regard to the submitted details. If works are retrospective this is not a material planning consideration. It is not prudent for the LPA to take any action (whatever that might be) until this planning application is determined.
- Loss of property values is expressly not a material planning consideration.
- If any damage has occurred due to works that have taken place, this is a private matter between the parties concerned and not a planning issue.
- Carrying out public consultation on a scheme of this size prior to submission of an application is desirable but not mandatory.
- Soft and hard landscaping (surfacing) and lighting are matters which are proposed to be covered by imposition of conditions.
- Compliance of internal layouts with building regulations is not a planning matter

MR SLINGER'S COMMENTS

The block C plans show flats that have a hall described as a Living Room. These flats are not habitable.

PLANNING OFFICER COMMENTS

WHETHER OR NOT THE INTERIOR LAYOUT COMPLIES WITH HOUSING LAW / BUILDING REGULATIONS IS NOT A MATTER THAT MAY BE CONSIDERED UNDER PLANNING. COUNCIL

- Provision of steps to flats will need to comply with building regulations.
- It is not considered that flues will interfere with access to the site.

MR SLINGER'S COMMENTS

The officer has not given any reasoning for this statement. The obvious locations of flues for blocks A & B are the external kitchen walls. If this is the case, they will discharge onto the boundary in one case or into the vehicular access in the other case. In view of the applicant's previous development on Fletton High Street where the HSE had to take enforcement action over the dangerous gas installations, there can be little confidence on this issue.

PLANNING OFFICER COMMENTS

SEE PREVIOUS COMMENT RE FLUES. THE APPLICANT'S HISTORY WITH THE HSE IS NOT A PLANNING CONSIDERATION.

- The ground floor windows to the rear of blocks A and B are one metre above ground level. There is also a little flexibility with regard to parking as the spaces are 5 metres in length. It is not considered that the opening of windows will be an issue.

8 **CONCLUSIONS**

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

The 14 apartments are considered to be compatible with their surroundings with no significant adverse impact on the amenities of occupiers of nearby dwellings **There is very significant adverse impact as shown above.** The proposal is **(Not)** therefore in accordance with Saved Policies DA1, DA2, LNE9, T1, T9, T10 and LNE9 of the Peterborough Local Plan 2005 (First Replacement). There is some conflict with **(total disregard for)** policies H7, H15 and H16 in that the density of the development is higher than the immediate surrounding residential densities. However, this is considered acceptable because the application provides for a front elevation design to Fletton Avenue that is in keeping with the character of nearby properties and the density of the development does not significantly adversely affect neighbouring residents with regard to loss of sunlight, daylight and privacy **Not true – see foregoing.** Additionally, the Local Planning Authority has taken into account the fact that outline planning permission was granted for 14 flats in 2006 **This is not a material consideration – there is no valid current consent of any kind and the application must be judged on its own merits.** There is some conflict with **(total disregard for)** policy H16 in that the amount of private amenity space is substandard but this is being off set by provision of a contribution via a Section 106 agreement towards off site provision.

With regard to the Peterborough Residential Design Guide, this does not form part of the Development Plan but is a material consideration. The proposal does not comply with all aspects of the guidance **(in fact, totally disregard it)**, in particular distances between opposing windows and amenity space provision on site. The Local Planning Authority considers that taking all material considerations into account and by the imposition of conditions where necessary, the proposal as a whole is **(un)** acceptable. The weight given to the layout/space standards set out in the Design Guide is taken against the fact that this document was adopted as planning guidance by PCC in 2002, ahead of the publication of PPS 1 (January 2005) and PPS 3 (November 2006) which place greater emphasis on achieving higher density levels especially in urban locations **This shows a lack of understanding of the fundamental point of PPS3 which looks for higher densities through good design and not through dropping minimum standards of amenity and space – e.g. if PPS3 were to be taken seriously then there would be secure undercroft parking the courtyard could be given over to garden space, the front block could be deeper and the rear block dispensed with – But no such design work has been done to make the higher density acceptable.**

Our ref: 06-076/JSD/jh
Email: jsd@bsm.uk.com
Direct dial: 01733 556491

19 November 2009

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Dear Miss McSherry

**USE OF LAND FOR ONE EXTENDED GYPSY FAMILY
LAND SOUTH OF A47 AND EAST OF GREAT NORTH ROAD,
WANSFORD, PETERBOROUGH
YOUR REF: 09/00942/FUL**

I write on behalf of Mr P Singh, the owner of the site which lies immediately to the north of the application site and which has planning permission for a roadside restaurant and accommodation granted under LPA reference 07/01027/OUT on 8 July 2008.

