

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 23 MARCH 2010
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>15 March 2010</i>

AGENDA

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2. **Declarations of Interest**
3. **Members' Declaration of intention to make representations as Ward Councillor**
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5. **Development Control and Enforcement Matters**
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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 Gemma George on 01733 452268.

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MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor North (Chairman), Councillor Lowndes (Vice Chairman), Councillor C Burton, Councillor Kreling, Councillor Thacker, Councillor Todd, Councillor Winslade, Councillor Ash, Councillor Lane and Councillor Harrington

Subs: Councillor C Day and Councillor Sharp

CASE OFFICERS

Planning Delivery Team: Nicholas Harding, Theresa Nicholl, Dale Barker, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Emmanuel Allanah

Minerals and Waste: Susan Marsh

Enforcement: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

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

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the
Town Hall, Peterborough on 26 January 2010

Members Present:

Chairman - Councillor North

Councillors – Todd, Kreling, Thacker, Winslade, C Day, Ash, and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager (Items 5.1 and 5.2)
Jez Tuttle, Senior Engineer (Development) (Items 5.1 and 5.2)
Richard Kay, Strategic Planning Manager (Item 6)
Gemma Wildman, Principal Strategic Planning Officer (Item 6)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Lowndes, Councillor C Burton and Councillor Lane.

Councillor C Day attended as substitute.

2. Declarations of Interests

5.2 Councillor Thacker stated that she sat on the Werrington Neighbourhood Council but she did not have a personal or prejudicial interest in the item.

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

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

4. Minutes of the Meeting held on 8 December 2009

The minutes of the meeting held on 8 December 2009 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 09/01186/R3FUL – Floodlit all weather sports pitch, improved local play area and car parking at Westwood Grange, Mayors Walk, West Town, Peterborough

The application sought planning permission for the construction of a new all weather floodlit sports pitch, relocated children's play area and associated car parking. The application scheme was similar to that which Members resolved to grant planning permission for as part

of the outline application 07/01946/OUT. This outline application originally sought permission for residential development, an all weather floodlit sports pitch and associated car parking. However, due to changes in priority, Peterborough City Council was now seeking to construct the sports pitch, children's play area and car parking prior to the erection of the residential dwellings and as such, the scheme was removed from the residential application and the current planning application submitted.

The proposed all weather pitch would be enclosed by 4.5m high steel mesh fencing and built to the specification of the Football Association for a '3rd generation' pitch. The lighting columns would stand at 14 metres in height and consist of three floodlighting lumieres angled at the horizontal. Access to the pitch itself would be gained directly from the existing changing rooms on the site.

The children's play area was proposed to be relocated from its existing position to the north east of the site and would provide more modern play equipment as well as a central seating area. The existing foot and cycle path which ran north south through the application site would be realigned and given a sinuous shape to connect the proposed new play facilities to the proposed residential development to the north east.

The proposal also sought permission for a new 117 space car park which would formalise the parking arrangements for the site. It was proposed that a new access would be created to the north east of the site which would allow vehicular access through the proposed residential development and ultimately off the Atherstone Avenue roundabout. The current access from Mayors Walk was proposed to be retained on a temporary basis pending the approval and construction of the residential development.

The Planning Officer addressed the Committee and gave an overview of the proposal and the main issues, these being the impact of the pitch on neighbouring amenities with regards to noise and light spillage from the proposed lighting columns, the impact on visual amenity also with regards to the lighting columns and the proposed metal mesh fencing. Issues surrounding car parking, access and possible flood risks were also highlighted.

Members' attention was drawn to additional information contained within the update report. Further consultation responses had been received from the Head of Transport and Engineering, the Drainage Engineer and the Environment Agency. Members were advised that no objections to the amended plans had been received from the Head of Transport and Engineering, however, conditions relating to full details of access and construction vehicle cleaning equipment had been recommended. Members were further advised that the Drainage Engineer had no objection to the proposal and did not foresee any major flood risks as a result of the implementation of the all weather sports pitch and associated works. The Environment Agency also had no objection to the proposals.

