

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 7 JULY 2009
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Martin Whelan Telephone: 01733 452323 e-mail address martin.whelan@peterborough.gov.uk
<i>Despatch date:</i>	<i>Monday 29 June 2009</i>

AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Martin Whelan on 01733 452323.

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6. Enforcement Action in Dogsthorpe Ward 91 - 92**

In accordance with standing orders, Members are asked to determine whether agenda item 6 – Enforcement Action in Dogsthorpe Ward, which contains exempt information relating to individuals as defined by paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972 should be exempt and the press and public excluded from the meeting when it is discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

* This item is **provisionally** subject to a revised speaking scheme with up to 30 minutes provisionally allocated to each group of speakers.

** This item is not subject to the public speaking scheme.

MEMEBRS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE COMMITTEE

Councillor N North (Chairman), Councillor M Burton (Vice-Chairman), Councillor M Todd, Councillor C Ash, Councillor C Burton, Councillor P Kreling, Councillor S Lane, Councillor P Thacker, Councillor P Winslade and Councillor Y Lowndes

Subs: Councillors: K Sharp

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



Minutes of a meeting of the Planning and Environmental Protection Committee held at the Council Chamber - Town Hall on 14 April 2009

MEMBERS PRESENT:

Councillors M Todd (Chairman), P Hiller (Vice-Chairman), C Ash, M Cereste, P Kreling, S Lane, P Thacker and I Walsh

OFFICERS PRESENT:

Barry Fagg – Interim Head of Planning Services
Theresa Nichols – Planning Delivery Manager
Nick Harding – Planning Team Leader
Susan Marsh - Principal Planning Officer (Minerals & Waste)
Julie Smith – Highways Advisor
Carrie Denness – Legal Advisor
Martin Whelan – Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Cllr Charles Day and Cllr Colin Burton.

2. Declarations of Interest

Cllr Thacker –

- 5.1 - Declared a personal interest as she was associated with the Ward Councillor, but that this would not affect her decision.

Cllr Walsh –

- 5.3 – Declared that she was Ward Councillor for Stanground Central but that it would not affect her decision.

Cllr Cereste –

- 5.2 – Declared a personal and prejudicial interest due involvement with the PCT and OP, and withdrew from the chamber for the duration of the item.
- 5.3 Declared that he was Ward Councillor for Stanground Central but that it would not affect her decision.
- 5.4 Declared a personal interest

Cllr Kreling

- 5.4 Declared a personal interest

Cllr Lane

- 5.1 Declared that he knew one of the speakers (John Bartlett), but that this would not affect his decision.
- 5.4 Declared that he knew one of the speakers (Chris Yorke), but that this would not affect his decision.
- 5.6 Declared that a close work colleague had recently moved to a property on Victory Walk, but that this would not affect his decision.

Cllr Ash

- 5.4 Declared that he was a members of the “Members Waste and Recycling Working Group” but that the issue hasn’t been discussed, and wouldn’t affect his decision.

Cllr Todd

- 5.4 Declared that she was a ward councillor but that this would not affect her decision

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

No Councillors withdrew to make representations as a Ward Councillor.

4. **Minutes of the meetings held on 17 February 2009**

The minutes of the meeting held 17th February were agreed as a true and accurate record.

5. **Development Control and Enforcement Matters**

5.1 07/01296/FUL - Construction of Monument to Commemorate War Dead at The Green, Thorney, Peterborough

The Planning permission was sought for a war memorial to commemorate the people who lived in Thorney and died defending their country. The monument’s base measures approximately 1.9m x 1.9m with a total height above ground level of approximately 2.5m and will be constructed of natural stone. A paving area and a chain link will surround the monument measuring externally approximately 3.75m x 3.75m.

The committee received representations from a local resident, outlining concerns regarding the consultation process. The Clerk also read out a letter received from two residents outlining a wider of concerns.

Resolved : (Unanimous) To defer the item until such time a design acceptable to the National Trust and English Heritage is developed.

Cllr Cereste left the chamber

5.2 08/01392/FUL - Fitzwilliam House Bushfield Orton Goldhay Peterborough

The committee received an application for change of use from class D1 (non residential institutions) to A1, A2 or A3 (retail, financial and professional services open to visiting members of the public, and restaurants).

The committee received representations on behalf of the existing tenants, questioning the policy basis for making the decision. Representations were also received from the agent and applicant.

Resolved (Unanimous for): To accept officer recommendations and approve the application.

Reasons for the decision

Subject to the imposition of the conditions outlined in the committee report, the proposal was deemed acceptable having been assessed in the light of all material considerations, including

- weighting against relevant policies of the development plan and specifically:
 - the site is located within an allocated District Centre, where A-class uses are in principle acceptable
 - the building is of a size and scale appropriate to the Centre
 - the proposed change of use would have no material impact on the retail strategy
 - any A2 or A3 use would not contribute to a deficiency in convenience shopping
 - impact on nearby residents arising from any A3 use could be adequately controlled
 - parking and delivery space is provided
 - the proposal is therefore in accordance with Saved Policies R1, R7, R9 and T1 of the Peterborough Local Plan 2005 (First replacement)

5.3 08/01504/REM - 157 - 161 Fletton Avenue Fletton Peterborough PE2 8DB

The committee received an application for reserved matters planning permission for the appearance, scale and landscaping only, following approval of outline application 05/01449/OUT, which included the reserved matters of access and siting.

The proposal was for the provision of a two storey block of flats to the rear of the site, and two blocks of two and a half storey blocks of apartments fronting Fletton Avenue. Access to the site would be via a central access from Fletton Avenue to a central courtyard with 14 car parking spaces. Ten of the apartments are two bedroomed, and four one bedroomed.

The committee received representation from Cllr Rush (Ward Councillor) outlining a number of concerns surrounding the suitability of the scheme. The applicant also addressed the committee.

Resolved (Unanimous): To defer the item until the next available committee due to the lack of clarity and consistency on the different plans.

Cllr Cereste rejoined the meeting

5.4 08/01577/MMFUL - Proposed Integrated Materials Recycling Facility, Storeys Bar Road, Fengate

The committee received an outline application for a materials recycling facility which was proposed to be located on the Fengate Industrial Estate on the eastern fringe of the urban area of Peterborough approximately 2.5km from the city centre.

The former Ray Smith building is bounded by the existing MRF development to the northeast, Fengate/Storeys Bar Road to the northwest, vacant brownfield land to the southeast and existing small industrial units to the southwest. Further to the north east, beyond Fourth Drive, is Peterborough Power station.

The nearest residential buildings are the mobile home park approximately 680m to the south west. The residential area of Parnwell lies some 2km to the north east.

The committee received representations from three objectors who raised a number of issues including;

- Proposal is contrary to local, regional and national planning and waste policy
- Concerns about the quality and robustness of the consultation process
- Highways concerns
- Whether the scheme is actually necessary.

The committee also received representations from Mike Brown (supporter).

Resolved (Unanimous) : To approve the application subject to the conditions outlined in the committee report and the addition of an additional condition related to noise.

It was agreed that the wording of the additional condition to be resolved through the Chairman's delegation process.

Reasons for the decision : Subject to the imposition of the conditions outlined in the committee report, the proposal was considered to be acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The building was constructed for B2, general industrial purposes, and is considered suitable in policy terms as a location for waste management development.

The proposal relates to the relocation of an existing facility currently located on an adjacent site. The building is large enough to enable all the activities relating to the recycling operations to be contained within it thereby minimising the impact on the surrounding area and potentially improving amenity by reducing or preventing litter, noise, dust and other amenity impacts. It will also allow the co-location of some other waste management operations - the waste transfer station and the EARF – essential to the effective management of waste in the city and increasing recycling rates.

The facility will facilitate sustainable waste management by increasing recycling in accordance with the waste hierarchy. It is acknowledged that the throughput of the facility will be greater than that generated as recyclable municipal waste within the Council area. However, other waste will be commercial waste generated here or municipal waste which is being sent to the 'nearest appropriate facility' for the particular waste type due to the paucity of waste management facilities throughout the country. The current facility has no restrictions on its operations but the applicant has agreed to a catchment area restriction to be applied to the new facility.

Overall it is considered that the proposal complies with national planning guidance and regional and local development plan policies and will be beneficial in environmental terms. It is essential to the Council's integrated waste management plans to increase recycling of as wide a range of materials as possible and to increasing recycling rates.

5.5 09/00114/R3FUL - Adjacent Footpath North East Of Bretton Park Pavilion Flaxland Bretton - Provision of Water Facility

The committee received an application for the construction of a 500sq.m water play facility incorporating 3 water features of various sizes and shape set in multi coloured rubberised soft fall material and treatment and recycling systems for the water used in the facility. The proposal also included a 2.4m high green powder coated Betafence Securifor 3D security fencing with 2 pedestrian gates (1200mm wide) and a pair of vehicular access gates (3500mm wide). The project also included a connection into the mains sewage at the front of the existing Pavillion.

The committee received representations from the Ward Councillors, who clarified a number of issues with regards to the scheme.

Resolved (Unanimous) : To accept the officer recommendations subject to the imposition of the conditions outlined in the committee report.

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

- The proposed water facility is considered acceptable because it is related to the type of land use that is considered acceptable within the existing North Bretton Park. It is therefore in accordance with both local plan and national policies such as LT9 (Development of Leisure Facilities) of the Peterborough Local plan and PPG17 (Planning Open Space, Sport and Recreation)
- The scale, design and location of the water facility will not distort or spoil the visual character or amenity of the area because such land use will blend with the existing land use within North Bretton Park. The proposed supervision by Park Rangers that will be put in place and the installation of CCTV will assist to reduce and deter crime or anti-social behaviour. The Proposal therefore is in accordance with both local plan policy and national policies such as policies DA2 and DA11.
- The scale and location of the proposed water facility will not affect existing vehicular access to the Park or the existing footpaths or public right of way within the North Bretton Park. It is therefore in accordance with policies T2 and T4 of the Adopted Peterborough Local (First Replacement).
- The proposed water facility will not alter the existing access to Bretton Park. Given that the park is accessible by cycle route, pedestrian footpath and public transport, the scheme is considered to be sustainable because it will attract limited use of private cars to the water facility. The proposal therefore is in accordance with both local plan and national policies such as policies T1, T2 and PPS1.

Cllr Hiller left the meeting

5.6 09/00170/FUL - Retrospective Revised Scheme at 78-80 Welland Road, Peterborough

The committee received a retrospective application for the construction of a bungalow which has been completed and occupied at the rear of the plot. The proposal also contained a detached garage situated close to the boundary on the south-west side, with access via a driveway alongside 78 Welland Road.

The committee received representations from the Ward Councillors, who raised concerns about the lack of compliance with previous planning permissions and lack of privacy for neighbours. The committee also received representations from applicant.

Resolved (4 for, 1 abstention and 2 against) to refuse the application

Reason : The application is contrary to policy DA6.

6. Design Review Panel

The committee received a revised report requesting approval for the creation of a "Design Review Panel". The committee raised a number of concerns and reservations regarding the plans, but following discussions it was agreed to approve the establishment (5 for and 2 not voting) of a Design Review Panel.

Cllr Cereste left the meeting

7. Planning Performance Agreement Charter

The committee received a report proposing the development of a planning performance agreement charter. It was noted that recommendation 2 would be passed to Scrutiny Committee as the committee was not authorised to establish working group. Officers confirmed a number of technical points with regards to the implementation of the scheme. The committee approved the recommendation to create a charter and charging structure.

8. Enforcement Action in West Ward

The committee resolved to deal with item 8 in exempt session.

The committee considered the information presented by Planning Officers and resolved (6 for and 1 against) to take no further action.

CHAIRMAN
Times Not Specified

Minutes of a meeting of the Planning and Environmental Protection Committee held at the
Bourges/Viersen Room - Town Hall
on 28 April 2009

MEMBERS PRESENT:

Councillor Todd, Cllr Hiller, Cllr Ash, Cllr Cereste, Cllr C Day, Cllr Thacker, Cllr Walsh, Cllr Lane, Cllr Kreling and Cllr Burton

OFFICERS PRESENT:

Theresa Nicholl, Planning Delivery Manager
Carrie Denness, Planning Lawyer
Julie Smith, Highways Officer
Martin Whelan, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Cllr Lane.

2. Declarations of Interest

Cllr Day declared that in relation to item 4.1 he knew some of the speakers but that this would not affect his decision.

Cllr Walsh declared that she was one of the ward councillors for item 4.2 but that this would not affect her decision.

Cllr Cereste declared that his role as chairman of the Peterborough Primary Care Trust would not effect his decision in relation to 4.1.

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

N/A

The Legal Officer advised the committee than an allegation had been made about potential lobbying in relation to item 4.2. The committee confirmed that they had not been approached.

4. Development Control and Enforcement Matters

4.1 08/01525/FUL – Newborough Branch Practice, 42 School Road, Newborough, Peterborough

The committee received an application seeking permission for a change of use of the old doctors' surgery (D1 Non Residential Institutions) to a pharmacy (A1 Retail). It was proposed that the internal floor space would be arranged to provide a prescription counter, retail area for non prescription goods, two consulting rooms, a drug storage area, an office, staff toilet and small kitchen space. No external alterations were proposed to the existing building. Off road customer parking and a designated service/delivery area would be provided to the rear of the building.

The committee received representations from the Parish Council, Ward Councillor and local residents. The concerns raised included;

- Potential increased traffic levels

- Viability of a second pharmacy and lack of local need for facility
- Concern about future use of the building if planning permission was granted.

The applicant spoke in favour of the application and answered questions raised by the committee.

Resolved: (3 for, 1 against, 6 did not vote) to authorise the Head of Planning Services to grant planning permission.

Reason for decision: Subject to the imposition of the agreed 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 provision of the scale of the development is considered commensurate to the size of Newborough Village.
- The proposed change of use will not result in any material change to the external appearance of the building and will not therefore result in any change to the visual amenity of the area.
- The proposed change of use is not considered likely to generate any increased levels of footfall to the site than when it was used as a doctor's surgery. The proposal will not therefore result in any increased detrimental impact on the residential amenities of local residents in terms of noise and nuisance arising from the use and its associated activities.
- Adequate onsite parking, delivery area and a means of access are provided and the site is accessible by a variety of modes of travel. It is not considered therefore that the proposal will result in a detrimental impact on highway safety.
- The proposal is therefore in accordance with policies T1, T10, DA2 and R10 of the Peterborough Local Plan (First Replacement).

4.2 08/1504/REM – 157 – 161 Fletton Avenue, Fletton, Peterborough, PE2 8DB

The committee received an application for reserved matters planning permission. The application covered appearance, scale and landscaping only. The application followed the approval of outline application 05/01449/OUT, which reserved matters of access and siting.

The proposal was for the provision of a two storey block of flats to the rear of the site, and two blocks of two and a half storey blocks of apartments fronting Fletton Avenue. Access to the site would be via a central access from Fletton Avenue to a central courtyard with 14 car parking spaces. Ten of the apartments are two bedroomed, and four one bedroomed.

The committee received representations from a local resident and the applicant. A statement from Cllr Rush (Ward Councillors) was read to the committee. The concerns of the local residents included;

- Questioning the procedural and administrative validity of the original application and the manner in which the deferral was managed, specifically the availability of revised drawings.
- Potential overshadowing of 163 Fletton Avenue
- Building control, health and safety issues and bin access/management issues

The applicant responded to the questions raised by the previous speaker and answered questions raised by the committee.

Resolved: (Unanimous for) to authorise planning permission subject to the approval of the bin management scheme via the Chairman delegation.

Reason for decision: Subject satisfactory amended plans being received and 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 appearance, scale and landscaping of the 14 apartments are considered to be compatible with their surroundings with no adverse impact on the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policies DA1, DA2 and LNE9 of the Peterborough Local Plan 2005 (First Replacement).

5. Report on appeals

The committee noted a report on recent appeal activity.

6. Emerging Planning Policy on Prestige Homes in Peterborough

The Planning Policy Manager introduced the report and asked the committee to note the emerging planning policy. The committee noted the report and made the following comments;

- “Fickleness of fashion”
- Concerns about interfering with the market
- Matching supply and demand
- Clarification on the consultation undertaken
- Is the policy required, and are other existing policies sufficient?
- Possibility of altering the planning obligation scheme to encourage executive housing, however it was explained that any relaxation to aid executive housing would be subject to legal challenge.
- Importance of looking to the future

7. Enforcement Action in Park

The committee received an enforcement item in Park Ward, and resolved unanimously to accept officer recommendations.

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Minutes of a meeting of the Planning and Environmental Protection Committee held at the
Council Chamber - Town Hall
on 2 June 2009

MEMBERS PRESENT:

Councillors N North (Chairman), M Burton (Vice-Chairman), M Todd, C Ash, P Kreling,
S Lane, P Winslade and Y Lowndes

OFFICERS PRESENT:

Carrie Denness, Principal Lawyer
Alex Daynes, Senior Governance Officer
Julie Smith, Environment and Transport Services
Jez Tuttle, Environment and Transport Services
Dale Barker, Planning Services
Nick Harding, Planning Services
Jim Daley, Principal Built Environment Officer

1. Apologies for Absence

Apologies for absence were received from Cllr C Burton and Cllr P Thacker.

2. Declarations of Interest

Cllr Lane declared that he was acquainted with the applicant for item 4.3 but this would not affect his decision.

Cllr North declared that his step daughter attended Arthur Mellows Village College (agenda item 4.5) but this would not affect his decision.

Cllr M Burton declared that he had met with the owners of 83 Percival Street (agenda item 4.9) on past occasions but this would not affect his decision.

Cllr Kreling declared that she had a personal interest in a premise named in the exempt annex (agenda item 4.8) but this would not affect her decision.

Cllr Lowndes declared that she had previously been involved in the sale of the premise at 98 Dogsthorpe Road (agenda item 4.11) but this would not affect her decision.

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

Cllr Todd declared that she would be making representation as a Ward Councillor for agenda item 4.2, Bikes Trikes and Stuff.

4. Development Control and Enforcement Matters

4.1 09/00258/FUL: ERECTION OF 13 DWELLINGS WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING AT 17 OUNDLE ROAD PETERBOROUGH PE2 9PB.

Planning permission was sought for the construction of 13 dwellings with associated access, car parking and landscaping at 17 Oundle Road, Peterborough. The planning officer advised an amendment to the report to show that four parking spaces were proposed for the existing office use in 17 Oundle Road. The planning officer advised the committee that outstanding issues still remained regarding contributions to an S106 agreement and these should be resolved before permission was granted for the development.