Mr Singh objects to the proposal.

The application site

- falls outside the development limits of any settlement,
- is in the open countryside.

There is a presumption against development in such locations National planning policy PPS7 and Peterborough Local Plan (First Replacement) (adopted 2005) policy LNE1.

The site is identified on the Peterborough Local Plan (First Replacement) proposals Map (adopted 2005) as being:-

- within an Area of Best Landscape and
- the Nene Valley

These areas are covered by planning policies LNE5 and LT11 and LNE8 of the Local Plan and the saved policies of the Local Plan.

The policies relating to the Area of Best Landscape and Nene Valley aim to protect the special character of the area and the proposal will be entirely at odds with this.

The site also, in part, falls within an area of Flood Land and Wash Land within which policy U5 is relevant.

Directors

Tony Barker *BSc FRICS*
Stephen Hawkins *BSc (Hons)*
Richard Jones *BSc MRICS*
John Dadge *Dip TP MRTPI*
Alan Matthews *BSc FRICS*
Richard Adam *BSc MRICS*
Michael Sumpster *FRICS*
Robert Houlton-Hart *FRICS*
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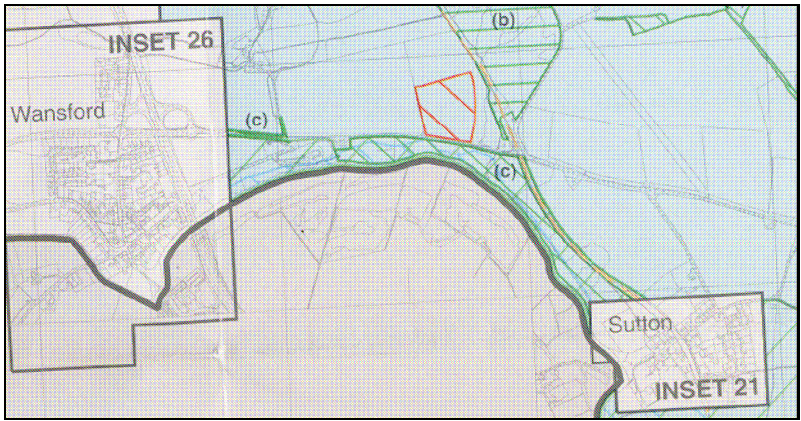
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The nearest settlements to the application site are Wansford and Sutton which are approximately 1.3km and 2.2km from the application site and neither of these have a significant service base.

Furthermore the A47 is heavily trafficked and it would be unsafe for adults or children to cycle or walk from the application site to these settlements.

In addition the range of services within the adjacent settlements is extremely limited and any residents on the site would, for example, have to travel to enjoy a comprehensive range of services and facilities and in particular to meet the educational needs of any resident children.

Peterborough Local Plan (First Replacement) Policy H27 provides a criteria based policy for the assessment of proposals for gypsy caravan sites and in this context it is contended that the proposal will have an a) adverse impact on the appearance and character of the area within which it would be situated and b) is not within a reasonable distance of local facilities and services. It is also considered that, if approved, c) the proposal could have an adverse impact on the amenities of the occupiers of, what will be, the adjacent, roadside restaurant and accommodation when that approval is implemented.

Accordingly the proposal is also considered to be in conflict with policy H27.

Having regard to the above as the Council is not intending to produce gypsy and traveller DPD and the Council's Core strategy submission document has not yet been adopted significant weight must be attached to the development plan in the form of the Adopted Local Plan and Saved Policies of the adopted local plan.

The proposal is clearly in conflict with the policies contained within the development plan and we would therefore request that this application is refused.

Yours sincerely

BARKER STOREY MATTHEWS

24 November 2009

Mr N Harding
Development Control Manager
Peterborough City Council
Planning Department
Stuart House
St John's St
Peterborough
PE1 5DD

Dear Mr Harding

157-161 Fletton Avenue; 09/01155/FUL

I act for Fair-Play for Fletton, a group of local residents. As you will be aware Fair-Play for Fletton were instrumental in obtaining a judicial review of the previous permission on the site.

Fair-Play for Fletton object to the application for a number of reasons as follows

1. Severe loss of daylight and sunlight to adjoining properties, contrary to policy DA2 of the Local Plan
2. Overlooking of private gardens of adjoining property, thus harming amenity contrary to policy DA2 of the Local Plan
3. The buildings extend well forward of the established building line in this part of Fletton Avenue, harming the very basic character of the area, contrary to policies DA1 and DA2 of the Local Plan
4. The buildings are higher than adjoining properties, again harming the basic character of the area, contrary to policy DA2 of the Local Plan
5. The parking court is too cramped with every measurement at its minimum. The courtyard will have no design quality at all with an environment totally dominated by the car, contrary to policies DA1 and DA 2 of the Local Plan
6. There is inadequate private amenity space, below the Residential Design Guide standards cited in the Local Plan, contrary to policy H16 of the Local Plan

These reasons have been previously articulated by other objectors to the application.