The conditions detailed in the committee report had been reviewed and simplified in order to make them clearer and a condition relating to the provision of a barrier to the northern pedestrian access had been deleted as there was already a barrier in place. An additional condition had also been added to deal with the issue of community use of the sports pitch. All of the revised conditions were highlighted in the update report.

A letter of objection had been received from a local resident and the main concerns highlighted were the amount of rubbish which was regularly left on the playing field and the foreseeable problems with drainage of surface water.

The Planning Officer addressed the Committee and stated that, with regards to the concerns highlighted about the drainage of surface water, the car park area would be paved with porous block paving and the pitch would be replacing a current sports pitch, therefore the drainage of surface water would be no more of a problem than it currently was.

After debate and questions to the Planning Officer, Members expressed concern regarding the possible increase in noise levels that the development may cause and the impact of this increase on local resident's properties.

After further debate, a motion was put forward and seconded to defer the application on the grounds that clarification was required with regards to the potential noise impact on local residents. Members requested that the item be deferred to allow for further noise assessments to be completed on the site and for details of any noise mitigation used on other all weather pitches in the area to be provided.

RESOLVED: (6 for, 2 against) that the application be deferred to a later date.

Reasons for the decision:

The Committee requested a deferral on the application in order that a further noise assessment could be undertaken on the site and to allow for further details of any noise mitigation used on other all weather pitches in the area to be provided.

5.2 08/01471/FUL - Deed of variation to the first and second schedule of the S106 agreement for the phase 1 regeneration of the Werrington Centre – Planning Application REF 08/01471/FUL

The proposal sought approval for a deed of variation to the First Schedule 'Car Parking Provision' and Second Schedule 'Public Art' of the S106 Agreement for the regeneration of the Werrington Centre (application reference 08/01471/FUL).

In order to avoid any further delay to the implementation of the scheme for Phase 1 of the Regeneration of the Werrington Centre it was proposed that a variation to the S106 agreement was approved to allow the owner to progress to Option 4 and for the owner to make the contribution of £177,000 to the Council. The delay up to that point was not the fault of the applicant and it seemed unreasonable to delay further the start of the development. The Council could then provide the car park at the Bowls Club Site (Option 2) subject to budget provision to make up the shortfall. The owner had also offered that the claw back be extended from 5 to 10 years.

Internal meetings had taken place and an indicative scheme had been produced by Strategic Property. The scheme was considered acceptable and had been agreed in principle by the Highways Section and Landscaping Team.

The Asset Management Manager had requested funds to provide a car park at the Ken Stimpson School (Option 1) to be identified within the 2010 to 2011 budget, up to the value of £500,000. The provision of the community car park had been highlighted as a priority and would cover all issues including private finance imitative (PFI) costs. The estimated cost of providing a 100 space car park at the Werrington Bowls Club (Option 2) was £360,000, however this proposed a high specification construction which could be reduced. Discussions were continuing with Strategic Property. It was also to be acknowledged that while costs could be reduced, long term maintenance/management of the car park would have to be considered. It was envisaged that the car park would be managed by City Services. However, these were matters that were the responsibility of the Council rather than the owner.

The owner had always maintained that it could not enter into an agreement to allow the community car park to form part of the new Centre Car Park as the third party purchaser would not agree to this restriction. However, the owner had made an undertaking that there was no intention to introduce any changes to the present management of the car park in the immediate future while it remained in the ownership of the Howard Group.

Furthermore, it was proposed that the Second Schedule for a contribution of £50,000 to public art be amended to read 'public art or community projects'. This would enable flexibility and allow for monies to benefit community projects as identified.

The Planning Officer addressed the Committee and gave an overview of the proposal including the four different options available. Members were advised that it was recommended to proceed with option 4.

Members' attention was drawn to additional information contained within the update report. A written representation had been received from Werrington Neighbourhood Council highlighting numerous concerns.