Local resident, Mrs Wheeler, spoke in objection to the application and raised the following concerns:

1. The size of the properties, 2 bedrooms, was not in keeping with the local area which mainly comprised of 3 bedroom houses.
2. The size of the houses would not encourage families and would instead encourage buy to let ownership and therefore a transient population which would not enhance and improve the local community.
3. Increase of traffic on an already busy road.
4. The small size of gardens were not suitable for families.
5. Effects on the biodiversity of the area with the potential threat to existing trees and bushes.

The agent for the application, Lance Wiggins, addressed the committee advising the following:

1. The development was on a brownfield site in a residential area and included a mix of detached, semi-detached and terraced housing.
2. Garden sizes met the requirements for 2 bedroom houses; the size of the gardens did not allow for some 3 bedroom houses that were originally planned.
3. The access and layout had been modified after consultation with officers and the design was in accordance with the local area.
4. The property sizes were approximately 80m² which is generous for a 2 bedroom property.
5. There was no formal arrangement to use the four proposed parking spaces for the office and/or residents for weekends or evenings. A formal agreement could be put in place.
 - The planning officer advised the committee that this would involve a private agreement between the developer and the office users.

The Senior Engineer, transport, advised the committee that construction traffic would be directed via the least disruptive route to the site from the Parkway system whether along Oundle Road, London Road or through the city centre. Improvements to the bus stops near the site had been recommended and would be included in the S106 discussions taking place.

Resolved: (8 for 0 against) to authorise the Head of Planning to grant planning permission subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the education, community, public open space and public transport needs of the area.
2. Amended highway conditions to be 'pink slipped' for the Chairman of the committee to approve.
3. The conditions contained in the report and subsequent amendments contained in the update report namely C9 and C11 of the committee report to be superseded by C20 and C21 respectively in the update report.

Reasons:

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

1. The site was well connected to services and facilities.
2. Residential amenity including outdoor space and car parking was provided in accordance with recognised standards.
3. Access to highway network was satisfactory for vehicles, pedestrians and cyclists.
4. Provision had been made for the infrastructure requirements arising from the development.
5. The proposal was therefore in accordance with Policies H7, H15, H16, T1, T3, T9, T10, DA1, DA2, DA6, DA11, LNE9 and IMP1 of the Peterborough Local Plan 2005 (First replacement).

Cllr Todd left the committee.

4.2 08/01602/FUL: CONTINUED SITING OF 3 STATIC CARAVANS FOR USE AS STORAGE, OFFICE/CANTEEN AND NIGHT WATCHMANS HUT AT BIKES TRIKES AND STUFF, FIRST DROVE, FENGATE, PETERBOROUGH.

The planning officer advised the committee that the application would now involve the siting of 1 static caravan. The committee was requested to determine whether the siting of 1 static caravan would represent a 'residential development' within an industrial area.

Cllr Todd, as Ward Councillor, spoke against the application and sited the following objections:

1. The use of the caravans currently on site constituted residential use – washing clothes, cooking, sleeping etc.
2. The portrayal as a residential area would detract from the industrial use of the area.
3. The rear of the site is open to public view from public footpaths and could encourage criminal activity if thought to be residential.
4. The permanent facilities on site already allow space for security staff to work.

Resolved: (5 for, 2 against) to authorise the Head of Planning Services to grant planning permission subject to the conditions as outlined in the committee report and subsequent update report including the monitoring by officers of the use of the site to ensure the caravan is not used for residential purposes and subsequent caravans be removed.

Reasons:

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

- The site was located within an identified General Employment Area, where ancillary uses to Use Classes B1, B2 or B8 were in principle acceptable;
- The proposed caravan for use as out of hours security would significantly improve the security of the site and surrounding area and had been supported by several of the premises surrounding and Cambridgeshire Police; and

- The caravan would not have a significantly detrimental impact on the overall character of the surrounding area.

Cllr Todd returned to the committee.

4.3 08/01239/FUL - THE ERECTION OF A TEMPORARY SPORTS CLUB HOUSE INCLUDING CATERING, BAR AND CHANGING FACILITIES (RETROSPECTIVE) ON LAND TO THE NORTH OF THE FORMER BRETTON WOODS COMMUNITY SCHOOL SITE, BRETTON PARK, BRETTON

Retrospective planning permission was sought for the erection of a temporary sports club house including catering, bar and changing facilities on land to the north of the former Bretton Woods Community School site, Bretton Park, Bretton. The committee was advised that the upgrading of the tennis courts would be addressed when a permanent application had been received as it was considered unreasonable to condition an upgrade within a temporary application.

Cllr Fitzgerald spoke as ward Councillor in support of the application raising the following issues:

1. The applicant has always dealt swiftly with any noise complaints (none since January 2009).
2. Council did not advise applicant permission was needed for temporary facilities.
3. Full support of the Ward Councillors to provide sport in the area.
4. Many objections are landlord and licensing issues, not planning concerns.
5. Plans are in place to improve access roads.

The applicant, Mr Andy Moore, addressed the committee raising the following points:

1. The club has needed a permanent base for many years.
2. The Council had approved use of the land for the rugby club with a 60 year lease and cricket and tennis facilities will also be provided.
3. A permanent application was close to being finalised before submission as the temporary facilities are not fit for the future of the club.

Resolved: (8 for, 0 against) to authorise the Head of Planning Services to grant planning permission subject to the conditions in the committee report and update report.

Reasons:

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

- The marquees and portacabin buildings were acceptable as ancillary facilities, on a temporary basis, in association with the use of the adjoining playing fields for the playing of competitive Rugby and Cricket and would be in keeping with the Authority's Sports Strategy and accord with policy LT10 of the Peterborough Local Plan (First Replacement)
- The use of the marquees for non-Rugby related functions were acceptable on the grounds that such functions were only sporadic, that they were helping to fund the development of the Rugby Club, the site was located within walking distance of the Bretton Centre and over time the functions had not been detrimental to the amenities of the occupiers of the nearby residential properties in accordance with policies DA2, and T7 of the Peterborough Local Plan (First Replacement).

- The parking provision for the Rugby Club and independent functions was considered to comply with policy T10 of the Peterborough Local Plan (First Replacement).

4.4 09/00244/FUL TWO STOREY SIDE, SINGLE STOREY REAR AND FRONT AND TWO STOREY FRONT EXTENSIONS AT 39 FARLEIGH FIELDS, ORTON WISTOW, PETERBOROUGH PE2 6YB

Planning permission was sought for a two storey side, single storey rear and front and two storey front extensions at 39 Farleigh Fields, Orton Wistow, Peterborough PE2 6YB. Issues raised were focused on the front-right aspect of the proposed house extension as this section was closest to a neighbouring property. An additional condition concerning a border Leilandii hedge had been included in the update report.

Mr Cleworth, owner of the neighbouring property addressed the committee with the following issues:

1. Allocated space needed for contractor vehicles.
2. Working hours of builders should be limited to those imposed on a previous application.
3. The Leilandii hedge was Mr Cleworth's property and should not be removed at all as this could undermine the foundations of his property.
4. The need for protective screening from building works.

The agent for the applicant, Mr David Shaw, addressed the committee and raised the following issues:

1. Issues raised by Mr Cleworth were not planning issues but for neighbours to resolve.
2. There was no intention to remove the boundary hedge.
3. The view from the bedroom of the finished extension would overlook the neighbouring property less than the existing one.
4. The style of the property is very similar to neighbouring properties.
5. Building conditions would ensure safety guidelines are followed but extra safety conditions would be acceptable.

Resolved: (8 for, 0 against) to authorise the Head of Planning to grant planning permission subject to the conditions imposed in the committee report and the following additional conditions:

1. Removal of conditions concerning the Leilandii hedge.
2. Working hours of contractors and storage of construction materials and machinery on site to meet the conditions set out for the previous extension of number 40 Farleigh Fields.

Reasons:

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

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

4.5 09/00313/FUL: CONSTRUCTION OF NEW GYM AND REFURBISHMENT OF EXISTING GYM TO FORM AN INNOVATION CENTRE AT ARTHUR MELLOWS VILLAGE COLLEGE, HELPSTON ROAD GLINTON.

Planning permission was sought for the construction of new gym and refurbishment of existing gym to form an innovation centre at Arthur Mellows Village College, Helpston Road, Glinton. The committee was advised that construction traffic would enter the site from the rear of the school thus avoiding the main entrance and exacerbating traffic conditions.

Councillor Holdich, as Ward Councillor, addressed the committee raising the following issues:

1. The design of the new gym (large flat wall) will detract from the view of the village and school.
2. No noise prevention survey has been undertaken for local residences.
3. No consideration has been given to alternative heating solutions for the gym and swimming pool; solar panels a possibility for the pool.
4. No consideration given to changing the main access route for the school to alleviate local traffic problems.
5. The amounts of available outside sports and play areas after the construction.

The committee were advised that some of the issues raised were not land use issues and as such could only be addressed outside of this committee.

A motion was proposed to defer the application until issues relating to the facade of the gym, heating solutions, noise prevention and traffic access routes had been addressed with the developer. This motion was defeated as no other member of the committee supported the motion.

Resolved: (7 for, 1 against) to authorise the Head of Planning to approve the application subject to:

1. The conditions contained in the committee report and update report.
2. Planning Officers compose a strict letter to the Cabinet Member for Education, Skills and University requesting he addresses the committee's concerns regarding the design of the new gym, heating solutions, noise prevention measures and traffic access routes for the school.

Reasons:

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

- a) The design was acceptable and appropriate in this institutional context, it would have minimal impact on the amenity of nearby residents and could be accommodated on the site and the proposal therefore complied with policy DA2 of the Peterborough Local Plan (2005).
- b) The additional traffic generated by the proposal would be negligible and in view of the progress made with the school travel plan the LHA were satisfied that the proposal did comply with policy T1 of the Peterborough Local Plan (2005).
- c) The surface water from the site would be discharged to an Internal Drainage Board (IDB) drain at a rate that they considered acceptable and the additional foul would amount to an insignificant increase in sewage such that officers were satisfied that

there was adequate capacity and thus the proposal complied with policy U1 of the Peterborough Local Plan (2005).

THE COMMITTEE RESOLVED TO AMEND THE ORDER OF THE AGENDA

4.6 SHOP Forecourt Canopies - OVERVIEW AND DESIGN GUIDELINES

The committee received a report and was requested to support the design guidance on shop forecourt canopies as amplification of Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.

The report provided an overview of shop front canopies, particularly the use of fixed forecourt canopies in Peterborough. It also suggested design guidance for those considering the provision of a forecourt canopy to encourage a good quality shopping environment, a pleasant street scene and to maintain residential amenity. This guidance was provided as amplification of Policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.

The committee discussed the report and recommended alterations to the descriptions of roof pitch and the materials of the supporting frame.

Resolved: (7 for, 1 against) to accept the proposals in the report subject to the following:

1. In place of the text “not less than 18°”, regarding roof pitch design, this should read “normally 20°”, or words to such effect.
2. Following the wording “supporting frame”, relating to materials, the words “that shall be anodised, painted or otherwise galvanised”, shall be added.

Reasons:

Member support for this design guidance on shop forecourt canopies:

- Amplified policy DA21 (Canopies) of the Peterborough Local Plan (First Replacement) 2005.
- Provided specific planning advice which will be used as design guidance and assist in achieving the Council’s aim of improved design standards and the delivery of a high quality planning service.
- Had a significant impact on the enhancement of the city by ensuring that new shop forecourt canopies were both appropriate to their context and of demonstrable quality.

4.7 08/01472/FUL: ERECTION OF CANOPY AT 2 ELMFIELD ROAD, PETERBOROUGH.

Permission was sought to erect a canopy at 2 Elmfield Road, Peterborough. The committee was advised that the application was for a canopy only and did not include roller blinds as previously published. The roof of the canopy would be glass and not plastic. The committee was advised that the proposed canopy would only cover an area within the shop curtilage and not obstruct the public highway.

Resolved: (8 for, 0 against) to authorise the Head of Planning to grant planning permission subject to the conditions attached in the committee report.

Reasons:

It was considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement) and the Shop Forecourt Canopies – Overview and Design Guidelines policy that was agreed by this Committee.

4.8 09/00273/FUL: SINGLE STOREY REAR EXTENSION AND EXTERNAL CANOPY TO SHOPFRONT AT 83 PERCIVAL STREET, WEST TOWN, PETERBOROUGH.

The application sought permission for a single storey rear extension and external canopy to the shop front at 83 Percival Street, West Town, Peterborough.

The planning officer advised that he had no concerns with the proposed extension to the building but required the committee to consider the canopy aspect of the application.

Resolved: (8 for, 0 against) to accept the Officer recommendations to refuse planning permission as noted in the committee report. The committee requested that Planning Officers advise the applicant on how to reapply as only the canopy aspect of the proposal was found to be unacceptable and as such, the extension to the property would have been approved if in a separate application.

Reasons:

It was considered that the unattractive appearance of the proposed canopy would create an unduly obtrusive and incongruous feature in the street scene that would appear out of keeping with the character of the area. The proposal therefore conflicted with Policies DA21, DA1 and DA2 of the Peterborough Local Plan (First Replacement) and was unacceptable.

4.9 08/01223/FUL: RETAIL SHOP CANOPY AT 64-66 DOGSTHORPE ROAD, PETERBOROUGH

The application sought planning permission for a retail shop canopy at 64-66 Dogsthorpe Road, Peterborough.

Cllr Peach addressed the committee as Ward Councillor and highlighted the following issues:

1. High number of traffic accidents in the area.
2. Close proximity to the Park Ward conservation area.
3. Does not accord with Development Plan policies DA1 and DA2.
4. It is a residential area, not a business or commercial area.
5. It would set a precedent for canopies in the area.
6. No other canopies in the area.
7. No need to extend the space of the shop.

Resolution: (5 for, 2 against, 1 abstention) to authorise the Head of Planning to grant planning permission subject to:

1. The conditions contained in the committee report and update report.
2. All external appendages be removed outside of trading hours.

Reasons:

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

- The design of the canopy, added to the use of quality materials, would complement the existing shop front and it was considered that the proposal would not unduly harm the character and appearance of the area, the residential amenities of the neighbouring properties or highway safety. The proposal was

therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

4.10 08/01443/FUL: REPLACEMENT SHOP CANOPY AT 98 DOGSTHORPE ROAD, PETERBOROUGH

The application sought approval for a replacement shop canopy at 98 Dogsthorpe Road, Peterborough and to allow members to consider a design of canopy which has been the result of discussions between officers, local shop-keepers and agents following the erection of unauthorised shop canopies. The committee was advised that the application would now include glass panelling and improved iron works for the canopy.

Cllr Peach, as Ward Councillor, highlighted the following issues to the committee:

1. The application would not be in accord with sections DA1, DA2 and DA21 of the Development Plan Policies.
2. There had been no permission granted for the existing canopy.
3. Unacceptable amounts of rubbish generated from the premises.
4. The shop is based on a dangerous road junction and the canopy would exacerbate traffic incidents.
5. Proximity to the Park Ward conservation area.
6. Would not enhance the look of the area or the street scene.

The committee were advised to consider this application on its own merits and not to take into consideration past incidents or events.

A motion was moved to accept the Officer recommendation and approve the application. This motion was defeated (3 for, 4 against, 1 abstention).

Resolved: (5 for, 2 against, 1 abstention) to refuse planning permission.

Reasons:

It was considered that the unattractive appearance of the proposed canopy would create an unduly obtrusive and incongruous feature in the street scene that would appear out of keeping with the character of the area. The proposal therefore conflicted with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) and was unacceptable.

4.11 Enforcement Action associated with canopies

The committee received a report requesting it to note the situation in respect of the unauthorised development listed in part 1 of Annexe A and to agree the proposed action plan as detailed in the report, namely that appropriate enforcement action is taken against all the enforceable cases listed in part 1 of the above annexe.

Resolved: To agree to the recommended actions as detailed in the report.

Reasons:

To ensure that the most relevant policies in the Peterborough Local Plan (Adopted 2005) were enforced accordingly:

DA20 Security Shutters. External shutters will only be granted where there is a persistent problem of crime or vandalism which cannot be addressed satisfactorily by alternative methods.

DA21 Canopies. Canopies will only be granted if they can be installed without detracting from the character of the building or surrounding area.

DA8 Design of Extensions and Alterations. Extensions and alterations are acceptable if: their appearance is in keeping with the character of the existing building and the general character of the area; and their design, scale and location would not adversely impact on the amenities of neighbouring properties.

CHAIRMAN
1.30 - 5.50 pm



LOCATION PLAN 08/01365/FUL

French Farm, French Drive, Thorney, Peterborough

Scale 1:5000 **Date** 24/6/2009 **Name** MKB **Department** Planning Services

PCC GIS



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08/01365/FUL: ERECTION OF TWO WIND TURBINES WITH CONTROL BUILDING AND
 ANCILLARY WORKS AT FRENCH FARM THORNEY PETERBOROUGH
 VALID: 22 DECEMBER 2008
 APPLICANT: CORNWALL LIGHT AND POWER LTD
 REFERRED BY: HEAD OF PLANNING SERVICES
 REASON: TO KEEP MEMBERS INFORMED IN VIEW OF PREVIOUS INTEREST
 DEPARTURE: NO
 CASE OFFICER: DALE BARKER
 TELEPHONE: 01733 454411
 E-MAIL: dale.barker@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- i) Planning policy
- ii) The impact of the development on the character and appearance of the rural area
- iii) The cumulative impact of the proposed turbines with existing and potential turbines in the vicinity
- iv) Impact on Residential Amenity - Visual
- v) Impact on Residential Amenity - Noise
- vi) Aviation issues
- vii) Wildlife Implications
- viii) Highway Safety
- ix) Impact on National Gas Grid
- x) Trees
- xi) Other Issues - The Impact of the proposal on Agriculture, Property Values, Health, Shadow Flicker, Section 106 Obligation Implications

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

2 PLANNING POLICY

City Centre Framework Implications: NONE

Village Design Statement Implications: NONE

Central Government Advice

- **White Paper on Energy - May 2007 - Meeting the Energy Challenge**

In summary the White Paper is seeking to tackle climate change by reducing carbon dioxide emissions both within the UK to ensure a secure, clean and affordable energy provision as the country becomes increasingly dependent upon imported fuel.

The White Paper expands on the need for the country to save energy whilst at the same time focusing upon Renewables as the key to the Government's strategy to tackle climate change and deploy cleaner sources of energy.