Yours sincerely

David Shaw

David Shaw MA MRTPI

157-161 FLETTON AVENUE

LIST OF COMPLAINANTS

1.	J.E. Baker	8 Manor Avenue
2.	Margaret Baker	8 Manor Avenue
3.	John Bedford	5 Garrick Walk
4.	Patricia Bedford	5 Garrick Walk
5.	David Beeby	134 Fletton Avenue
6.	C. Bortlik	5 Manor Avenue
7.	J. Brennan	2 Manor Avenue
8.	N. Brennan	2 Manor Avenue
9.	M. Carter	4 Garrick Walk
10.	David Clarke	171 Fletton Avenue
11.	Ann Conmy	1 Manor Avenue
12.	J. Coupland	132 Fletton Avenue
13.	Richard Crossland	169 Fletton Avenue
14.	Alistair Dales	136 Fletton Avenue
15.	Stephanie Dales	136 Fletton Avenue
16.	S. Doherty	18 Manor Avenue
17.	S. Dunkley	23 Manor Avenue
18.	Amber Foley	153 Fletton Avenue
19.	Courtney Goddard	151 Fletton Avenue
20.	L.P. Goddard	151 Fletton Avenue
21.	S. Goddard	151 Fletton Avenue
22.	Matt Goodey	1 Garrick Walk
23.	Alex Griffin	10 Manor Avenue
24.	J. Harrison	163 Fletton Avenue
25.	Andrew Hicks	140 Fletton Avenue

26.	W. Kazimierow	145 Fletton Avenue
27.	Adrian Keep	165 Fletton Avenue
28.	W.G. Keep	147 Fletton Avenue
29.	L. Lewandousk	21 Manor Avenue
30.	A. Mansfield	1 Garrick Walk
31.	Gerald Mansfield	144 Fletton Avenue
32.	Jasmine Mansfield	1 Garrick Walk
33.	T. Mansfield	1 Garrick Walk
34.	J. Martin	118 Fletton Avenue
35.	Lukasz Laba	163 Fletton Avenue
36.	Jenifer O'Leary	138 Fletton Avenue
37.	Malcolm O'Leary	138 Fletton Avenue
38.	J.E. Meadows	3 Garrick Walk
39.	P. Meadows	3 Garrick Walk
40.	Mario Noviello	142 Fletton Avenue
41.	K. Oxborough	10 Manor Avenue
42.	Andrew Pawlak	2 Garrick Walk
43.	Tina Pawlak	2 Garrick Walk
44.	Anna Pawlowska	21 Manor Avenue
45.	Stephen Pilks	149 Fletton Avenue
46.	P. Sadler	16 Manor Avenue
47.	Anna Savona	6 Manor Avenue
48.	Carme Savona	6 Manor Avenue
49.	Wayne Schaffer	142 Fletton Avenue
50.	David Schwinger	20 Manor Avenue
51.	Debra Schwinger	20 Manor Avenue
52.	David Sharpe	155 Fletton Avenue
53.	Julie Sharpe	155 Fletton Avenue
54.	P. Slinger	140 Fletton Avenue

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|------------|--------------------|---------------------------|
| 55. | C. Snowdon | 17 Manor Avenue |
| 56. | C.A. Wilmer | 14 Manor Avenue |
| 57. | R.F. Wilmer | 14 Manor Avenue |
| 58. | Oliver Wier | 141 Fletton Avenue |
| 59. | A.M. Wolfe | 153 Fletton Avenue |
| 60. | C. Woodford | 3 Manor Avenue |

**PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE - 8 DECEMBER 2009**

ITEM NO. 04 - APPLICATION REF: 09/01155/FUL

**PROPOSAL: CONSTRUCTION OF 10 TWO-BED AND 4
ONE-BED APARTMENTS IN THREE BLOCKS
(PART RESTROSPECTIVE) AT 157-161 FLETTON
AVENUE, FLETTON, PETERBOROUGH**

1.0 INTRODUCTION

1.1 My name is John Ratcliffe. I am a Chartered Town Planner based in Peterborough and the planning adviser to the applicant and the architect for this application.