Mr Alan Smith, an objector and a representative of Werrington Neighbourhood Council, addressed the Committee and responded to questions from Members. In summary, the concerns highlighted to the Committee included:

- When planning permission was granted in 2009, the community car park had been a requirement of the S106 agreement
- Option 1 was a legitimate planning requirement
- Constraints on the current car park had not been realised
- The initial estimated costs had been too low
- The Werrington Neighbourhood Council had no confidence in the delivery of the car park
- The Werrington Neighbourhood Council's recommendation was not to modify the S106 agreement to ensure parking would be available

Councillor Fower, an objector and City Councillor, addressed the Committee and responded to questions from Members. In summary, the concerns highlighted to the Committee included:

- Any obligations on the developers would be lost if option 4 was progressed
- The proposal would put financial restraints on Peterborough City Council
- An agreement had been signed by the developers stating that spaces would be provided until further parking became available, therefore option 2 should be progressed

Mr Mann, the agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Phase 1 of the regeneration of the Werrington Centre had been halted due to the issue surrounding the car park
- The regeneration of the centre was a major project that would bring numerous benefits to the local community, including jobs and highway improvements
- Option 1 had been explored but was no longer feasible
- It was important that HPG began work on the site before the end of March, therefore an application for Option 2 would not be possible as similar issues to those already experienced may arise and cause further delays
- It would not be possible to enter into a formal agreement with regards to the car parking arrangements
- There were no plans to introduce charges at the car park

Members expressed concern regarding the proposals and the Planning Officer addressed the Committee in response to these concerns. Members were advised that money for the car park had been highlighted in the budget for the forthcoming financial year and if considered a priority the car park would be built.

After further debate, a motion was put forward and seconded to approve the proposed deed of variation to the S106 agreement and to allow the developer to progress to option 4. The motion was carried unanimously.

RESOLVED: (unanimously) to approve the proposal. This being:

1. A variation to the First Schedule 'Community Car Park' to allow the developer to progress to option 4 and make the contribution of £177,000 to the Council; and to the Second Schedule 'Public Art' to include 'Public Art and Community Projects' to the S106 Agreement for Phase 1 of the regeneration of the Werrington District Centre (ref. 08/01471/FUL)
2. The City Council to deliver the Community Car Park on the Werrington Bowls Club Site (Option 2) (subject to final budget being agreed).
3. To allow the owner to commence development on Phase 1 of the Regeneration of Werrington District Centre without undue delay providing benefits for the Werrington Community and the City as a whole.

The meeting was adjourned for ten minutes.

6. Peterborough Local Development Framework – Peterborough Site Allocations Document (Preferred Options Version)

A report was presented to the Committee which sought its comments on the Site Allocations Development Plan Document (Preferred Options Version).

The Planning and Compulsory Purchase Act 2004 introduced a new system of plan-making known as the Local Development Framework (LDF). One of the documents that the Council was required to produce as part of the LDF was the Site Allocations Document, which sat beneath (and took its lead from) the 'Peterborough Core Strategy'.

The Core Strategy set out the vision, objectives and overall strategy for the development of Peterborough up to 2026, together with a limited number of policies that were core to achieving or delivering that strategy. The Core Strategy was accompanied by a 'key diagram' which highlighted pictorially some of the key elements of Peterborough's development strategy, however it did not have a 'proposals map' drawn on an Ordnance Survey base. This was the primary role of the Site Allocations Document.

Members were advised that the detailed site boundaries of all allocations (for example, housing, employment, safeguarded land, district centres, and many more) were being proposed through the Site Allocations Document.

Members were further advised that there was one exception to this rule, this being that all land within the City Centre was excluded from the Site Allocations Document as any detailed allocations for new development in this location would be determined via the forthcoming City Centre Area Action Plan (CCAAP).

Regulations and guidance on the preparation of documents within the LDF provided for various stages, with differing opportunities for public involvement at each stage. It was common practice for documents such as the Site Allocations Document to reach a key stage known as the 'Preferred Options'. At this stage, the Council had to show what options for allocating land had been considered and which land was preferred for allocating and why. Members were informed that the document had currently reached that stage.