The Governments target is to have renewable energy production to grow as a percentage of the country's electricity supply to 10% by 2010 with an aspiration for this level to double by 2020. The Renewables obligation is the main mechanism for promoting this growth. (The Government requires energy suppliers to provide a percentage of the energy they generate from renewable sources).

- **White Paper - Planning for a Sustainable Future - 2007**

The White Paper emphasises the need for an efficient and effective planning system. It emphasises the need for Local Authorities to make timely decisions whilst taking full account of representations from the public and those bodies consulted on an application. It sees that climate change is a key challenge facing this generation and that the targets that have been set by way of increasing percentages of renewable energy production are to be met. Applicants proposing renewable energy developments no longer have to justify a need for the proposal.

It makes reference to an emerging Planning Policy Statement on Climate Change where it will make it clear that the government will expect Local Authorities to look favourably upon proposals for renewable energy projects.

The Department of Trade and Industry published, in 1997, the Assessment and Rating of Noise from Wind Farms. To provide a framework for the measurement of turbine noise. It gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours. The report recommends:-

- The control of wind farm noise by the application of external noise limits at the nearest noise sensitive premises
- Setting limits relative to background noise
- Setting separate daytime and night-time limits
- Limits should be 5dB (a) above background
- A noise rating and monitoring scheme for developer/Local Authority adoption

- **Planning Policy Statement 22 (PPS22) - Planning for Renewable Energy**

PPS22 and its companion guide outline 8 key principles in the Government's approach to renewable energy. These are as follows:-

- (i) Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.
- (ii) Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards.
- (iii) At the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects. Planning policies that rule out or place constraints on the development of all, or specific types of, renewable energy technologies should not be included in regional spatial strategies or local development documents without sufficient reasoned justification. The Government may intervene in the plan making process where it considers that the constraints being proposed by local authorities are too great or have been poorly justified.
- (iv) The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission. This directs Planning Authorities to give a greater emphasis to the overall benefits of renewable energy than was previously given in PPS22.
- (v) Regional planning bodies and local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects (e.g. identifying generalised locations for development based on mean wind speeds).

Technological change can mean that sites currently excluded as locations for particular types of renewable energy development may in future be suitable.

- (vi) Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.
- (vii) Local planning authorities, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located. Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process, and before any planning application is formally submitted.
- (viii) Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

Regional renewable energy targets should be expressed as a minimum amount of installed capacity. The fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects. Nor should it be argued that the potential to generate substantial amounts of energy from offshore projects is reason to justify lower targets for onshore projects. The PPS also states that fixed targets for renewable development proposal should not be used.

Of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

Renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind turbines, or from associated sources - for example, traffic). Local planning authorities should ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels. Plans may include criteria that set out the minimum separation distances between different types of renewable energy projects and existing developments. The 1997 report by ETSU for the Department of Trade and Industry should be used to assess and rate noise from wind energy development.

The original PPG22 outlined noise levels from selected every day activities to compare with the noise levels generated by a wind farm development. A selection of these are:-

Source/Activity	Indicative Noise Level at dB(A)
Threshold of Pain	140
Pneumatic Drill at 7m	95
Car at 40mph at 350m	55
Wind farm at 350M	35-45
Quiet bedroom	20
Rural night-time background	20-40

- **Planning Policy Statement 7 - The Countryside, Environmental Quality and Economic and Social Development** seeks to integrate development necessary to sustain economic and social activity in rural communities whilst protecting the character of the countryside. It indicates that new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources.

- **Planning Policy Guidance Note 8 - Telecommunications** - This guidance indicates that the possibility of interference can be a material consideration. There are two types of interference. Electromagnetic by a radio transmitter or by unwanted signals emitted by other electrical equipment. If such potential for this kind of interference could be remedied then there would be no justification for taking it into account. Secondly there is the potential for a physical interference. The guidance specifically mentions that wind turbines fall into this category and that a Local Planning Authority must be satisfied that this potential has been fully considered.
- **Planning Policy Guidance Note 24 - Planning and Noise** - This gives guidance on the use of planning powers to minimise the adverse impact of noise and that noise can be a material consideration in considering the acceptability of development proposals. New development involving noisy activities should, if possible, be distant from noise sensitive land uses. Where it is not possible to achieve such a separation of land uses it should be considered whether it is practical to control or reduce noise levels, or to mitigate the impact of noise through the use of conditions or planning obligations.

Regional Planning Policy

The East of England Plan - The Revision to the Regional Spatial Strategy for the East of England - May 2008

Represents a 15-20 year vision to tackle climate change, address housing shortages and strengthen the region's economy.

The Plan sets out Renewable Energy Targets for the region and states that 'the development of new facilities for renewable power generation will be supported with the aim of meeting the following regional targets:-

By 2010 there is to be at least 1192 Megawatts of installed capacity for renewable energy and by 2020 there is to be at least 4250 Megawatts of installed capacity. These targets are equivalent to 14% of total electricity consumption in the East of England (or 10% excluding off shore wind) by 2010 and 44% (17% excluding off shore wind) by 2020. It goes on to advise that these targets are subject to meeting European and international obligations to protect wildlife, including migratory birds and to revision and development through the review of the Regional Spatial Strategy.

Development Plan Policy

Cambridgeshire and Peterborough Structure Plan

Keynote sustainable development policies in the Structure Plan set the framework for the County Council's vision for the future of the County.

Policy P7/7 of the Structure Plan relates specifically to renewable sources of energy advising that wind, biomass and solar systems will be considered favourably. It further advises specifically that Local Planning Authorities will consider areas of search for generating energy from wind where areas attain sufficient wind speed, do not adversely impact upon the residents of an area or the local environment and can be connected to new or existing energy demands.

Peterborough Local Plan (First Replacement)

- T1 - The Transport Implications of New Development
- DA2 - The effect of Development upon the Amenities and Character of an Area
- CBE2- Other Areas of Archaeological Potential or Importance
- CBE3 - Development affecting Conservation Areas
- CBE7 - Development affecting the Setting of a Listed Building
- LNE1 - Development in the Countryside
- LNE3 - Loss of Agricultural Land
- LNE9 - Landscaping Implications of Development Proposals
- LNE17 - Other sites of Nature Conservation Importance
- LNE19 - Protection of Species
- U5 - Floodland and Washland
- U12 - Protection of Utility Mains and Plant
- U14 - Energy from Renewable Sources

DETR Circular 1/97 "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) necessary;
- ii) relevant to planning;
- 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.

3 DESCRIPTION OF PROPOSAL

The proposal is for the erection of 2 identical wind turbines to measure 60m to hub (nacelle) height and 100m to the blade tip. The blades will have a length of 40m each. Each of the turbines would have a rated output of 2-2.5MW. The turbines will be approximately 360 m apart.

The blades of each of the turbines are to rotate in the same direction and the hub (nacelle) of the turbines turn to ensure that the blades would always face into the wind.

They would begin to generate power at wind speeds of around 6.75mph (3.5m/s) and would shut down if the wind speed were to reach around 56mph(25m/s).

The applicant has confirmed that the arrangement of the turbines has been dictated by the need to provide a good separation distance from existing residential properties.

The construction of the turbines would require the upgrading of an existing farm track through the fields and the formation of a temporary access from French Drove. The access track will have a width of a minimum width of 4.5. The track would be retained for the operational life time of the development to service/maintain the turbines.

Each turbine will have reinforced concrete foundations approximately 20 m square and 2.5 to 3.5 m deep depending on ground conditions.

For construction, a crane hardstanding will also be needed for each turbine. These measure approx 20m x 40m.

All electrical cables within the site will be underground, off site cabling will be the subject of a separate application.

A control building measuring approx 8m x 10m is proposed to the rear of the existing farmyard area. During construction a compound measuring approx 30m x 40m will be used and removed after completion

Vehicles delivering the component parts of the turbines will approach from the west via the A16, A1073, the B1166 and French Drove. Some enabling works will be necessary along the route of the delivery and construction vehicles to include the corner leading to South Eau Bridge, which may need to be temporarily widened and the bridge strengthened. The construction vehicle length has to accommodate 40m long blades.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The character of the area is Peaty Fen where the landscape is dominated by arable farming, isolated farmsteads, long straight roads, rivers and drains which is known for its 'big sky'. The site is located approximately 4km north of Thorney and 4km to the east of Crowland.

Entrance is off French Drove using a custom built temporary access in order to avoid conflict with trees within an existing farmyard.

The access to the site follows the western edge of a straight dyke that runs approximately

north/south. The turbines are proposed immediately to the west of the access road.

Approximately 700m to the north of the site are a group of dwellings on Dowsdale. These dwellings are partially screened from the application site by a mature tree belt and an earth bund.

5 PLANNING HISTORY

There have been a number of other wind turbine proposals in the vicinity which are set out below.

98/00904/FUL - Erection of 2 x 60m wind turbines Approved (Renewal of 93/P0457). This permission has been commenced and can be completed at any time.

03/01869/FUL - Erection of 12 wind turbines on land at Wrydecroft -Withdrawn.

03/01247/FUL - 8 X 100m wind turbines on land at Morris Fen, to the north of English Drove and to the south of Green Drove Thorney. This application was refused in 2004 on the grounds that the wind turbines would have an adverse impact upon visual amenity, the character of the Fen landscape and the amenities of the nearby residents.

07/01756/FUL - the erection of 2 x 100m tall wind turbines on the application site. This scheme has been withdrawn. There remains an extant planning permission for the erection of 2 x 67m high wind turbines at this site. The permission dates back to 1994.

04/00902/FUL - Erection of 7 x 100m tall wind turbines on land at Wrydecroft, Thorney. Members resolved to approve this application subject to the satisfactory completion of a section 106 agreement. However this proposal has never been pursued by the applicant due to a late objection from TRANSCO on safety grounds. One of the turbines was in close proximity to a main gas pipeline crossing through the site such that were it to topple over the gas pipeline would potentially be in danger of being pierced.

06/01051/FUL - Erection of 7 x 102m tall turbines on land at Nuts Grove Farm, Thorney. This application is currently the subject of an appeal. Members resolved at the 21st October 2008 meeting of the Planning and Environmental Protection Committee that they would have refused the application for the following reasons: Ministry of Defence advice that the proposed turbines would interfere with the proper operation of its RAF radar systems; the applicant had failed to demonstrate that the proposal would not adversely affect such aviation interests and on the grounds that the cumulative impact of wind turbines would have an adverse impact on the character of the Fen landscape and failure to make S106 contributions.

07/01411/FUL - Erection of 6 x 102m tall turbines on land at Wrydecroft, Thorney. Refused This application was refused at the 21st October 2008 meeting of the Planning and Environmental Protection Committee following an objection from the Ministry of Defence who advised that the proposed turbines would interfere with the proper operation of its RAF radar systems; the applicant had failed to demonstrate that the proposal would not adversely affect such aviation interests and on the grounds that the cumulative impact of wind turbines would have an adverse impact on the character of the Fen landscape and failure to make S106 contributions. This application is currently the subject of an appeal.

07/01813/FUL - The erection of 4 x 125m tall turbines on land adjacent to the Flag Fen Sewage Treatment Works, Third Drove, Peterborough. The application was refused under delegated authority on the grounds that the proposed turbines would have a detrimental impact upon the heavily protected Nene Washes Site of Special Scientific Interest, Special Protection Area and its RAMSAR designation an area that has been given European Protection because of its importance for wildfowl and waders. The proposal was also refused following an objection from the Ministry of Defence who advised that the proposed turbines would interfere with the proper operation of its RAF radar systems. The applicant had failed to demonstrate that the proposal would not adversely affect such aviation interests.

There have been a number of planning permissions for wind farm developments in neighbouring authorities. These include:-

Fenland District Council

- 8 x 100m high wind turbines at Glassmoor Bank, approximately 5 km south of the centre of Whittlesey (i.e. 15km from the site). Approved in June 2003 - Implemented.
- 8 x 100m high 1.75MW wind turbines at Coldham Farm approximately 5 km north east of the centre of March. Approved September 2003 – Implemented
- 9 x 100m high 1.75MW wind turbines at Franks farm which is approximately 4.5km north east from the centre of March. Approved and Implemented
- 1 x 107m high on land off Longhill Road, March Approved and Implemented.
- 5 x 100m high turbines on land at Ransom Moor Farm approximately 7km from the centre of March. Approved and Implemented.
- 4 x 125m high wind turbines have been erected on land near to the McCains Factory/Abbey Produce to the west side of Whittlesey. Approved and Implemented.

South Holland District Council

- 8x100m high wind turbines to North West of the village of Deeping St Nicholas. These were approved at appeal by the Secretary of State in May 2003 and implemented. They are visible from the application site.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering Services – No objection subject to conditions.

Landscape Architect - In principle I do not have any objection to this application.

Consent has already been granted for two 60m turbines (98/00904/FUL and 93/P0457). Although those now proposed are physically much larger, perceptually this will only be really noticeable close too, say within 1km or so. Bearing in mind the small number of properties concerned, the change in overall visual impact will therefore be relatively limited. At the same time it is important to realise that within 5km moderate adverse impact is likely. At the level of overall landscape character the change would be insignificant.

To their credit the applicants have not relied upon the existing commitment to justify their revised proposal. They have prepared a very thorough and up to date landscape and visual impact assessment with which I have very little argument. Significantly it applies to the latest advice on photomontages. Here it is critical to appreciate that these show the effect of the development on a photo of the view. To properly appreciate their significance the reader should view relevant photographs at each location to ensure they take account the limitations of photographic representation.

One of the main considerations concerning wind turbine development in the larger area is cumulative impact.

In terms of pure numbers I have no difficulties with the two proposed. When considered with the potential numbers at Wryde Croft/Nutsgrove the physical separation of 4 km will mean that from most directions the development will be seen as separate and as part of a larger landscape. It will be only from limited directions that the two will merge and here into a largely unstructured view.

Cumulative impact also needs to be concerned in terms of **design**. Wind farms which contrast in size, turbine height, or layout can give rise to a visual conflict and on this argument there are benefits of having turbines of the same size as on adjoining proposed sites.

Significantly the Environmental Report includes a cumulative landscape and visual impact assessment which looks at the whole of the surrounding area in relation to existing and proposed wind energy developments; the issue here being one of not exceeding the threshold or capacity of the local landscape to accept change without unacceptable change to the area as a whole. To do this there needs to be clarity about the landscape objectives in the area.

Whether:

- to maintain the integrity and quality of the immediate landscape (as may be appropriate within a designated landscape or
- to maintain the landscape character; or
- to accept landscape change

Here I suggest that objective to maintain overall landscape character, whilst tolerating local landscape change is reasonable.

The cumulative assessment has looked at views from various locations and considers the question of change of landscape character as a result of the development. However it does do this from a relatively narrow point of view. The difficulty here being that wind turbines are starting to become a significant occasional feature in the surrounding Fen landscape and landscape character is subtly changing. Significantly it is doing so as a result of development in neighbouring local authorities, none of which is under the control of this LPA. This issue cannot be ignored

In terms of the cumulative effect of Wryde Croft, Nuts Grove and French Drove there is no doubt that the three proposed developments will lead to a major change in the structure of the local landscape and also local landscape character. However it continues to be my opinion that whilst the wider overall Fen landscape character will not be damaged by this level of development, the total number of turbines should be viewed broadly as the maximum for this locality. This would be broadly in line with the most recent advice on cumulative effect of wind farms (Scottish Natural Heritage 2005) where it is made clear that such judgements do have to be based upon a full local consideration of local landscape issues.

Head of Environmental Health Services - Has no objection subject to appropriate conditions.

The Archaeological Team – A formal programme of archaeological work is not justified in this case.

EXTERNAL REPRESENTATIONS

Natural England – Has no objection subject to conditions.

Comments that it is unlikely to have a significant impact on the Nene Washes SPA/Ramsar/SSSI; conditions sought relating to removal of vegetation, surveys and monitoring for non-SPA birds, bats, water voles and great crested newts and habitat enhancement works.

The Royal Society for the Protection of Birds –

On the basis of the information provided in the Environmental Report (ER), concerning the findings of the ornithological surveys conducted, proposed mitigation measures and post construction monitoring, the RSPB is satisfied that this proposal is not likely to have a significant impact on bird populations or designated sites of nature conservation interest in the vicinity of the development.

We would recommend that the Council ensure the proposed mitigation measures and post-construction monitoring are implemented by requiring these through Planning Conditions. It is the opinion of the RSPB that the proposal should have been subject to an EIA as both turbines exceed 15 metres hub height. However, the RSPB is satisfied that, for the ornithological interest only, the information provided in the ER is that which we would have

required in an EIA and therefore we can determine that any impacts of the proposal on ornithological interest will be of low significance, and can be adequately mitigated for.

English Heritage –

The turbines are located in a flat landscape, and there are no contours on the land between the site and the historic assets that lie within 5km of the site. In Thorney these included the Grade I listed Thorney Abbey, Abbey House and Church of St Mary and St Botolph, while in Crowland they include the Grade I listed Crowland Abbey, Holy Trinity Bridge and Grade 11* listed Manor House. There are also a number of Schedule Ancient Monuments within this 5km radius.

The applicant should be asked to undertake a thorough assessment of the impact on the historic environment, and specifically those assets located within 5km of the site. Once this information is available, English Heritage would wish to be re-consulted on the application. In the event that the applicant is unwilling to undertake this work, English Heritage would wish to see the application refused on the grounds that insufficient information has been provided to allow a full assessment of the impact on the historic environment (as required by PPG 15).

Middle Level Commissioners – No comment.

The North Level Internal Drainage Board - The Boards drain runs through the application site. Its byelaws prevent any construction within 9 metres of the edge of the watercourse.

GO-East - No comments but request that it is informed of the decision.

National Grid -

Using the micro siting allowance will allow the turbines to be located a minimum of 90m from the high pressure pipeline. As long as this is adhered to No Objection.

The Wildlife Trust- Has not replied.

The Health and Safety Executive - Has no objection

The Highways Agency - No objections to the application as it would not adversely affect the A47 Trunk road.

Countryside Agency - Has not replied

The Environment Agency - No objections.

Fenland District Council - Has not replied

South Holland District Council - Object on the grounds of noise impact on residents; impact on the landscape when viewed individually and cumulatively. The Council's landscape assessment has shown the vicinity to be unsuitable for wind turbine development.

Crowland Parish Council – Express serious concern on three issues:

- 1) Noise & Vibration - There are a number of residents who we feel may be close enough to experience noise & vibration - in particular Dowsdale, French Drove & Nene Terrace and it was felt that you need to further understand the amount of dwellings in these areas as the location map seems to show far fewer dwellings than are actually in there.
- 2) Safety - The documentation received does not appear to include any assessment of the low flying military aircraft which is the corridor between RAF Wittering and Crowland Gliding Club restricted air space. These military aircraft are often flying at 250 feet.
- 3) Visual Impact - We feel that the visual impact may be somewhat more than

the "Slight to Moderate" assessment suggested in the application.