1.2 As noted by the Planning Officer this partly implemented scheme accords with the scheme approved under reserved matters by this Committee on 28 April 2009 (under reference 08/01540/REM) and granted permission on 19 June 2009.

2.0 BACKGROUND

2.1 Outline planning permission was granted in February 2006 (ref 05/01449/OUT) for the development of 14 flats in 3 blocks (with associated parking and communal open space) including access and siting.

2.2 The outline scheme approved (see attached plan) comprised three blocks - 2 blocks fronting onto Fletton Avenue with a central vehicular access and one block adjacent to the southern boundary of the site. Within the site there was a

central courtyard with 14 car parking spaces.

- 2.3 In August 2007 a S106 Planning Obligation was completed in respect of a financial contribution of £30,114 towards the provision by the Council of off-site public open space at Fletton Avenue/Whittlesey Road to serve this development.

3.0 PROPOSALS

Layout

- 3.1 The development proposed comprises three blocks - Blocks A and B (comprising 4 x 1 bed and 6 x 2 bed flats) fronting onto Fletton Avenue with a central 5.0 metre wide vehicular access, and Block C (comprising 6 x 2 bed flats) at the rear of the site, backing onto Garrick Walk, forming a visual enclosure to the view into the site from Fletton Avenue.
- 3.2 Within a central courtyard car parking for 14 cars is proposed, as well as two bin storage areas for 1100 litre 'Taylor' bins.
- 3.3 Four communal garden areas covering 22% of the site area are proposed.

Scale

- 3.4 To reflect the scale of the adjoining houses Blocks A and B will be 2.5 stories and Block C will be 2 stories.

Design

- 3.5 The two frontage blocks (A & B) facing Fletton Avenue have front elevations designed to appear as two pairs of semi-detached houses with bay windows to reflect the design and appearance of the adjoining dwellings. The upper flats in the roof area have roof lights to provide light but will maintain a plain unbroken roofscape.
- 3.6 The block at the rear of the site will be two stories only and has been designed to reflect the design of the adjacent dwellings in Garrick Walk to the south by the incorporation of gables in the southern elevation.
- 3.7 In order to reflect the materials which are characteristic of the area particularly the adjoining semi-detached houses to the east, the development will be constructed using red brickwork and grey roof tiles.
- 3.8 There will be two central refuse bin storage areas which will be screened by 1.8m high close boarded fencing. Because refuse collection vehicles operated by Peterborough City Council will not enter private areas, the refuse collection will be handled by a private contractor, obviating the need for a refuse collection area to be located at the front of the site.

Landscaping

- 3.9 It is proposed that the frontage of the site should be grassed with boundary shrub planting as a buffer between the development and Fletton Avenue.

3.10 The communal garden areas would comprise grass and shrub areas with trees in appropriate areas.

4.0 NEIGHBOURS' OBJECTIONS

4.1 My responses to the 18 letters of objection which have been submitted, are (in the order set out in the Planning Officer's Report) as follows:

- The scheme is two storey in appearance to reflect the adjacent housing and the materials are characteristic of the area.
- The application was accompanied by a Design and Access Statement required by the Government since August 2006 superseding site appraisals.
- The bay window design reflects the design of the adjacent houses and does not obstruct any visibility splays.
- As a brownfield site previously covered with buildings and concrete there would be no loss of trees.
- The layout accords with all safety requirements.
- The tenure of the flats is not material consideration.
- The principal outlook from Block C is towards the central courtyard with

kitchen, bathroom and bedroom 2 at the rear.