Members were invited to comment on the draft document and the following issues and observations were highlighted:

- Members sought clarification as to how many gypsy and traveller pitches had been identified within the document. Members were advised that the Regional Spatial Strategy (RSS) had identified a need for 55 pitches in total, 30 of which had been identified through the Core Strategy. Planning permission had been given for 11 other pitches which left a total of 14. These 14 had to be identified within the Site Allocations Document.
- Members queried why more gypsy and traveller sites had been proposed for areas already containing existing sites. Could the proposed sites not been situated elsewhere? Members were advised that the proposed location of these sites needed to be deliverable, if not, then sites could be automatically allocated or illegal sites could be encouraged.
- Members expressed further concern at the proposed allocation of the gypsy and traveller sites within the Site Allocations Document and requested that these sites were reviewed and that the Committees concerns were to be relayed to Cabinet.
- A query was raised regarding why land off Itter Crescent had been allocated for housing when this would mean the loss of allotment land. Members were advised that this site was an executive homes site.
- Members requested that that concerns regarding the loss of allotment land to development were to be relayed to Cabinet.

Members were advised that comments on the gypsy and travellers sites and the loss of allotment land to development would be relayed to Cabinet.

RESOLVED: to comment on the draft Peterborough Site Allocations Development Plan Document (Preferred Options Version) before its submission to Cabinet for approval for the purposes of public participation.

13.30 – 15.57
Chairman

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the
Town Hall, Peterborough on 23 February 2010

Members Present:

Chairman - Councillor North

Councillors – Lowndes, Kreling, Thacker, Winslade, C Day, Ash, Lane and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager

Teresa Nicholl, Team Leader (Item 5.1)

Jez Tuttle, Senior Engineer (Development) (Items 5.1 to 5.4)

Carrie Denness, Principal Solicitor

Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Todd and Councillor C Burton.

Councillor C Day attended as substitute.

2. Declarations of Interests

5.1 Councillor Thacker stated that her cousin lived on Old Leicester Road in Wansford but this would in no way affect her decision.

5.4 Councillor C Day stated that he was the Ward Councillor for the item however he had no personal or prejudicial interest.

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

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

4. Minutes of the Meeting held on 12 January 2010

The minutes of the meeting held on 12 January 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 08/01632/OUT – Erection of two 5 bed dwellings at land adjacent to 19 Old Leicester Road, Wansford, Peterborough

This was an application for outline planning permission for two dwellings with all detailed matters reserved for subsequent approval.

The site measured 0.188 of a hectare. The site was situated on the western edge of Wansford and was within the village boundary as identified on the proposals map (inset 26) of the Peterborough Local Plan (First Replacement). The site was located adjacent to 19 Old Leicester Road and part of it was in use as a storage depot for liquefied petroleum gas (LPG).

The site sloped gently to the south and was covered with grass and small native shrubs. The northern boundary had extensive hedge growth with several mature trees which were identified in the Local Plan as a protected treed or hedge frontage (although none were protected by Tree Preservation Orders). The east and west boundaries contained mature hedges and the southern boundary had several mature trees and hedge growth.

The existing property to the east was a large detached L shaped property with a detached garage. The next house along, No. 19A, appeared to have been built in the former total site area of No. 19. There was 2.5 metres separating these two properties. To the north and across the Old Leicester Road were large detached properties, part of Robin's Field. The western edge of the site was in line with the western edge of the residential property in Robin's Field which formed the western most extent of the village envelope.

The site lay within Wansford SSSI and although it was accepted by the relevant bodies that the site was most likely included in the designation in error, the effects of the development upon the SSSI were still to be taken into account. All of the adjacent land to the west was protected under this designation. The site lay just outside the Conservation Area to the East.

The Planning Officer addressed the Committee and gave an overview of the main issues. Members were advised that the proposal was for an outline application with all matters reserved, therefore the exact position and shape of the buildings as highlighted on the indicative drawings provided were subject to change. It was anticipated that the current site access would remain broadly the same, but the application did not include the detailed design of the junction. Planning permission had already been received for the gas tanks that currently occupied the site to be relocated on the site.

Members were further advised that comments from the Planning department had been relayed to the applicant stating that if the proposal was granted then a higher standard of design than the one shown on the indicative drawing was expected.

Members' attention was drawn to additional information contained within the update report. A letter had been received from Wansford Parish Council highlighting their concerns and a series of photographs had also been submitted showing the driveway of the land adjacent to 19 Old Leicester Road and the road leading up to the entrance of Wansford Village.