Wisbech St Mary Parish Council - Has not replied

Thorney Parish Council - Has not replied

Parson Drove Parish Council - The turbines are too close to residential properties in Dowsdale Bank, the development would affect the health of the their occupiers by way of headaches, interruption of sleeping patterns, anxiety, nausea and depression dizziness, palpitations and tinnitus; and they would have an unacceptable visual impact on the open flat countryside.

Gedney Hill Parish Council - Has not replied.

Eye Parish Council - No objections

National Power - Has not replied

Ministry of Defence – The Ministry of Defence (MOD) objects to the granting of permission for the said proposed development (“the Proposal”) which includes two wind turbines which will be 100 metres to the tip of the blade at the highest point.

Air Traffic Control (ATC) radar

The turbines will be located approximately 38 km from the Air Traffic Control (ATC) Watchman radar at RAF Cottesmore. Based on their location, both of the turbines will be within line-of-sight of that radar. No doubt Cornwall Light and Power (CLP) have carried out their own line-of-sight analysis for each of the turbines to the radar and you should refer to these line-of-sight analyses to help you make a properly informed decision.

Scientific trials carried out have demonstrated that wind turbines within line-of-sight to a primary radar (such as that at RAF Cottesmore) adversely affect the probability of detection of aircraft flying over or in the vicinity of those turbines. The reduced probability of detection extends over an area that is greater than that of the turbines themselves. This reduced probability of detection will materially impair the ability of RAF Cottesmore to provide a safe and expeditious Air Traffic Radar Service in the volume of airspace above and around the proposed wind turbines. Although the likelihood of this reduced probability of detection causing or contributing to an air accident on any particular day is very small, the turbines will be a permanent feature and the consequences of this risk becoming reality are potentially catastrophic. For this reason alone, the MOD objects to the Proposal.

Precision Approach Radar

The turbines will be located approximately 26 km from the Precision Approach Radar (RPAR) at RAF Wittering. Based on their location, both of the turbines will be within line-of-sight of that radar. No doubt CLP have carried out their own line-of-sight analysis for each of the turbines to the radar and you should refer to these line-of-sight analyses to help you make a properly informed decision.

The MOD has evidence that wind turbines within line-of-sight to an RPAR (such as that at RAF Wittering) affect the performance of that radar. The turbines will be detected by, and displayed on, the RPAR and additional plots/tracks caused by the turbines could cause the RPAR to overload and reject actual aircraft. This would have a significant adverse effect on operations at RAF Wittering and implications for air safety generally.

Again, I feel sure that CLP will have carried out their own line-of-sight analysis for each of the turbines to the RPAR at RAF Wittering and, as with the ATC radar issue, you should refer to those line-of-sight analyses to help you make a properly informed decision.

It is the MOD's position that any degradation in the operability of the RPAR at RAF Wittering resulting from the Proposal provides a free-standing basis for rejecting the Proposal.

Civil Aviation Authority (CAA) -

The French Farm development (like any wind turbine development) has the potential to impact upon aviation operations and activities in a number of ways. During 2007 we advised both the Council and Cornwall Light and Power that we had no site-specific observation. In essence that remains the case. However, it is possible that the proliferation of wind turbines in any particular area might potentially result in difficulties for aviation that a single development would not have generated. It is, therefore, not necessarily the case that, because a generic area was not objected to by the aviation industry, future, similarly located potential developments would receive the same positive response.

As the Council will be aware there have been a number of wind turbine developments that have been proposed, consented or are currently operational in the wider Fenland area. Such proliferation is of real concern to the aviation community; whilst such developments might be outside agreed or officially established aerodrome safeguarding areas, the introduction of many structures of a height of 300 feet or more will combine to impact upon local aviation activity. Whilst such an impact is difficult to quantify, the generic effect upon local light aviation activity, away from the immediate vicinity of an aerodrome needs to be considered. With that in mind, I believe it would be a sensible way forward to invite comment from local aerodromes, even though it is unlikely that there would be a specific aerodrome safeguarding issue. Accordingly, I recommend that the Council provides the aerodrome licensees / operators of Fenland and Crowland the opportunity to comment upon the French Farm ER and planning application as a whole.

Moreover, from a more generic perspective, all parties should be aware that:

- There might be a need to install aviation obstruction lighting to some or all of the associated wind turbines should this wind farm development be progressed.

This comment was made specifically if there were concerns expressed by other elements of the aviation industry, i.e. the operators. For example, if the Ministry of Defence (MoD) or a local aerodrome had suggested such a need, the CAA (sponsor of policy for aviation obstruction lighting) would wish, in generic terms, to support such a claim. We would do so if it could reasonably be argued that the structure(s), by virtue of their location and nature, could be considered a significant navigational hazard.

- An anticipated amendment to international aviation regulatory documentation will require that the rotor blades, nacelle and upper 2/3 of the supporting mast of wind turbines that are deemed to be an aviation obstruction should be painted white, unless otherwise indicated by an aeronautical study. It follows that the CAA advice on the colour of wind turbines would align with these international criteria.

The number of pre-planning enquiries associated with wind farm developments has been significant. It is possible that the proliferation of wind turbines in any particular area might potentially result in difficulties for aviation that a single development would not have generated. It is, therefore, not necessarily the case that, because a generic area was not objected to by the aviation industry, future, similarly located potential developments would receive the same positive response².

There is a requirement in the UK for all structures over 300 feet high to be charted on civil aviation maps. Should this proposed wind turbine development progress, to achieve any charting requirement, developers will need to provide details of the development to the Defence Geographic Centre.

Due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

Peterborough Ramblers – No objection. It would give people the opportunity to view turbines quite closely

Fenland Aero Club – Has not replied

Peterborough and Spalding Gliding Club – Has not replied

East Anglian Air Ambulance – Has not replied

British Trust for Ornithology – The British Trust for Ornithology is an independent research organisation and, as such, is not able to get involved with these kinds of consultation exercises.

National Air Traffic Services - This body is responsible for the safe and expeditious movement in the en-route phase of the flight of aircraft operating in controlled airspace in the UK. The proposed development does not conflict with our safeguarding criteria.

Jubilee Farm Aerodrome - Has not replied.

Lincolnshire Bat Group - Has not replied.

Cambridgeshire Bat Group - Has not replied

Campaign to Protect Rural England - Has not replied

The Fenland Against Rural Turbines Action Group (FART) – Has not replied

Public Representations

43 letters of objection have been received on the following grounds:-

- A change in Government policy acknowledges that there is public opposition to on shore turbines – they should be sited off shore to avoid ruining quality of life
- Noise – low background noise and helicopter thump
- Health problems including migraine, headaches, depression and epilepsy potentially caused by infrasound or flicker. Health effects of living close to high voltage electricity
- Large number of private houses will be affected/devaluation of housing
- The site will be lost to agriculture at a time when there is increasing demand to grow crops
- Effect on hydrology/all foundations must be removed at the end of life
- Impact on wild bird and bat populations
- Wind farms damage the atmosphere, increase temperatures and dry out surrounding land
- Impact on views – visual impact – loss of open horizons – out of proportion – industrialisation of the landscape – cumulative impact with other proposed turbines
- Acknowledge the need for farms to diversify
- Does not produce cheap electricity
- Danger to MOD aircraft
- Blade flicker affects dog within 3 miles of existing turbines
- Will distract/cause danger to horses and road users
- Turbines are unreliable and inefficient
- There are more suitable technologies available
- Loss of tranquility
- Threat of turbine development has existed for 15 years
- Funds should be reserved for decommissioning at the end of life
- No local jobs will be created
- Proximity to existing dwellings and settlements
- Danger/disruption from construction traffic
- Devaluation/reduced saleability of houses
- Potential damage to buildings from vibration
- Local residents should be provided with individual turbines as an alternative
- Solar energy is more appropriate
- The wind blows unreliably and insufficient to generate useful electricity or to offset the permanent impact on the countryside
- Ice throw

One letter of support has been received making the following comments:

- The turbines are located well away from roads and centres of population
- They will add interest to a bleak landscape
- They will not be overwhelming
- Will enhance Peterborough's position as a 'Green City'

COUNCILLORS

No representations have been received from Members of the Council.

7 REASONING

Introduction

Planning permission was granted in 1993 for the erection of two wind turbines on the same sites as the proposed turbines under ref: 93/P0457. The permission was renewed in 1999 under ref 98/00904/FUL. This permission was commenced on site and that commencement was confirmed by officers. It is therefore possible for the applicants to proceed to construct two 400kW turbines at any time. The proposed turbines are 100m to the tip of the blades, which is smaller than the group north of Whittlesey at McCains and comparable to those south of Whittlesey at Glassmoor Bank.

This application falls within schedule 2 of the EIA Regulations which means that an Environmental Impact Assessment is optional. In view of the level of information provided by the applicant it is considered that no purpose would be served by an EIA in this case and a screening opinion to that effect has been produced.

i) Planning Policy

The Government White Paper - Planning for a Sustainable Future 2007 no longer requires the need for renewable energy developments to be justified, whilst PPS 22 advises 'the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.'

This affirms the Government's stance that there will always be a need for renewable energy provision by reasons of climate change and to reduce the country's reliance upon fossil fuels.

Members should therefore expect to approve applications for renewable energy proposals unless convinced by overwhelming arguments against the specific proposal.

ii) The impact of the development upon the character and appearance of the rural area

In assessing the impact of these proposed turbines on the character and appearance of the area Members should take into account the existing permission to erect two 400kW turbines on the same sites. These would stand just over half as high as the proposed 2-2.5MW (100m) turbines.

Although located in a rural area, where any form of development is tightly controlled, there are certain exceptions to this policy of constraint. One of the few exceptions to the strict control of development in the open countryside relates to public utilities. Wind must be farmed where it is found and on shore this is predominantly within rural areas.

The site is not within any designated protected area, it is arable farmland and in all directions the landscape is dominated by peaty fen landscape. In assessing the impact of the turbines on the character of the Fen countryside it is the capacity of a landscape to accommodate change without significant effects on its character.

Clearly the turbines would be noticeable from many vantage points both close to the site and further a field. The zone of influence of the turbines (i.e. at various distances from which they could be seen) could be up to 12km upon a clear day without physical or natural obstruction. Nevertheless whether it is two 60 m turbines (approved) or two 100 m turbines (proposed) the impact on the immediate countryside will be material, but in view of the distances to other approved turbine groups is not considered unacceptable when weighed against the national need to find sites for renewable energy generation.

In the past 4 years a number of wind turbine developments have been implemented, principally in Fenland but also in South Holland District.

At distances of greater than approx 3-4 km the potential for wind turbines to dominate a locality diminishes and the open spaces either side of the turbines assume a greater visual importance, restoring the 'big sky'. Within the 3-4 km zone, the turbines will dominate, but this is mitigated by other landscape features, such as clusters of trees, earth banks, and the light appearance of this small cluster of two turbines.

The Planning Inspector in approving the (much larger) wind turbine development at Deeping St Nicholas concluded that - *'the scale of the turbines and their horizontal spread would have a significant impact upon the landscape character although with increasing distance, they would occupy smaller and smaller proportions of the horizon and would be absorbed by the huge skies'*.

The Inspector further stated, in his decision report ..." *that just because an impact may be significant it would not necessarily make it unacceptable'*.

Many of the representations objecting to the proposal have cited the adverse impact of the turbines upon the Fen landscape. Objectors have been critical of certain aspects of the value and accuracy of the landscape/turbine evidence put forward by the applicant and are not satisfied with the information of the photo-montages with particular concerns of the accuracy of the heights of the superimposed turbines.

The photomontages are created with sophisticated computer programmes and are as accurate as possible. Nevertheless, they can only give an indication of the expected impact and as such they offer a good tool to assess the anticipated landscape impacts of the turbines. The Planning Inspector for the Deeping St Nicholas appeal agreed. The existing operational wind turbine developments close to Peterborough Officers have also been used to assess the expected impact of the turbines on the Fen landscape.

Overall there is no doubt that wind turbines have a significant impact in the open countryside and would normally be unacceptable in any rural location. However, Government advice in PPS 22 et al makes it clear that normal policies of restraint in the Countryside have to be weighed against the national and international imperative to reduce carbon emissions and as such only where there are particular local circumstances will turbines be unacceptable. The landscape is therefore considered to have the capacity to accommodate two 100m wind turbines in this location.

iii) The cumulative impact of the proposed turbines with existing and potential turbines in the vicinity

The largest uncertainty in this respect is the outcome of the Nuts Grove and Wryde Croft Inquiry; no date has yet been set. In evaluating this application it is reasonable to disregard those proposals although permission on this site would be a material consideration in deciding the appeals.

There are 7 operational wind turbine developments within a radius of about 16km from the application site. This equates to a total of 39 wind turbines.

The key consideration in this regard is to determine whether the local fen landscape would change in character dominated by its wide open uninterrupted sky's and open arable landscape to one that would become a landscape where wind turbines would dominate.

The cumulative impacts of wind turbine developments upon the character and appearance of a landscape is determined depending upon the number of wind turbines, siting, separation distances, whether or not it is possible to see a number of wind farms in a single view and the distance of the turbines from a viewpoint. There are a number of turbine developments visible from the application site, all are distant views and the cumulative impact of two turbines of the same scale as those existing groups does not appear to lead to turbine dominance. The expanse of open Fen countryside between the turbine groups is such that the overall character

of the landscape still dominates.

The role that existing vegetation plays in mitigating the impact of the established wind turbine developments both on an individual wind turbine development and cumulatively with the fen landscape is an important consideration. As the area is predominantly flat when either walking or driving within this landscape the tree presence, predominantly along the field boundaries or in occasional clumps of small woodland, is such that views of the turbines will be restricted and broken as you pass through the landscape.

Wider impacts on the landscape character are harder to quantify. This landscape is unique in that it is the result of the drainage of this part of the Fens by the Earl of Bedford, who ultimately was responsible for the drainage of the whole Fen basin. The landscape is thus divided into plots that derive their existence from the way in which the land was managed following drainage. The importance of this area to the history of the Fens is thus significant. These two turbines will be located close to the boundary of one such parcel and will have little additional impact over the already consented turbines.

iv) Impact on Residential Amenity - Visual

Nearby residents are concerned that the turbines would be too close to their properties. The nearest dwelling to the turbines is at French Farm, approx 400m to the south, with an intervening tree presence and farm yard. Thus the visual impact is considered to be slight. To the north, dwellings on Dowsdale (closest dwelling 700m) will have restricted views of the turbines thanks to the relative positions of a bund and tree belt, thus the impact on the visual amenity of local residents will be very limited. No close dwellings will have unobstructed views directly from living room windows and thus the overall impact is considered to be slight, even when considered cumulatively with the existing turbines.

The following extract is from a report by the Planning Inspectorate in determining an appeal for the erection of 20 wind turbines on land to the west of Skegness where the landscape is, in many ways, comparable to that around French Farm. The heights of the turbines were similar as now proposed. In that case there were also two dwellings within 920m from the nearest turbine with the remainder at least 1km away.

'Whilst the circumstances of each property were different it seems to me that in the light of the separation between the turbines and other factors such as orientation of buildings and windows, position of gardens, boundary treatment and the like that even though the outlook would change the degree of change would not be so severe as to result in material harm to the visual amenity of the residents when on their property. In forming this view I have been mindful that because of the positioning of the turbines from some properties they would occupy a substantial part of the outlook from certain directions'

In view of this Inspectors comments it is not considered that the impact on residential amenity would result in material harm and the proposal is therefore acceptable.

v) Impact on residential amenity - Noise

The potential for the noise generated from a wind turbine development to cause nuisance and general disturbance to residential amenity has been the subject of much media exposure following the plight of a resident living just under a kilometre from the wind turbine development at Deeping St Nicholas. The outcome has seen the residents move from their dwelling due to intolerable levels of noise they were experiencing. The situation has been confirmed by South Holland District Council. DEFRA commissioned a report by Salford University to assess whether tonal noise from a wind turbine development could result in harm to residential amenity. The report did not specifically look into the problems of the nearby residents but it covered similar effects.

The report has been published. However, it did not conclude that tonal noise from wind turbines would as a matter of course be expected to result in disturbance to residential amenity and it did not conclude that such tonal noise would be the cause of such disturbances if they occurred. The findings were therefore inconclusive and it remains uncertain what the root causes of the problems have been.

The advice in Planning Policy Statement 22 (PPS22) does not advise on acceptable distances of wind turbine developments to residential properties. PPS22 acknowledges that noise would be generated from the aerodynamic motion generated by the blades of the wind turbine for example. It requires that all renewable energy developments should be located in such a way to minimise increases in the ambient noise levels. PPS22 advises that Local Planning Authorities should use the 1997 report by ETSU for the Department of Trade and Industry to assess and rate the noise from wind energy.

The applicant has submitted an acoustic assessment of the background noise levels of the locality and makes the following comments:

'Wind turbines have been cited as significant producers of infra-sound. This has, however, been due to the high levels of such noise, as well as audible low frequency thumping noise, occurring on older 'downwind' turbines of which many were installed in the USA prior to the large scale take up of wind power production in the UK. Downwind turbines are configured with the blades downwind of the tower such that the blades pass through the wake left in the wind stream by the tower resulting in a regular audible thump, with infra-sonic components, each time a blade passes the tower. Virtually all modern turbines, including those proposed here, are of the upwind design; that is with the blades up wind of the tower, such that this effect is eliminated.' They go on to say 'The DTI Low Frequency Noise Study referred to in Paragraph 3.12 concluded that "Infrasound noise emissions from wind turbines are significantly below the recognised threshold of perception for acoustic energy within this frequency range. Even assuming that the most sensitive members of the population have a hearing threshold which is 12 dB lower than the median hearing threshold, measured infrasound levels are well below this criterion". It goes on to state that, based on information from the World Health Organisation, that "there is no reliable evidence that infrasound below the hearing threshold produce physiological or psychological effects" it may be concluded that "infrasound associated with modern wind turbines is not a source which may be injurious to the health of a wind farm neighbour".