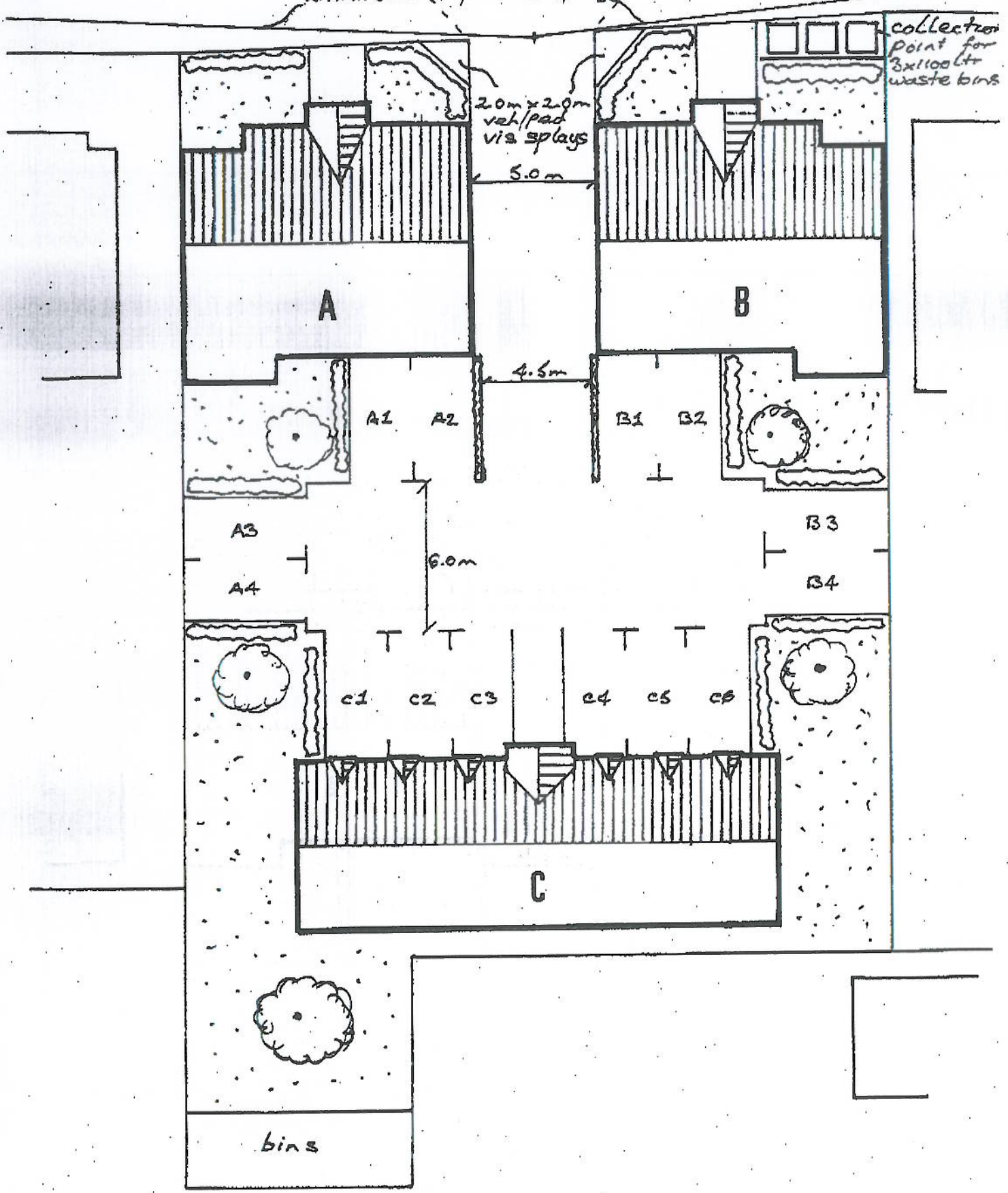
- The development comprises a high density scheme according to Government policy for a site only one mile from the city centre on a main bus route.
- The scheme has been designed to complement the existing houses.
- The buildings are 2 and 2 ½ storey only.
- External fire escapes are unnecessary and heating ducts are a Building Regulations matter.
- The siting of the proposed blocks are as originally approved.
- There will be no overlooking of existing properties or loss of light.
- The parking provision accords with the City Council standard.
- The refuse storage areas will be managed as part of the overall management of the site.
- Drainage is a Building Regulation matter.
- This scheme accords with previous planning approvals.

- The proposal is for a residential use replacing a commercial use and will not result in increased noise.
 - Building work was lawfully commenced under the approval granted in June 2009.
 - There is already a variable building line to Fletton Avenue.
 - Loss of property values is not a material planning consideration.
 - Flats will provide for a variety of accommodation.
 - Damage by construction work is not a planning matter.
 - The on-site amenity space covers 22% of the site.
 - The development will not affect neighbouring trees.
 - The scheme accords with Government planning policy and saved Local Plan policies.
 - There is no requirement for the applicant to undertake pre-application consultation.
 - The Manor Drive visibility will not be affected.
-

- Parking provision is as originally approved.
- Landscaping is proposed to the frontage and within the site.
- Lighting details will be agreed.
- The internal layouts have not changed to the plans previously approved.
- Access to the flats will accord with the Disability Discrimination Act 1995 and Part M of the Building Regulations.
- Flues will not interfere with access to the site.
- The car parking will not interfere with the opening of windows which are set 1.0m above ground level.

5.0 CONCLUSIONS

- 5.1 The layout, scale and design accord with previous approvals and the appearance of the scheme reflects the character of the adjacent housing.
- 5.2 The Committee is therefore requested to approve this application.



SITE LAYOUT

SCALE 1:200

JER ASSOCIATES
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