Councillor Fred Aspin, a Wansford Parish Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Wansford Parish Council were in favour of the application in principle and wished to thank the Planning Department for its help in the resolution of previous highlighted issues
- The main concern was that the site access was too close to the start of the speed limit for the village and it would not be clear to drivers that they were changing from a fast open road into a village environment
- Many of the drivers that travelled down this road did not obey the speed limits
- Because of the lack of residential properties in the area, it was not clear to drivers that a 30 mph speed limit was up ahead
- Wansford Parish Council requested that to give the entry to the village more definition, a wooden fence type feature be constructed on either side of the road to give a

gateway effect. This safe solution could be implemented by the developer under the S106 agreement and could reduce the possibility of accidents

The Highways Officer addressed the Committee in response to the concerns raised. Members were informed that traffic in the area was an existing problem and would not be exasperated by the development of additional dwellings on an already used site, therefore a request for traffic calming or a gateway into the village was unlikely to meet the required planning test to implement such a request. With regards to the visibility out of the access of the proposed development site, it was below standard and it was within the power of the Highways Authority to cut back vegetation to increase this visibility.

After debate, the Committee requested that the issue regarding traffic calming in the area was to be looked at further. The legal officer advised that this request was not relevant to the application in front of the Committee but would be fed back to the Transport and Engineering department and would be followed up.

After further debate, a motion was put forward and seconded to approve the application subject to the imposition of an additional condition regarding visibility splays. The motion was carried unanimously.

RESOLVED: (unanimously) that the application be approved subject to:

- The conditions numbered C1 to C13 as detailed in the committee report
- An additional condition requiring a plan to be submitted detailing the visibility splays
- The informatives numbered 1 to 5 as detailed in the committee report

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan as set out in the committee report.

- The proposal accorded with the development plan policies and national policy guidance.
- There were no material considerations which counted against the development, subject to the imposition of conditions and the entering into of a legal agreement. It was anticipated that a high quality development of individual design would need to be submitted at reserved matters stage to take advantage of the prestigious position of the site and to maintain or enhance the street scene, Conservation Areas and natural features associated with this site. The dwellings would be designed and scaled so as to minimise impact on the neighbouring residents.

5.2 09/01162/FUL – Construction of a two bed, two storey dwelling at 13 St Paul’s Road, New England, Peterborough

Planning permission was sought for the construction of a two storey dwelling adjacent to the existing dwelling at 13 St Paul’s Road. The proposal represented infill development within the area and would result in an appearance of semi detached residential properties.

Off road parking for 2 vehicles was proposed (one for the proposed property and one for the existing dwelling) and would be accessed from Gilpin Street. The dwelling was proposed to have two bedrooms and would mirror the built form and appearance of the existing dwelling at 13 St Paul’s Road.

The application site was formed by the side garden of the single detached two storey Victorian villa at 13 St. Paul’s Road. Access to the existing house was from St Paul’s Road and off road parking was provided via a single detached garage (to be demolished under the proposal) and the associated stand-off area. The site occupied a prominent corner plot on the

junction of St Paul's Road and Gilpin Street. The surrounding area was predominantly residential and had a uniform character of terraced and semi detached Victorian properties, albeit some infill development had taken place.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that there had previously been two planning applications to extend and convert number 13 St Pauls Road into four flats, one application had been refused and one had been withdrawn. This had led to the current proposal. The current proposal would result in the loss of a driveway and garage which served number 13, however alternative provisions would be made for car parking at the rear of the application site, this being comprised of two car parking spaces, one for the existing dwelling and one for the proposed application.

The proposed application would match design and layout of the existing dwelling and would not result in any loss of outlook, privacy or daylight to number 13 or neighbouring properties.

After debate and questions to the Planning Officer and the Highways Officer, a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) that the application be approved subject to:

- The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the infrastructure needs of the area
- The conditions numbered C1 to C9 as detailed in the committee report
- All works being carried out in accordance with the approved details for the reason as detailed in the committee report
- The additional note regarding the window dimensions as detailed in the committee report
- If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report.