A DTI Low Frequency Noise Study concluded that "Infrasound noise emissions from wind turbines are significantly below the recognised threshold of perception for acoustic energy within this frequency range. Even assuming that the most sensitive members of the population have a hearing threshold which is 12 dB lower than the median hearing threshold, measured infrasound levels are well below this criterion". It goes on to state that, based on information from the World Health Organisation, that "there is no reliable evidence that infrasound below the hearing threshold produce physiological or psychological effects" it may be concluded that "infrasound associated with modern wind turbines is not a source which may be injurious to the health of a wind farm neighbour".

Thus Members should not anticipate any infrasound or low frequency noise issues as a result of this proposal.

The noise data submitted as a part of the application has been scrutinised by the Community Protection Team and it is not anticipated that there will be any noise issues.

It is generally accepted that since noise levels vary with wind speeds at the properties nearest to the wind turbines for most wind speeds the noise caused by the turbines would be much lower than the noise of the wind passing through trees, hedges and fences for example.

vi) Aviation Issues

The Ministry of Defence (MOD) have advised that the proposed wind turbine development would unacceptably affect MOD radar systems and recommend refusal. PPS 22 advises 'It is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities should satisfy themselves that such issues have been addressed before considering planning applications.' In view of the comments from the MOD, the applicant has failed to follow the advice in PPS 22 and thus the application should be refused for the reasons given by the MOD. The National Air Traffic Service who are responsible for the safe and expeditious movement in the en-route

phase of the flight of aircraft operating in controlled airspace in the UK and the Civil Aviation Authority have not raised objections to the relation of the siting of the turbines to the presence of the local aerodromes.

vii) Wildlife Implications

There is no reason to believe that there will be any adverse impact on wildlife, however wind turbines are still a relatively unusual form of development and the impact on wildlife cannot always be predicted. The applicant has carried out wildlife survey work and specifies that more detailed survey work would be carried out if permission were granted.

Some of the work cannot be carried out until immediately before development begins because badgers, for example, move their setts on a regular basis. The micro-siting allowance can be used to enable the applicants to take this into account.

A series of surveys and studies would be required by condition/S106 obligation in order to monitor and mitigate any adverse effects of the development on specified wildlife.

Wildlife potentially affected includes Barn owls, bats, water voles, badgers and great crested newts.

viii) Highway safety

Construction traffic

A temporary construction access is proposed. Both the Highways Agency and the Head of Transport and Engineering Services are satisfied that the constituent parts of the wind turbines, would be able to be delivered to the application site without disruption to traffic flows.

Distraction to motorists

There is no doubt that wind turbines can be an attraction or an intrigue to the passing motorist due to the novelty factor and scale in particular. In this landscape the turbines would generally appear steadily in ones view and would not tend to suddenly appear as a surprise either to drivers, or to horses. This would allow motorists to gradually become aware of their presence such that any distraction would be expected to be minimal. Neither the Highways Agency or the Head of Transport and Engineering Services have raised objections.

ix) Impact on National Gas Grid

The National Grid has confirmed that provided a safeguarding distance of 90 m is maintained, the relationship to their high pressure gas main is acceptable. This is confirmed by the HSE comment.

x) Trees

At the entrance to the farm there is a small copse of trees, grouped either side of the entrance. Due to the length of individual components, the large construction vehicles require a very wide sweep and thus the entrance to the site would need to be altered involving works to the trees. In order to avoid the loss of or damage to any trees, a separate temporary access is proposed immediately to the East of this group of trees. This will both avoid damage to the trees and minimise its impact on the countryside.

xi) Other issues

Planning History:- The existing permission for two turbines on this site is a material consideration. Members should consider only changes in legislation, or the application in reaching their decision.

Impact upon agriculture - There may be some impact upon the movement of farm vehicles during the construction of the wind farm but this would be short lived. The take up of land for the 2 turbines and the various access tracks to the turbines would be insignificant. There has been concern raised about the practice of leaving the foundations in situ once the turbines have been decommissioned and removed from the site. The proposal involves removing all material to a depth of 300mm and covering with earth, thus the site will be capable of agriculture and there will be no permanent loss of agricultural land, although the 20 m square will probably be less versatile than currently. There is no reason to assume that the concrete remaining on the land will have any other effect on agricultural quality.

Impact on Rights of Way - The nearest footpath is nearly 500m from the nearest turbine and although clearly visible, the impact will be insignificant.

Property Values - This has been a concern to many of the surrounding residents. To clarify the planning status of this aspect it is worth advising of the comments of the Planning Inspector in the recent assessment of a wind farm proposal near to Skegness. 'Planning Policy Guidance Note 1 makes it clear that when looking at developments the basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss, but whether a proposal would unacceptably affect amenities and the use of land which ought to be protected in the public interest. It is not the number of properties which would be affected but the degree of harm that occupiers would experience which is the determining factor. Concern about the devaluation of property is not a planning matter; it can be affected by any number of factors including planning permissions for various uses'. Further the Committee is advised that a recent Court of Appeal judgement stated that a loss of value of ones property due to a neighbouring development does not mean a loss of amenity under the Human Rights legislation. Hence, loss of property value should not be a planning consideration.

Television reception - There is always a possibility that television reception may be affected for those dwellings closest to the turbines. In view of this risk the developer has undertaken to remedy any interference to domestic television reception or radio reception should it occur as a result of the development. This can be secured by condition.

Small output – The output of wind turbines is smaller than conventional power stations, nevertheless the contribution made does reduce dependence on fossil fuels. Arguments to the contrary are incorrect. As an environment city, Peterborough should welcome any proposal to generate electricity sustainably. The advice in PPS 22 makes it clear that Planning authorities should not reject planning applications (for renewable energy projects) simply because the level of output is small. The output is therefore irrelevant to the evaluation of the application.

Shadow Flicker - Shadow flicker can occur both within buildings where there is a narrow opening (at certain times of the day and the year when the weather conditions are wrong). The properties that may be affected has been modelled and no properties will be subject to shadow flicker. This was the approach taken with the turbine at Longhill (Whitemoor Prison) in March. The potential for shadow flicker problems were anticipated for the prison at some parts of some days in spring and autumn. When the turbine was built, the problem occurred and the turbine is now stopped automatically when the problem is likely to occur. This completely solves the problem.

Health – Although there are concerns by local residents that there will be health problems resulting from turbines, there is no evidence to sustain these concerns. Epilepsy is triggered by much faster strobing; stress, migraine, headaches and depression may result from many sources, but there is no reason to believe that the presence of turbines will trigger any of these conditions.

Ice Throw – This potentially occurs on all turbines, but is not usually a problem. There has been a recent problem with a turbine at King's Dyke Whittlesey, where motorists and the public were in danger from ice throw. This has been resolved by stopping the turbine when the problem could occur (low temperature). In the case of the proposed turbines, no danger will occur to people or vehicles due to the distance from dwellings and roads.

Section 106 implications:- The Council has a program of sustainable education that is rolling out across the schools of Peterborough. This contribution will help to demonstrate to the children of Peterborough that the harm caused to the open countryside by wind turbines was balanced against the benefits of renewable energy production in reaching this planning decision. It is proposed to secure funding for this programme. In addition a contribution to fund the monitoring of wildlife effects caused by the turbines is sought. The applicant's response to these requests is awaited.

Such funding of these projects would satisfy the 5 tests as set out in the planning policy section of this report.

8 CONCLUSIONS

The proposed turbines are somewhat taller than the turbines which could be built on site and will thus have a greater impact on the character of the area. In all other respects, there are unlikely to be any consequences of the proposed change of design. The impact on the character of the area, local agriculture, amenity of local residents, trees, wildlife traffic and highway safety are all considered to be acceptable.

Nevertheless, the potential harm to MOD radar function is inescapable. For this reason it is considered that the proposal is unacceptable in its current form.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is **Refused** for the following reason:

- 1 The proposed wind turbine development would unacceptably affect Ministry of Defence radar systems to the degree that it would not, if the turbines were constructed, be possible to provide a safe and expeditious air traffic service to military and non-military aircraft in the area. The Ministry of Defence has advised that the applicant has failed to prove that the proposal would have no adverse impact on aviation interests as required in accordance with paragraph 25 of Planning Policy Statement 22 (PPS 22) – Renewable Energy which states;

'It is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities should satisfy themselves that such issues have been addressed before considering planning applications'

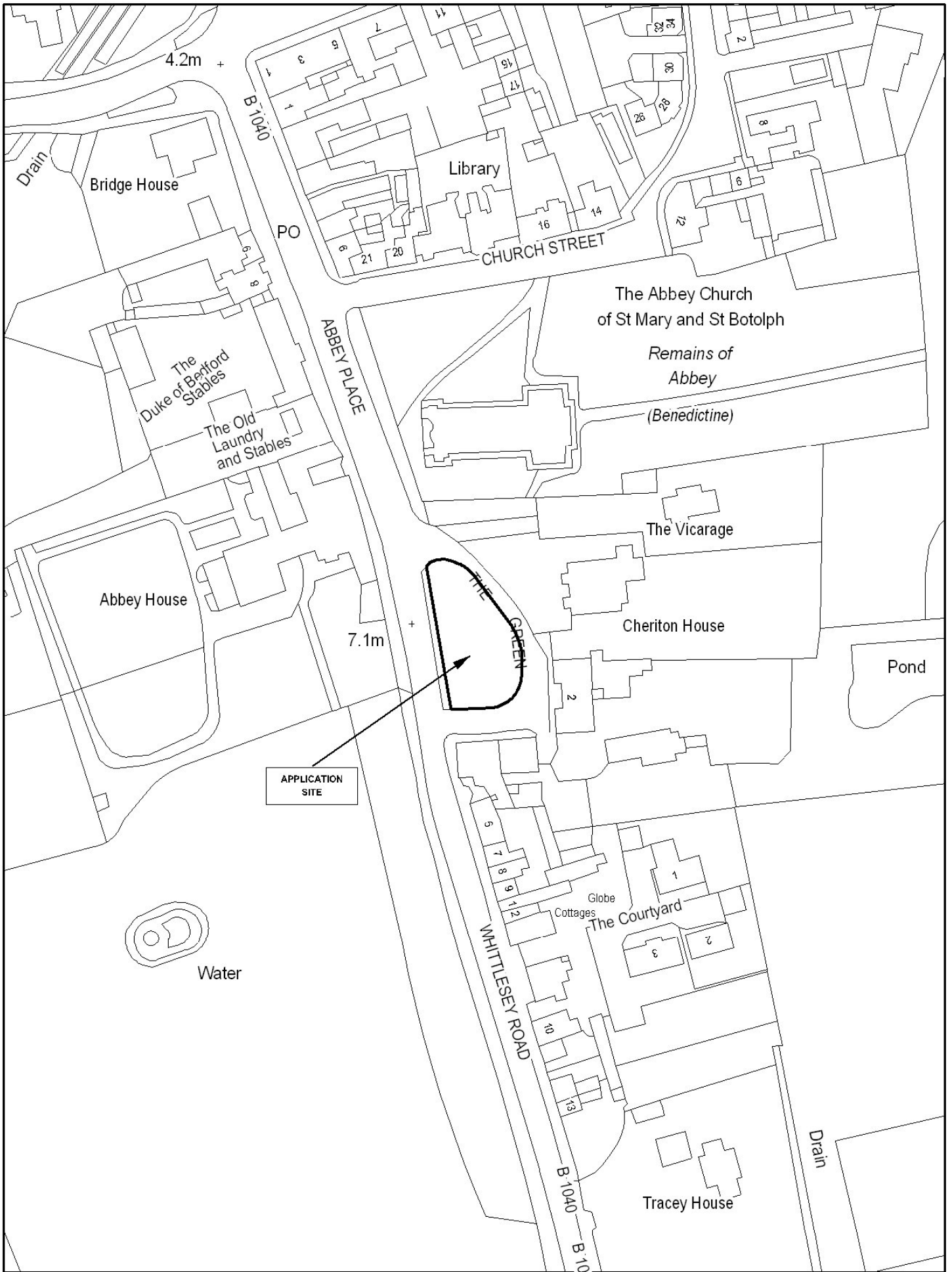
and paragraph 96 of the Companion Guide to PPS 22 which states:

Because topography, intervening buildings and even tree cover can mitigate the effect of wind turbines on radar, it does not necessarily follow that the presence of a wind turbine in a safeguarding zone will have a negative effect. However, if an objection is raised by either a civil aviation or Defence Estates consultee, the onus is on the applicant to prove that the proposal will have no adverse impact on aviation interests.

Thus the proposal is contrary to the provisions of Planning Policy Statement 22.

Copy to Councillors Dobbs and Sanders

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LOCATION PLAN 07/01296/FUL

The Green, Thorney, Peterborough

Scale 1:1250 Name MKB Department Planning Services



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07/01296/FUL: CONSTRUCTION OF MONUMENT TO COMMEMORATE WAR DEAD AT
THE GREEN, THORNEY, PETERBOROUGH
VALID: 28 AUGUST 2007
APPLICANT: MR R S JARY
AGENT: ABO (STRUCTURAL) LTD
REFERRED BY: CLLR SANDERS
REASON: VISUAL IMPACT
DEPARTURE: NO

CASE OFFICER: DALE BARKER
TELEPHONE: 01733 454411
E-MAIL: dale.barker@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The siting, scale and design of the proposed memorial
- The impact on the Conservation Area and surrounding Listed Buildings

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

2 BACKGROUND

Members will recall that this matter was reported to the meeting on 27th November 2007 when Members resolved to defer the matter to allow time for the Parish Council to carry out further public consultation. The application was reported to Members on 14th April when Members deferred the application and instructed Officers to negotiate a revised design of memorial and to liaise with English Heritage and National Trust; following receipt of an amended design, to reconsult the local community on the desirability of the memorial and its design.

The original report is attached as Appendix 1.

3 UPDATE

The Parish Council sent a questionnaire around the village which secured 236 responses, of which 145 were in favour of the proposal and 91 against. The proposal was discussed again by the Parish Council when the principle and alternative locations were discussed, but the strength of feeling by the Parish is that a further memorial is appropriate for those people who are not religious.

Since the original report, the status of some of the policies in the Local Plan has changed and as such Members will note that reference to policy DA3 has been omitted from the recommendation.

Since the April meeting, further representations have been received as follows:

A series of letters have been received from one objector suggesting alternative sites for the memorial and criticising its design, accessibility and need.

English Heritage

The proposed location for the new war memorial is historically interesting and sensitive, set between 3 listed buildings as well as being an area of greensward which forms an important part of the southern approach to the village and part of the wider setting for other listed buildings. While the memorial may be relatively small, the very sensitivity of the site makes this a significant proposal.

The Green could accommodate a monument and given a design of suitable quality could enhance the area. The proposed design seems like the base of a more substantial monument. The crucifix consequently seems a little too understated and unconvincing. The submitted plans make the memorial look like a brick obstacle. The proposed monument appears inelegant and unconvincing and the applicant should be encouraged to reconsider the whole design concept.

National Trust

The National Trust wishes to object to the proposed war memorial on The Green at Thorney.

This is a very sensitive location, being an important open space in the street scene which provides the setting for a large number of attractive listed buildings, some of which are in the ownership of the National Trust and some of which are the subject of NT restrictive covenants.

I am not aware of any historic precedent to suggest that a structure in this location would be appropriate. However if development in this location is accepted in principle then very careful consideration needs to be given to the design, scale and materials chosen.

In this respect the National Trust notes the comments of English Heritage and agrees that the design is inappropriate.

This is a critical piece of the historic public realm and the structure as proposed would appear over-dominant and alien to the character of the area. This would be to the detriment of the setting of important listed buildings and the wider street scene.

Result of negotiations

The applicant's agent has made the following comments: *'The design has been accepted by E.H and N.T through the planning consultation process. Equally the Village consultations were carried out twice by the Parish Council and on each occasion the feedback was positive. The objection of three residents out of a population of over 2500 is no reason to defer a decision. Consequently my client cannot accept that proper consultation has not been carried out and that the authority's officers were unlikely to recommend approval of the scheme without such a procedure having taken place.'*

4 CONCLUSIONS

There is clearly a substantial body of opposition to this proposed memorial within the village; however there is also a large body of support, not least of which is the Parish Council, who own the site.

The fundamental planning issue here is whether this memorial will be detrimental to the character or amenity of the area, or the setting of the nearby listed buildings.

Officer's recommendation previously was that the balance should fall in favour of the applicant. In view of the strength of objections from English Heritage and National Trust officers consider that the balance has now tipped in favour of refusal. The applicant has declined to enter into negotiations to overcome the concerns of English Heritage and National Trust and thus officers consider that the design and materials are inappropriate in this setting and thus the proposal fails to comply with Policies DA1, DA2, DA9, CBE3 and CBE7 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is REFUSED for the following reasons:

R1 The proposed memorial would, by reason of its inelegant design and proportions have an incompatible relationship with nearby buildings, adversely affect the character of the area, to the detriment of the setting of the surrounding listed buildings and Conservation Area, contrary to the provisions of policies DA1, DA2, CBE3 and CBE7 of the Peterborough Local Plan (2005) which state:

DA1

Planning permission will only be granted for development if it:

- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
- (b) creates or reinforces a sense of place; and
- (c) does not create an adverse visual impact.

DA2

Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and
- (b) would not adversely affect the character of the area; and
- (c) would have no adverse impact on the amenities of occupiers of nearby properties.

CBE3

The City Council will require all proposals for development which would affect a conservation area (whether the site of the development is inside or outside the boundary) to preserve or enhance the character or appearance of that area.

CBE7

The City Council will not grant planning permission for any new building within or beyond the curtilage of a listed building if it would be detrimental to the setting of that listed building. In considering such proposals, the design, size, height, location and orientation of the proposed development will be assessed.

Copy to Councillors Sanders, Dobbs

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P & EP Committee: 27 November 2007

ITEM NO 01

07/01296/FUL: CONSTRUCTION OF MONUMENT TO COMMEMORATE WAR DEAD AT
THE GREEN, THORNEY, PETERBOROUGH

VALID: 28 AUGUST 2007

APPLICANT: MR R S JARY

AGENT: ABO (STRUCTURAL) LTD

REFERRED BY: CLLR SANDERS

REASON: VISUAL IMPACT

DEPARTURE: NO

CASE OFFICER: MISS A MCSHERRY

TELEPHONE: 01733 453418

E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The siting, scale and design of the proposed memorial
- The impact on the Conservation Area and surrounding Listed Buildings

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)

- CBE3** Development affecting conservation areas should preserve or enhance the character or appearance of that area
- CBE7 Development must not be detrimental to the setting of a listed building
- DA1** Development must be compatible with its surroundings and not create an adverse visual impact
- DA2 The density, layout, massing and height should be compatible with the site and not adversely impact on nearby properties or the character of the area.
- DA3 The external finish of development should harmonise with the established building materials of the locality
- DA9** A green space serving an important visual or amenity function should not be lost to development

Material Planning Considerations

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

The Village Design Statement identifies the site as an area of open space, which contributes to the visual impact, the historic character and appearance of the village.

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for a war memorial to commemorate the people who lived in Thorney and died defending their country. The monument's base will measure approximately 1.9m x 1.9m with a total height above ground level of approximately 2.5m and will be constructed of natural stone. A paving area and a chain link will surround the monument measuring externally approximately 3.75m x 3.75m.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within the limited rural growth settlement of Thorney and within its Conservation Area. The site is a protected green space in a village, as defined by the Local Plan. The site is positioned to the south of the Abbey Church of St Mary and St Boltoph, and adjacent to the residential properties of The Green. The Green is currently an area of grass open space, with a bench facing out on to the main road.

5 PLANNING HISTORY

No planning history

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – Raises no objections to the proposal. Whilst there are no proposed parking facilities, the majority of the visitors to the site will be residents of the village. The busiest day is likely to be Armistice Day, which will generate lots of visitors; however these will be linked with the neighbouring church where the Service of Remembrance will be held. The attendees of the service are likely to walk from the church to the proposed war memorial to lay wreaths, with many of them having already walked initially to the church from their properties in the village.

EXTERNAL

Thorney Parish Council – Support the application. They have however received 4 complaints concerning this application.

English Heritage – Comments awaited.

NEIGHBOURS

16 Letters of objection have been received raising the following issues:

- The lack of community involvement/discussion/agreement
- No need for the development there are already two war memorials in the village/additional financial costs of providing more wreaths to this third memorial site within the village
- Ex servicemen/women have not been consulted
- Thorney Historical Society have not been consulted
- The location will conflict with the location used for the maypole
- The site of the memorial is used for wedding receptions, fetes and events
- The siting, design and materials of the structure
- Unacceptable visual impact
- Impact on this area of open space
- Impact on the Conservation Area/out of character
- Lack of car parking
- Possible attraction for vandalism and anti-social behaviour
- The grass surfacing of this area could be problematic for access particularly in November if the weather is wet/a hard surfaced access would be a shame
- There are more appropriate locations within the village for this structure

- Potential disruption to village events held on The Green by prohibiting the erection of marquees

COUNCILLORS

Cllr Sanders referred the application raising concern about the visual impact of the development.

7 REASONING

a) The siting, scale and design of the proposed memorial

The principle of the erection of a war memorial monument is considered to be acceptable.

Due to the nature of the development proposed, a prominent accessible location within the village is required, and one where any proposed structure can benefit from a high quality visual setting that can accommodate a number of visitors, particularly on Remembrance Day.

The proposed monument will be positioned centrally upon The Green to allow the monument to have visual prominence and to ensure it is positioned adequately from the surrounding residential properties, so as not to affect their residential amenities. This position also allows people to gather around the structure without blocking any of the surrounding roads. The land is owned by the Parish Council, and so their consent as landowner will also have to be sought which is separate and independent of the planning application process.

A natural stone material is proposed which is considered to be appropriate in this Conservation Area location and in the proximity of many Listed Buildings built of local stone. The structure is squat and sturdy in its design, comprising a solid 1.8m square plinth with a tapering column above, capped with a small cross. Although the Green is quite small, the scale and design of this structure are considered to be acceptable as are the materials which are not uncommon to other such war memorials. It is not considered to be visually out of scale or overly dominant in its context and surrounding area setting.

b) The impact on the Conservation Area and surrounding area

It is not considered that the proposed development will have any detrimental impact on the character and appearance of the Conservation Area, or the setting of any of the surrounding Listed Buildings. The structure will not have any detrimental visual impact on the character of the surrounding area, and will provide a focal structure on this Village Green.

Residents have raised concerns that the erection of this structure could prohibit the use of The Green for village fetes/events and any erection of marquees on the land. Whilst this is not a planning matter and should be disregarded, it is also evident that the central position and maximum height above ground level of 2.5m will not prohibit use of this area of open space for village events and should a single marquee be erected over this land the central head height where the monument will sit will almost certainly be in excess of its 2.5m height.

c) The concerns of residents

In respect of the concerns of residents that the planning application was not given adequate publicity, various means of notifying residents were carried out for this planning application, a site notice was put up, an advert placed in the Herald & Post, and the neighbouring properties and Parish Council were consulted, this is consistent with normal procedure, consultation requirements and achieved a high level of response.

The concerns raised by residents about whether there is a need for the development in view of there being two war memorials already in the village, and the additional financial costs of providing wreaths at the site are not material planning considerations. Members should consider the planning merits of the development on this site only, and the availability or possibility of there being other more suitable sites within the village cannot be a reason for refusal of this application should the proposal be found to be acceptable in planning terms.

In respect of the potential for attracting vandalism and anti-social behaviour, war memorial structures will always be susceptible to attracting such behaviour. However this site does benefit from some natural

surveillance as it is overlooked and surrounded by residential properties, which should help to act as a deterrent.

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 siting, scale and design of the war monument is considered to be acceptable on this site without any adverse visual impact. The proposal is therefore in accordance with Policies DA1, DA2, DA3 and DA9 of the Peterborough Local Plan (First Replacement).

- It is not considered there will be any detrimental impact on the Conservation Area or setting of the surrounding Listed Buildings in accordance with Policies CBE3 and CBE7 of the Peterborough Local Plan (First Replacement).

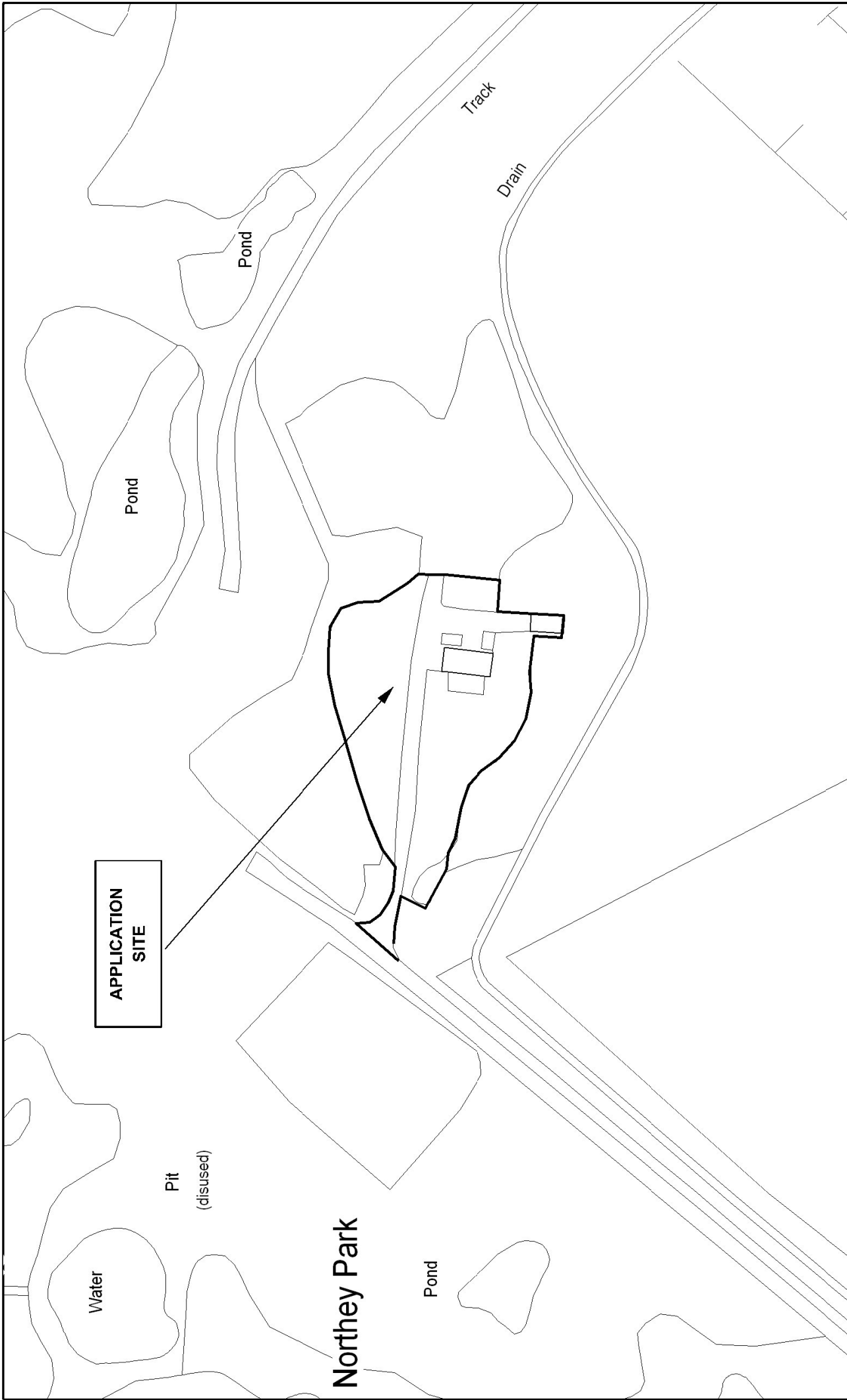
- It is not considered that the proposed development will harm this protected green space in the village which has an important visual and amenity function. The development is therefore in accordance with Policy DA9 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until samples of the stone and paving set materials to be used in the construction of the external surfaces of the monument and paving surround hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C3 No development shall take place until details of the paving layout and the chain link fence hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the approved plans the proposed plaque shall be positioned on the north elevation and not the west elevation as shown, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Sanders and Bartlett



LOCATION PLAN 09/00033/FUL

Park View, Northey Park, Northey Road, Peterborough

Scale 1:1250 **Date** 25/6/2009 **Name** MKB **Department** Planning Services

PCC GIS



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09/00033/FUL: ERECTION OF 2 BEDROOM BUNGALOW TO REPLACE MOBILE HOME FOR USE IN ASSOCIATION WITH THE OPERATION OF NORTHEY PARK AS ANGLING GROUNDS AND NATURE RESERVE (COUNTRY WILDLIFE SITE)

VALID: 9 JANUARY 2009

APPLICANT: MR E SYMAK

AGENT: MR JOHN DADGE

REFERRED BY: CLLR RAY DOBBS

REASON: THAT THE APPLICANT HAS OWNED THE PROPERTY FOR APPROXIMATELY FOURTEEN YEARS AND THAT HE HAS LIVED ON THE SITE AND SUSTAINED A LIVING SOLELY FROM THE SITE FOR THE LAST EIGHT YEARS

DEPARTURE: YES

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of a permanent dwelling in the open countryside
- The benefits of the development to the County Wildlife Site

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

2 PLANNING POLICY

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

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- DA2** **The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- H7** **Housing development on unallocated sites** - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.
- H16** **Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- H26** **Residential caravans and mobile homes** - Planning permission will only be given for residential caravan sites and mobile homes on sites which would be acceptable for permanent dwellings.

- IMP1 Securing satisfactory development** - Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.
- LNE1 Development in the countryside** - Will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, and outdoor recreation or public utility services.
- LNE16 Sites of Local Nature Conservation Importance** – planning permission will not be granted for development which would be likely to have an adverse effect on the Local Nature Reserve or County Wildlife Site, unless there are demonstrable reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site.
- LNE17 Other sites of nature conservation importance** - Seeks adequate provision of protection for wildlife habitats that are likely to be adversely affected by a development.
- LNE19 Protection of species** - Permission will not be granted for developments that would cause demonstrable harm to legally protected species. Where it is granted conditions or an obligation will be sought to help protect or relocate the population.
- T10 Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

Material Planning Considerations

Planning Policy Statement (PPS) 7 – Sustainable Development in Rural Areas

The objective is the continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.

One of the key principles is '**Countryside protection and development in the countryside**' whereby planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development. When determining planning applications for development in the countryside, local planning authorities should: (v) conserve specific features and sites of landscape, wildlife and historic or architectural value, in accordance with statutory designations.

Planning Policy Statement (PPS) 9 - Biodiversity & Geological Conservation

One of the key principles is that planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted. Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education.

Regional Spatial Strategy - East of England Plan

Objectives are to ensure the protection and enhancement of the region's environmental assets, including the built and historic environment, landscape and water; protecting and, where appropriate, enhancing biodiversity through the protection of habitats and species and creating new habitats through development

Policies:

ENV3 Biodiversity and Earth Heritage - Proposals should ensure that internationally and nationally designated sites are given the strongest level of protection...Planning authorities should ensure that the region's wider biodiversity, earth heritage and natural resources are protected and enriched through the conservation, restoration and re-establishment of key resources by:promoting the conservation, enhancement, restoration, re-establishment and good management of habitats and species population in accordance with the East of England regional biodiversity targets and the priorities of the East of England Biodiversity Map.

Sustainable Community Strategy and Local Area Agreement (LAA) 2008-2021: One of the priorities is creating the UK's Environment Capitalso that Peterborough becomes the UK's greenest city with attractive neighbourhoods, surrounded by beautiful countryside and thriving biodiversity and targets within the LAA to improve local diversity.

3 DESCRIPTION OF PROPOSAL

The application seeks permission for the erection of a 2 bedroom bungalow in connection with the operation of the angling grounds and in the management interests of the Local Nature Reserve/County Wildlife Site, at Northey Park. The bungalow will replace a mobile home which the applicant has occupied for a number of years. The proposed dwelling would be sited approximately 400m into the site, in close proximity to an existing mobile home located at the north eastern end of the park's access roadway off Northey Road in an area that would have been used for vehicle loading and departure area of the gravel pit works.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is approximately 0.32 ha and lies within some 38 ha of disused gravel working land formerly known as Northey Pits. The site is accessed off Northey Road, close to the junction with North Bank to the east of Peterborough. Directly to the south is Northey Lodge Caravan Park. The site comprises an undulating, primarily wooded, topography and incorporates approximately 7 lakes of various sizes and depths created as a result of mineral extraction processes prior to the mid 1990s, now utilised for angling. Northey Park was identified as a County Wildlife Site by the Wildlife Trust (Cambridgeshire) and designated as a critical nature capital in the Peterborough Natural Environment Audit. The site provides an excellent example of the natural re-colonisation of an extraction area where a balance has been struck between a low-key commercial activity and environmental protection.

5 PLANNING HISTORY

Ref	Description	Status	Closed Date
96/P0458	Change of use of land from sand/gravel extraction to coarse fishery	PER	28.10.1996
99/01321/FUL	Temporary siting of mobile home and replacement office/WCs	PER	21.01.2000
04/01253/FUL	Erection of bungalow	WDN	23.09.2004
04/01814/FUL	Erection of bungalow	WDN	15.04.2005
06/00105/FUL	Erection of bungalow	WDN	10.12.2007
06/01630/FUL	Continued siting and use of temporary mobile home, angling storage shed and angler's mobile WC	PER	04.04.2007

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – As the proposal is for a replacement home, it will not present any increase in traffic generation. Parking and turning can be accommodated easily within the site. Therefore, the Local Highways Authority raises no objections to the proposal.

Environmental Protection – The site has been used for quarrying with some of the resulting void being infilled with inert waste. Therefore a condition should be appended to ensure that unsuspected areas of contaminated land/materials discovered should be reported to the Local Planning Authority.

NEIGHBOURS

No representations have been received from neighbouring properties.

COUNCILLORS

Cllr Dobbs supports the proposal as the applicant has owned the site for over 14 years and he has sustained a living, it being the sole source of his income for over eight years and has referred the application to be considered at the Planning and Environmental Protection Committee should the Officer recommend that the application is refused.

PARISH COUNCIL

Thorney Parish Council has no objections to the proposal.

7 REASONING

a) Introduction

Planning permission was granted for the temporary siting of a mobile home on the site in January 2000 (99/01231) where it was accepted that there was a functional need for a dwelling in association with the use of the site for coarse fishing. Under the 1999 consent it was decided, on balance, that a temporary consent be granted to allow investment into the fishing lake, and if there was no investment in the fishing lakes and there was no change in profits, then renewal of consent would not be forthcoming. In 2007 a further application was submitted for a temporary mobile home (06/01630/FUL) where planning permission was granted for 1 year to allow time for further consideration to be given to the acceptability of having either a temporary building or a permanent dwelling on the site in association with the fishing lakes. The Park is now an established fishing ground and it is argued that the need for a permanent residence remains and indeed has increased as the park and value of fish stock has developed which vary from hundreds to thousands of pounds. The permanent dwelling is required so that the applicant can continue to maintain security over the valuable stock, manage, police and provide for the safety of anglers on a full time basis as well as to protect, manage and maintain the nature wildlife asset.

b) The principle of the development

The Adopted Local Plan requires that new dwellings in the open countryside will not be allowed except where they are essential to the viable and efficient operation of agriculture, horticulture, forestry or outdoor recreation. The recreational merits of the site and the functional need for the mobile home have already been accepted and this is not challenged. The proposal however, is for a permanent dwelling in the open countryside and is considered against guidance contained within Planning Policy Statement 7, Annex A regarding 'Other Occupational Dwellings', at paragraph 15 which states 'There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises. In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location, regardless of the consideration of any proposed associated dwelling. Local planning authorities should apply the same

stringent levels of assessment to applications for such new occupational dwellings as they apply to applications for agricultural and forestry workers' dwellings. They should therefore apply the same criteria and principles in paragraphs 3-13 of this Annex, in a manner and to the extent that they are relevant to the nature of the enterprise concerned.

Paragraph 3 (iii) of Annex A states 'the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so. In Paragraph 8 'New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A *financial test* is necessary for this purpose, and to provide evidence of the size of dwelling which the unit can sustain. In applying this test (see paragraph 3(iii) above), authorities should take a realistic approach to the level of profitability, taking account of the nature of the enterprise concerned. Some enterprises which aim to operate broadly on a subsistence basis, but which nonetheless provide wider benefits (e.g. in managing attractive landscapes or wildlife habitats), can be sustained on relatively low financial returns'.

Financial Information has been submitted by the applicant providing accounts for the year end at 30 April 2008 and for 2007. The Local Planning Authority has commissioned independent advice in the form of a desktop appraisal for the justification for the proposed dwelling. The appraisal has concluded that the profits shown are significantly less than the minimum agricultural wage for the years 2007 and 2008 and are not sufficient to pay the minimum agricultural wage and sustain the cost of the proposed dwelling. The enterprise is currently financially unviable and is unable to sustain the cost of the proposed dwelling and therefore fails the financial test as set out in Annex A to PPS7 by a considerable margin. However, within the information provided in support of the application the applicant has intimated the introduction of fishing matches to improve the profitability of the site. It is the view of the independent expert that if this was to be introduced and the profitability improved then the enterprise may well be able to sustain the cost of the proposed permanent dwelling. The existing temporary consent for the mobile home could be extended for 2-3 years to enable sufficient time for the applicants to improve the profitability of the enterprise and hence comply with the criteria within para 8 of the Annex to PPS7 and policy LNE1 of the Adopted Peterborough Local Plan (First Replacement).

c) Local Nature Conservation Interests

The flora and fauna on this site is well documented (P Kirby, 1996) as a result of an earlier application for a change of use of land from sand/gravel extraction to coarse fishery (96/P0458). Indeed without active management ponds will become overgrown with vegetation and willow and birch scrub will invade the grassland areas. The Wildlife Officer has been consulted on the application and considers that the site continues to have a substantial wildlife interest and that the site manager's efforts and full time presence on the site have been essential in achieving this. The temporary dwelling on site and occupied by the site manager has undoubtedly allowed a high degree of site supervision to take place which would otherwise have been impossible. This has been beneficial to the sites ecology through the facilitation of efficient site management and prevention of anti social behaviour which would have otherwise undoubtedly resulted. The proposal is highly unlikely to be detrimental to the County Wildlife Site interest and should through the continued presence of the site manager continue to facilitate the positive management of the site. It is the view of the Wildlife Officer that the proposal is not in conflict with Local Plan Policy LNE16 and would serve to facilitate the promotion and enhancement of biodiversity referred to in policy LNE17; and the continued presence in residence of the site manager is likely to contribute to the key principles as set out in PPS9.

In addition, under the Local Area Agreement, Peterborough City Council is committed to delivering positive management of County Wildlife Sites in the Authority area. The site manager appears to be genuinely interested and committed to the positive conservation management of this site and has carried out extensive works to enhance the habitats which are present. The site is also due to be professionally re-surveyed by the Wildlife Trust later this year in order to update the site's description. It is considered that the positive management of the site has been facilitated by the presence of the site manager. The proposal would therefore contribute in part to the achievement of the Local Area Agreement target for these sites and fulfilment of the Community Strategy which is a material planning consideration.

d) Design and amenity

The bungalow is modest in size 17.4m x 9.9m with a ridge height of 6m and 2.7m to eave height and will comprise a brick and tile construction. It will be positioned well into the site and enclosed by substantial tree coverage which will preclude direct views of the bungalow from outside the site. The proposal therefore will not result in any adverse impact on the visual amenity of the area. There are no neighbouring properties in close proximity to the site.

e) Highway implications

Access to the site will remain unchanged post development. The proposed bungalow will replace the existing mobile home and will therefore not result in any increase of traffic to the site. There is adequate provision for parking and turning within the site and the Local Highways Authority raises no objections to the proposal.

f) Flood risk

A flood risk assessment has been included with the application and demonstrates that given the standard of protection secured to the areas adjoining the River Nene's northern embankment renders the inherent risk of flooding affecting the site to be of low probability. The proposed dwelling would be at an 'acceptable' flood risk and thus in the context of PPS25 considered 'safe' for its envisaged 100 year life.

g) Securing Satisfactory Development

The proposal will not impose any additional burden on existing infrastructure/services within the City and therefore the proposal will not give rise to any S106 contributions.

8 CONCLUSIONS

The site provides a beneficial mix of recreation and nature conservation. The presence in residence of the applicant has undoubtedly contributed to the positive conservation management of the County Wildlife Site. The Park is now an established fishing ground and given the numbers and investment in fish stock there is clearly a functional need, as set out in Annex A of PPS7 to manage, police and provide for the safety of anglers as well as to protect, manage and maintain the wildlife asset that this enterprise provides. However, there is increasing pressure for development within the open countryside and a consistent and stringent approach needs to be taken when considering proposals for permanent dwellings. In accordance with advice contained within Annex A of PPS7 applications must pass both the 'functional' and 'financial' test. Indeed, the original consent for the temporary mobile home was to allow time for the fishing enterprise to become established and a viable business and if this was not achieved a further consent would not be forthcoming. The enterprise is currently financially unviable and is unable to sustain the cost of the proposed dwelling. There is however, the possibility to introduce measures to improve the profitability of the enterprise in order to achieve a 'minimum agricultural wage' and therefore pass the financial test. The proposal, at the current time, is contrary to advice given in Annex A of PPS7 and contrary to policy LNE1 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

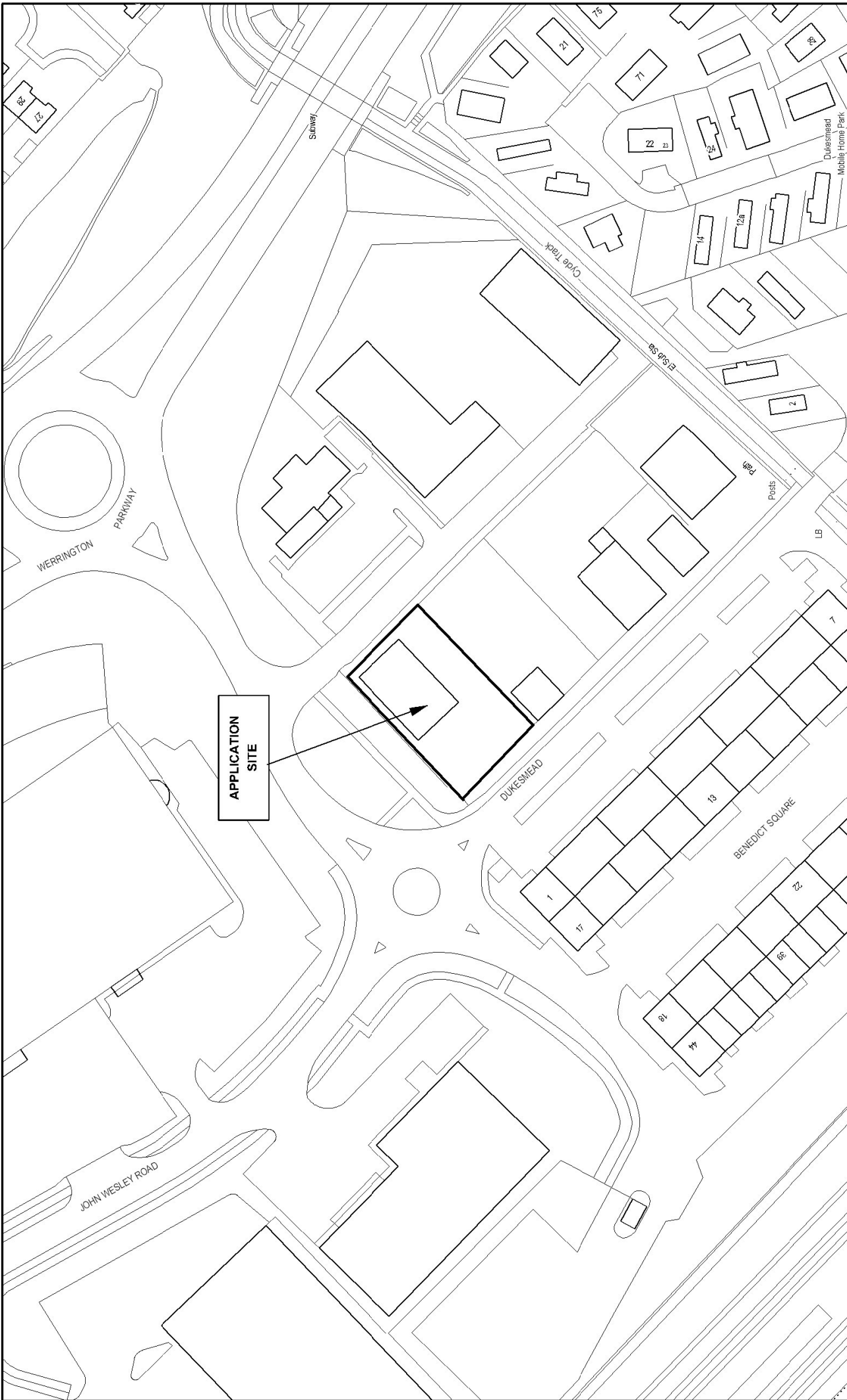
The Head of Planning Services recommends that this application is REFUSED:

R1 The enterprise is currently financially unviable and is unable to sustain the cost of the proposed dwelling and therefore pass the financial test as set out in Annex A to Planning Policy Statement (PPS) 7 by a considerable margin. The proposal is contrary to advice given in Annex A of PPS7 and contrary to policy LNE1 of the Adopted Peterborough Local Plan (First Replacement) which states:

LNE1 Development in the countryside will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation or public utility services.

Copy to (Ward) Councillors

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APPLICATION SITE

LOCATION PLAN 09/00233/CLE

Auto Sparks, Dukesmead, Werrington

Scale 1:1250 Date 25/6/2009 Name MKB Department Planning Services

PCC GIS



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09/00233/CLE: GENERAL MOTOR VEHICLE REPAIRS TO BUILDING AND SITE AT AUTO SPARKS, DUKESMEAD, WERRINGTON, PETERBOROUGH
 VALID: 25.02.2009
 APPLICANT: MESSRS AUTO SPARKS
 AGENT: MR T E TITMAN
 REFERRED BY: HEAD OF PLANNING SERVICES
 REASON: THE APPLICANT IS A COMPANY OWNED BY A COUNCILLOR
 DEPARTURE: NO

CASE OFFICER: Miss A McSherry
 TELEPHONE: 01733 454416
 E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the evidence submitted satisfactorily demonstrates that the existing use on site for general motor vehicle repairs as taken place on site continuously for more than 10 years.

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.

Material Planning Considerations

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

Circular 10/97 – Enforcing planning control – legislative provisions and procedural requirements (1997)

3 DESCRIPTION OF PROPOSAL

This is a lawful development certificate for an existing use/operation. The existing use being considered is general motor vehicle repairs in the building and site, a B2 use.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located within the Werrington General Employment area, OIW 1.09, as identified by the Local Plan. The site contains an industrial unit building, a yard and parking area. The site is screened by boundary hedging.

5 PLANNING HISTORY

No recent planning history.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

None undertaken

EXTERNAL

None undertaken

NEIGHBOURS

No comments received

COUNCILLORS

No comments received

7 REASONING

A certificate of lawfulness application allows the owners to ascertain whether specific uses, operations or other activities are or would be lawful. In this instance the application is made to establish whether the existing use for general motor vehicle repair has taken place on the site continuously for more than 10 years, and so is now considered immune from enforcement action and can be considered lawful. For this type of application consideration can only be given to the evidence concerning the use of the land for the time period in question, and not the planning merits of the operation, use or activity.

In applications such as this onus of proof is firmly on the applicant. In support of the application the following documentation has been submitted:-

- Sworn affidavits from both partners Mr David Harrington and Mr Philip Popple.
- Two letters from customers Anker of Coates and Agricultural plant hire limited (aph) to say this company at this address has carried out general motor repairs for them for well over 10 years
- A bundle of true copies of Auto Sparks invoices dating back to 1993, referred to in the Partners affidavits, JNF2.
- Certificate of completion for compliance with building regulations dated 02/07/87.
- Copy of planning permission dated 05/10/84.
- Photographs
- Existing plans of site and building
- Emails from planning officers

The invoices, affidavits from partners and letters from customers all indicate that the use has been carried out on the site for more than 10 years. The relevant test when considering the submitted evidence is 'the balance of probability'. There is no other evidence, or evidence from others, to contradict or otherwise make the applicant's version of events any less than probable. Based on the information submitted it is considered that the use has taken place for more than 10 years, and can be considered lawful for planning purposes.

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:

It is considered that the evidence submitted does satisfactorily demonstrate that the existing use of the site for general motor vehicle repairs, has taken place on the site for more than 10 years. Therefore 'on the balance of probability' it is able to justify the grant of a certificate, deeming the existing use lawful for planning purposes.

9 RECOMMENDATION

The Head of Planning Services recommends that this certificate is GRANTED subject to the following reason:

- R1. The Local Planning Authority are satisfied, from the information submitted with the application, that the general motor vehicle repairs, a B2 use, has taken place on site for more than 10 years; such that on the balance of probabilities, as required by Circular 10/97, it can be considered as Lawful Development under Section 191 of the Town and Country Planning Act 1990 as amended.

Copy to Councillors *C. Burton, D. Fower, P. Thacker.*

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LOCATION PLAN 09/00384/LBC

333 Thorpe Road, Peterborough

Scale 1:1250 **Date** 24/6/2009 **Name** MKB **Department** Planning Services

PCC GIS



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09/00384/LBC: FORMATION OF DORMER WINDOWS IN BILLIARD BLOCK AT 333
THORPE ROAD PETERBOROUGH PE3 6LU
VALID: 3 APRIL 2009
APPLICANT: MR M CERESTE
AGENT: MR D TIMMS
REFERRED BY: INTERIM HEAD OF PLANNING SERVICES
REASON: MEMBER INTEREST
DEPARTURE: NO

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the development on the Listed Building

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)

CBE6 – Requires that works to Listed Buildings are sympathetic to the character and setting of the original building; are not detrimental to its long term stability; and will not result in the removal of features of architectural or historic interest.

Material Planning Considerations

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

Planning Policy Statement 15 – Planning and the Historic Environment – contains advice on dealing with Listed Building Consent applications.

3 DESCRIPTION OF PROPOSAL

It is proposed to insert two dormer windows on the north elevation of the existing outbuilding, and one on the south elevation. Those to the north would be “blind” dormers, with permanently closed shutters, to provide additional headroom and that on the south would be obscure glazed.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The main listed building on the site is Tower House which is Grade 1 listed. The outbuilding in question is of coursed rubble with a pantile roof. There is one existing rooflight.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
99/00149/LBC	Formation of dormer windows in billiard block	12/7/99	Consent

6 CONSULTATIONS/REPRESENTATIONS

NEIGHBOURS

Letters of representation have been received from two local households and the following issues have been raised by one neighbour:

- North dormers overlook 333a Thorpe Road and should be blind
- Possibility of separate residential development by stealth

7 REASONING

a) **Introduction**

Consent was granted for this development ten years ago. Although the applicant has called this application a renewal it is not; as the original consent expired in 2004.

b) **Policy issues and Principle of development**

This is an application for Listed Building Consent and therefore only issues relating to impact on the form and setting of the Listed Building should be considered. The works will also require planning permission and other matters should be explored at that stage.

As the application relates to a Grade 1 Listed Building the draft decision will have to be submitted to the Secretary of State (GO-EAST) for approval.

c) **Impact of development on Listed Building**

The scheme will have no adverse impact on the main Grade 1 Listed Building, or on the curtilage listed outbuilding.

English Heritage have been consulted although it is not expected that a response will be received prior to Committee. As the works proposed are to a curtilage listed building it is not anticipated that there will be any objection, and therefore Officers recommend that Members approve the application subject to there not being any objection from English Heritage.

d) **Other matters**

A neighbour has raised concerns regarding overlooking and also the creation of a separate residential unit.

Overlooking should be considered as part of an application for planning permission, although the works currently under consideration are a result of negotiation (in 1999) that took this into account.

Overlooking can be addressed by Condition requiring blind dormers to the north and obscure glazing to the south, but these Conditions should be appended to a grant of planning permission, not Listed Building Consent if they are to protect neighbour amenity.

Any proposal to create a separate dwelling would require separate planning permission.

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 proposed works will have no adverse impact upon the fabric, character or setting of the building Listed as being of architectural or historic interest. The proposal is therefore in accordance with Saved Policy CBE6 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

It is recommended that subject to there being no objection from English Heritage, and to approval from the Secretary of State Listed Building Consent be granted subject to the following conditions:

- C1 Works to which this consent relates shall be begun before the expiration of five years from the date of this consent.**
Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- C2 The dormer cheeks shall be rendered with lime mortar unless an appropriate alternative is agreed with the Local Planning Authority in advance of works commencing. Any colour applied to the render shall be agreed in advance with the Local Planning Authority.**
Reason: In order to protect the character of a building Listed as being of architectural or historic interest in accordance with Saved Policy CBE6 of the Peterborough Local Plan 2005 (First Replacement).
- C3 The shutters of the blind dormers shall be dark stained to match the windows unless an appropriate alternative finish is agreed in writing with the Local Planning Authority in advance of works commencing.**
Reason: In order to protect the character of a building Listed as being of architectural or historic interest in accordance with Saved Policy CBE6 of the Peterborough Local Plan 2005 (First Replacement).

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LOCATION PLAN 09/00501/TRE

425 Fulbridge Road, Peterborough

Scale 1:1250 Date 25/6/2009 Name MKB Department Planning Services

PCC GIS



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FILE NUMBER: 09/00501/TRE application to work on a tree protected by a Tree Preservation Order

VALID: 12/5/09

APPLICANT: Mr D Wilkinson

AGENT: Mr J Rowlett

REFERRED BY: Cllr Darren Fower

REASON: Cllr considers that due to the significance of the tree it deserves greater attention.

DEPARTURE: NO

CASE OFFICER: John Wilcockson

TELEPHONE: 01733 453465

E-MAIL: john.wilcockson @peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Main Issues

09/00501/TRE is a Planning application to fell an Oak tree covered by Tree Preservation Order (TPO)1956.02.

The main considerations are:

- **Likely impact of the proposals on the amenity of the area**
- **Are the proposals reasonable and justified having regard to the reasons put forward by the applicant?**

Recommendation

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

2 PLANNING POLICY

Peterborough Trees & Woodland Strategy (policy 39) states that:

“There will be a presumption against the cutting down, topping, lopping or uprooting of any tree protected by a Tree Preservation Order. The Council will not give consent to fell a tree or woodland protected by a TPO unless it is satisfied that this is necessary and justified. Generally, any such consent will be conditional upon appropriate replacement of the tree”.

3 DESCRIPTION OF PROPOSAL

The proposal is to fell the mature oak tree at 425 Fulbridge Rd, that is contained within G1 of TPO 02/1956 – the group consisting of 2 Horse Chestnut & 2 Oak trees. 1 Oak & 1 Horse Chestnut having been historically felled.

The reason for the proposed works are that the applicant wishes to fell the tree following recommendations and findings by PCC Landscape Officer that the tree is showing visible signs that are considered to be potentially dangerous.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The tree is situated in the front garden of the property and abuts Fulbridge Road. This is a main arterial route through Werrington linking the community to the City Centre - Fulbridge Road is commonly used as one of the "rat run" routes for commuters who live in the rural surroundings. The tree is assessed to be a significant landmark within the street scene of considerable amenity value.

5 PLANNING HISTORY

The tree was included in a TPO on 9th April 1957 and confirmed on 26th June 1957.

Application Number	Description	Date	Decision
TR/014/83	Lop oak tree	10/10/83	Approved
90/TR003	Fell 1 Oak tree	12/3/90	Refused
93/TR029/23	Reduce, reshape & raise over road one oak tree	28/01/94	Approved

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

None

EXTERNAL

Werrington Neighbourhood Council consider that further investigation is required by an expert to consider options and in particular to reduce the risk to the public whilst retaining the tree. Given the age and significance of the tree proper public consultation should be given to this decision.

NEIGHBOURS

None

COUNCILLORS

Cllr Darren Fower has referred the application to Committee in the event of an Officer recommendation of approval, for the reasons set out below: -

- The felling of the tree deserves greater attention.
- The details considered appear to be one sided.
- The information provided to date raises questions that remain unanswered.
- The Councillor has received no complaints from constituents to date.

7 REASONING

a) Introduction

The Natural Environment Section within the Planning Dept received an anonymous complaint from a member of the public regarding the tree towards the end of February this year regarding the safety of this tree.

Subsequently a site visit was undertaken by the City Council's Landscape Officer, John Wilcockson to determine the extent of the complaint.

The tree in question is a mature Oak with around 50% of the crown dead, much of this dead wood is large enough in diameter to pose a real threat to footpath and road users.

There was also evidence of fungal brackets and basal decay.

Due to the condition of the tree, it was requested that the owner had the tree inspected by a competently trained person with a view to ascertain the extent of the problem.

The owner contacted a local tree contractor who arranged a joint site meeting with the representative of the Local Planning Authority. As a result of this meeting, it was agreed that due to the concerns surrounding the failure of the tree further investigation was needed.

To this end, a Resistograph test (drilling with a probe which gives an indication of decay at the drill point) was carried out by the Natural Environment Team.

b) Findings

Two fungal brackets were found on site at the base of the tree, these have been identified as *Inonotus dryadeus* – this pathogen is a white rot that typically infects the central root system, most of which is directly below the main trunk and never more than 2 metres above soil level. This manifests itself by degrading the structural strength of the infected areas within the tree.

Currently there is evidence of fresh *Inonotus Dryadeus* fruiting bodies.

There is evidence of a decay pocket across the western side of the tree at ground level, this pocket measures 1.1 metres across and following a resistograph test (drilling with a probe which gives an indication of decay at the drill point), this decay was found to be on average 18cm deep. This assessment revealed much of this decay being below ground, which cannot be assessed with the decay detection equipment currently available.

Commonly the infected tree is only supported by stilt-like peripheral roots and in the worst case scenario, the tree is subjected to windthrow. It is considered that a tree prone to the risk of windthrow poses a significant threat to users of Fulbridge Road, a very busy primary arterial road through the city.

In all likelihood, some of the tree roots were no doubt severed by both the creation of the property drive and the formation of the footpath post development. Current thinking and guidance on tree roots has been updated as late as 2005 as there is now a greater understanding of root systems and the damage caused by excavation.

The crown of the tree is particularly thin and is at its' worst on this western side of the tree (which mirrors the position of the decay). The tree has almost developed a full lower canopy which perhaps has led visually to the suggestion that the tree would survive with a crown reduction. The tree is however, typically demonstrating that it is failing to support the upper canopy with the energy required to transport nutrients and water to the outermost extremities.

If a crown reduction is performed at the extent of the newly formed lower canopy, the wound sizes created on the branches would in most cases be in excess of 10 inches. Sound Arboricultural practice recommends a *maximum* of 4 inches in diameter, anything above this size results in the tree failing to successfully compartmentalise (close) the wound at which stage further decay pathogens can enter. A crown reduction in this case would not necessarily provide a guarantee of safety.

Aside from this, a drastic crown reduction in excess of 40% would set a precedent that could find this Department in a position of being unable to defend a large number of potentially mature trees being drastically pruned. If this reduction were to be carried out, the tree would lose its visual amenity value and flowing line of the trees' crown.

The primary reason a Tree Preservation Order is served is for the public visual amenity value offered – this would not be the case if we as a Department were to permit drastic reductions of this nature.

c) Other Issues

In terms of the TPO process, if an Local Planning Authority were to refuse the application, the applicant has a Right of Appeal to the Secretary of State and it is considered that any Appeal Officer would permit the felling of this tree. As a Department, the LPA have already written to the owner of the tree indicating concerns and requested that they have the tree inspected.

Equally, the owners of the tree may claim that the tree falls within the Dead/Dying/Dangerous category of the TPO Legislation and that an application is therefore not required to the LPA. In this instance the owner is only required to give the LPA 5 days' notification.

The application itself was made at the suggestion of this Department to publicise and inform the public of this trees' poor condition and the need for decisive action.

On the weekend of 6th/7th June, Highways Dept were called out to tidy up deadwood that had fallen onto the public highway, they then contacted this office and left a message asking if action was being taken in respect of this tree. If not, they would serve notice on the landowner under section 154 of the Highways Act to request action to remove the risk that is currently endangering the passage of vehicles and pedestrians on the adjacent highway.

d) Policy issues

It is considered that under the Tree & Woodland Strategy, the application to fell meets the requirements due to the nature and extent of the faults of the tree.

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 tree is a significant risk to road and footpath users due to the inherent defects identified and as such should be felled.
- If retained, PCC will be liable for any claims for a period of 12 months should any damage or injuries occur to 3rd parties.
- Pruning is not a viable option; any extensive crown reduction in an attempt to retain the tree will leave an unattractive specimen. The primary reason for serving a Tree Preservation Order is for the tree to provide public visual amenity value. There are also no guarantees to the trees' safety thereafter.
- Pruning is only delaying the inevitable and incurring unnecessary additional costs to the owner.

Whilst it is appreciated that the oak has historically been a major land mark feature along Fulbridge Road, the tree is visually demonstrating structural faults that are a major concern.

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

- C1 The above treework, to which this permission relates, must be completed no later than the expiration of two years beginning with the date of this decision notice.**

Reason: The Local Planning Authority would wish to review the decision and the proposal after two years from the date of this consent so that it may take into account the growth pattern and condition of the tree(s) at that time....

- C2 A replacement tree of a size and species to be agreed in writing with the Local Planning Authority shall be planted in the first planting season (December to February inclusive for deciduous trees and October to March for evergreen trees) following removal of the tree the subject of this application.**

Reason: To ensure continuity of tree cover in the interest of visual amenity, in accordance with the Policy 39 Peterborough Tree and Woodlands Strategy 1998.

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LOCATION PLAN 09/00529/FUL

53 Willesden Avenue, Walton, Peterborough

Scale 1:1250 Date 25/6/2009 Name MKB Department Planning Services

PCC GIS



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09/00529/FUL: TWO ONE-BEDROOM FLATS AT LAND TO THE REAR OF 53 WILLESDEN AVENUE AND 36 PASTON LANE, WALTON, PETERBOROUGH

VALID: 14 MAY 2009

APPLICANT: MR MARK CROWN

AGENT: MR GEORGE KNOWLES

REFERRED BY: CLLR SANDFORD

REASON: THE PROPOSAL HAS ADDRESSED ALL THE REASONS FOR THE REFUSAL OF THE PREVIOUS PROPOSAL AND THE TWO STOREY BUILDING WOULD NOT BE OUT OF CHARACTER WITH THE SURROUNDING AREA

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the proposal is in keeping with the character and appearance of the surrounding area
- Whether the proposal will harm the amenity of occupiers of neighbouring properties.
- Whether the proposal will provide an adequate level of amenity for the future occupiers of the property
- Whether the proposal will result in any adverse highway implications.

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

2 PLANNING POLICY

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

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- DA1 Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2 The effect of Development on the character and amenity of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA6 Tandem, Backland and Piecemeal Development** - Permission will only be granted if development can be satisfactorily accommodated within a site in terms of scale and density, would not affect the character of an area, would have no adverse impact upon the amenities of occupiers of nearby properties, can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.

- H7 Housing Development on Unallocated Sites** - Housing development on unallocated sites should make efficient use of the site and respect the character of the surrounding area.
- H16 Residential Design and Amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- H20 Range of Accommodation to meet Housing Needs** - Seeks proposals with a variety of both size and types of accommodation. Also seeks suitable provision of accommodation for single person households, young people, and homeless, those with learning or physical disability, older people and large family groups
- IMP1 Securing satisfactory development** - Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.
- T1 The Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T10 Car and Motorcycle parking** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

Material Planning Considerations

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

Planning Policy Statement 3: Housing – States ‘A key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed....Good design is fundamental to using land efficiently. Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area’.

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.

3 DESCRIPTION OF PROPOSAL

The proposal is to demolish existing garage blocks to the rear of 53 Willesden Avenue and to the rear of 36 Paston Lane; and to erect 2 no. one-bedroom flats in the form of a two storey development fronting Churchfield Road. The footprint of the building is 11m x 5m with a height of 7m and the plot size is approximately 16m wide by 9.2m deep with an additional area of 7m x 3.5m to the rear. The development will provide one small flat at ground floor and one at first floor. Parking is provided each side of the building which will serve both the new flats and the existing dwellings.

4 DESCRIPTION OF SITE AND SURROUNDINGS

53 Willesden Avenue is a two storey brick/tile detached house on the corner of Willesden Avenue and Churchfield Road. To the rear of the property is a large private amenity area which is bounded by a 1.8m fence beyond which is a single storey double garage/workshop. No 36 Paston Lane is a two storey semi detached property with rendered finish, also located on a corner plot and also benefiting by a large rear amenity space. The surrounding area is predominantly residential in character comprising detached, semi detached and terraced properties with an urban form created by parallel 'back to back' development with long and thin rear gardens.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/00036/REFPP	Erection of two flats with parking	21.08.2007	DISMIS
99/01262/FUL	Use as tutorial centre	24.12.1999	PER
05/01904/FUL	Change of use from commercial to residential	18.01.2006	PER
06/00929/FUL	Erection of two flats at rear with garaging and parking	22.08.2006	WDN
06/01713/FUL	Erection of two flats with parking	22.12.2006	REF
09/00068/FUL	Two one-bed flats	07.05.2009	WDN

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections to the proposal subject to conditions regarding the repositioning of a street lamp column and that the parking is laid out prior to occupation of the development and that area is thereafter retained for the purpose of parking.

NEIGHBOURS

At the time of writing the report, no objections have been received from neighbouring properties.

COUNCILLORS

Cllr Sandford does not consider that a two storey building is out of character as the predominant building type in the area comprising two storey terraced, semi-detached and detached houses.

7 REASONING

a) Introduction

There have been a number of recent proposals for development on this site. A previous application (ref. 06/01713/FUL) for the erection of 2 no. flats, was refused due to the inadequate level of amenity that would be afforded to the future occupiers of the property, particularly the ground floor element, and the harm on the character and appearance of the area. The application was subsequently dismissed at appeal. This application is materially different to the previous scheme and has attempted to address some of the issues resulting in the previous refusal. The application is considered as backland

development and will be assessed primarily against policy DA6 of the Adopted Peterborough Local Plan (First Replacement).

b) Impact on the character and appearance of the surrounding area

The proposed development will replace two single storey flat roofed double garages fronting on to Churchfield Road. The proposed design is of no particular merit and materials will harmonise with those of properties in Willesden Avenue. The building is two storey, albeit lower than the surrounding two storey development. However, the development would result in the disruption of the otherwise open views across the 'back to back' gardens in this part of Churchfield Road; an issue which was raised with the previous submission and conceded by the Inspector at Appeal. In the Inspector's opinion 'the existing building is low key and not notably unsightly. Despite this and other low key buildings in the extensive garden areas between the more or less parallel rows of housing in Willesden Avenue and Paston Lane, this part of the street scene is relatively open with long views across the gardens. In this context, irrespective of detailed design and materials, the height and siting of the proposed two storey building would result in a highly prominent and incongruous feature, disrupting the regular pattern of development and the open views which are key elements of the areas character'. The proposal does not overcome this reason for refusal of the previous scheme and in your Officer's opinion would result in an intensification of development which would be harmful to the character and appearance of this part of Churchfield Road and is therefore contrary to policies H7(e), DA2(b) and DA6(b) of the Adopted Peterborough Local Plan (First Replacement).

c) Residential Amenity

The flatted accommodation will be able to achieve an adequate level of amenity for the future occupiers. The accommodation will have an acceptable level of daylight/natural light, privacy in habitable rooms and the configuration of and relationship of habitable rooms will avoid noise issues. There will be a private amenity area available for each flat of approximately 25sqm which accords with guidance within the Peterborough Residential Design Guide. Furthermore, there is space around the building providing a good separation between parking areas and boundary treatments; a significant concern raised by the previous scheme and one reason for refusal. The proposal therefore accords with policy H16 of the Adopted Peterborough Local Plan (First Replacement).

d) Neighbouring Amenity

The loss of garden area to the rear of no 53 will not result in an unacceptable level of private rear amenity space and an area in excess of 100sqm will remain. No 36 will also benefit with a remaining area of over 100 sqm. There is a separation distance of at least 16m from the side elevation of the development and the rear elevation of the dwelling at no 53. There is a first floor window within the side elevation which serves a stairwell to the flats however, given the secondary use of this area and the positioning of the stairs it is considered unlikely to result in any loss of privacy to the occupiers of number 53. There is a separation distance of 22m from the side elevation of the flatted development to the rear elevation of no. 36 Paston Lane which is considered acceptable. The development is positioned at an acceptable distance to neighbouring properties to avoid any overbearing impact, loss of light and loss of privacy, hence the proposal accords with policy DA2(c) and DA6(c) of the Adopted Peterborough Local Plan (First Replacement).

e) Highway Implications

The proposal is acceptable to the Local Highways Authority as parking within the Local Plan standards is provided for the flats and existing properties with adequate pedestrian visibility splays. There is however, a street lamp which would need to be repositioned in order to achieve visibility and an appropriate condition could be appended to achieve this. A condition would also be appended to ensure the parking spaces shall be retained as such in perpetuity and that visibility splays shall be kept free from obstruction. The proposal therefore accords with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

f) Range of Accommodation

The applicant has argued that the development will provide low cost housing to rent within a community that needs this type of property. Policy H20 of the Adopted Peterborough Local Plan (First Replacement) seeks to provide a range of accommodation to meet a variety of needs and hence the proposal accords with this policy.

g) Securing satisfactory development

The S106 strategy would apply to this development, however the process was not commenced as it was clear from an early stage that the proposal would not be supported.

8 CONCLUSIONS

The proposal has sought to address the reasons for refusal of the previous scheme and it is considered that an adequate level of amenity could be provided for the future occupiers of the proposed flatted development and the development would not unduly harm the amenity of occupiers of neighbouring properties. The proposal would also provide for a particular housing need. Notwithstanding the benefits of the scheme the overriding issue of the proposal's impact on the open character and appearance has not been addressed. The proposal would result in a feature within the street scene which is out of keeping with the building form of the immediate area which is considered to be harmful. The proposal is therefore contrary to policies H7(e), DA2(b) and DA6(b) of the Adopted Peterborough Local Plan (First Replacement)

9 RECOMMENDATION

The Head of Planning Services recommends that this application is REFUSED

R1 The proposed two storey building, albeit lower than the surrounding two storey development, would be a prominent feature within the street scene which would not respect the pattern of development and would result in the disruption of the otherwise open views across the 'back to back' gardens in this part of Churchfield Road which is a key feature of the areas character and appearance. The proposal is therefore contrary to policies H7(e), DA2(b) and DA6(b) of the Adopted Peterborough Local Plan (First Replacement) which state:

H7 Within the Urban Area residential development on any site not allocated in policy H3, including by infilling, redevelopment, and change of use of existing buildings, will be permitted where the site:

- (a) is not allocated for any other purpose; and**
- (b) is not within a defined Employment Area; and**
- (c) is, or will be, well related to existing or proposed services and facilities necessary to meet residential needs, including public transport;**
and where development would:
 - (d) make efficient use of the site or building in terms of density and layout; and**
 - (e) respect the character of the surrounding area; and**
 - (f) provide good quality living conditions for residents; and**
 - (g) be acceptable in terms of highway safety and traffic flow; and**
 - (h) not unacceptably constrain development of adjoining land for an allocated or permitted use; and**
 - (i) not result in loss of open space of recreational or amenity value or potential.**

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- (a) can be satisfactorily accommodated on the site itself; and**

- (b) would not adversely affect the character of the area; and
- (c) would have no adverse impact on the amenities of occupiers of nearby properties.

DA6 Planning permission will only be granted for tandem, backland or other piecemeal development if the application demonstrates that the proposed development:

- (a) can be satisfactorily accommodated on-site in terms of scale and density; and
- (b) would not unacceptably harm the character of the area; and
- (c) would have no unacceptably adverse impact on the amenities of occupiers of nearby properties; and
- (d) can be satisfactorily accessed from the public highway; and
- (e) would not prejudice the comprehensive development of a larger area.

R2 The scheme has failed to secure the additional infrastructure and community facilities contribution which would be necessary as a consequence of the development and is therefore contrary to Policy IMP1 of the Peterborough Local Plan 2005 (First Replacement) which states:

IMP1 Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and in kind.

The provision of such requirements shall be secured as part of development proposals or through the use of conditions attached to planning permissions, or sought through planning obligations.

Informative:

- 1 Reason 2 of this refusal is based on Policy IMP1 of the Adopted Peterborough Local Plan (First Replacement) which seeks to secure equitable contributions to the community in respect of the impact on the community facilities which are attributable to the development, both on it's own and in combination with other developments. The reason relates to the absence of an agreement under Section 106 of the Town and Country Planning Act. The Local Planning Authority appreciate that the applicant has expressed his willingness to enter into such an agreement, however, if the decision is appealed against, the reason is necessary to enable the matter to be addressed.

Copy to Councillors Sandford

P & EP Committee 7 July 2009

Enforcement Action in Dogsthorpe Ward

REFERRED: HEAD OF PLANNING SERVICES
CONTACT OFFICER: NIGEL BARNES
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1 SUMMARY

The committee is asked to consider appropriate enforcement action in relation to an unauthorised development in accordance with section 2.6.1.3 of the City Council constitution.

2 NATURE OF EXEMPT INFORMATION

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

ITEM NO.	APPLICATION REF.	REASON
6	08/00215/ENFBUS	Disclosing the information is likely to identify an individual or company where prosecution is being considered.

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