Reasons for the decision:

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

- The proposal represented infill development within the urban area of Peterborough and would contribute to the provision of a range of housing within the City in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal had been designed to ensure it reflected and respected the character and appearance of the streetscene and would not appear unduly obtrusive or overbearing, in accordance with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal would not have a significant overshadowing or overbearing impact on the amenity of surrounding occupiers, would not result in a loss of privacy to primary habitable rooms due to overlooking and would ensure a good level of amenity for future occupiers in accordance with policies DA2, DA6 and H16 of the Adopted Peterborough Local Plan (First Replacement); and
- Given the sustainable location of the application site, the level of car parking proposed would not cause undue stress on the public highway and would not harm highway safety, in accordance with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

5.3 Floodlit all weather sports pitch, improved local play area and car parking at Westwood Grange, Mayors Walk, West Town, Peterborough

The application sought planning permission for the construction of a new all weather floodlit sports pitch, relocated children's play area and associated car parking. The application scheme was similar to that which Members resolved to grant planning permission for as part of the outline application 07/01946/OUT. The outline application originally sought permission for residential development, an all weather floodlit sports pitch and associated car parking. However, due to changes in priority, Peterborough City Council was now seeking to construct the sports pitch, children's play area and car parking prior to the erection of the residential dwellings.

The proposed all weather pitch would be enclosed by 4.5m high steel mesh fencing and built to the specification of the Football Association for a '3rd generation' pitch. The lighting columns will stand at 14 metres in height and consist of three floodlighting lumieres angled at the horizontal. Access to the pitch itself would be gained directly from the existing changing rooms on the site.

The children's play area was proposed to be relocated from its existing position to the north east of the site and would provide more modern play equipment as well as a central seating area. The existing foot and cycle path which ran north south through the application site would be realigned and given a sinuous shape to connect the proposed new play facilities to the proposed residential development to the north east.

The proposal also sought permission for a new 117 space car park which would formalise the parking arrangements for the site. It was proposed that a new access would be created to the north east of the site which would allow vehicular access through the proposed residential development and ultimately off the Atherstone Avenue roundabout. The current access from Mayors Walk was proposed to be retained on a temporary basis pending the approval and construction of the residential development.

The proposal had been deferred from the previous meeting of the Planning and Environmental Protection Committee pending further noise assessments on the site in order to clarify the potential noise impact on local residents. Details of noise mitigation used on other all weather pitches in the area had also been requested.

The Planning Officer addressed the Committee and advised that an executive summary of the requested noise report that had been undertaken had been circulated to Members of the Committee. The report had stated that if there was a noise reading undertaken with no sport taking place and then a noise reading undertaken with sport taking place, there would only be a difference of 3.2db, this was a negligible difference that would barely be audible to local residents. The Planning Office further advised the Committee that there were no other all weather pitches in the area with acoustic mitigation in place.

The Committee was advised that if it felt it necessary, a two metre high acoustic fence had been proposed by the applicant and could be implemented, however concern had been expressed by the Planning Officer regarding the height of the proposed fence. It would be an imposing feature on some of the surrounding gardens and the technical report submitted on the noise impact stated that the fence would not be necessary.

Mr Reg Tomblin, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed acoustic fence, if implemented, would affect local residents

- The problems with the implementation of an acoustic fence had to be weighted against the possible problems associated with additional noise. Local residents felt a fence would be worse
- The local residents would lose their ability to walk out of their back gardens onto the Grange
- Residents would find maintenance of their existing fences difficult
- The fence would block the view of residents and would be imposing
- The noise created by the use of the sports pitch during the summer months was not unbearable and during the winter months local residents would be in their houses, rather than their gardens, where their walls would mitigate against much of the noise
- Overall, local residents would prefer to retain their view and access rather than having an acoustic fence constructed

Mr John Dadge the Planning Consultant and Mr Andrew Nash the Acoustic Consultant, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The application sought to achieve football foundation funding and in order for the bid to be successful, it had to be submitted before the end of March
- The acoustic report which had been submitted had demonstrated that the impact of the all weather pitch would not be significant in terms of noise
- The acoustic fence had been suggested for residents and if residents did not feel it was needed then it was no longer necessary for this to form part of the application
- Some of the other all weather pitches in Peterborough were much closer to residential properties for example the pitch located at the Kings School

Two recordings of the same noise were played to the Committee which highlighted the difference in 3db.

After debate, a motion was put forward and seconded to approve the application with no acoustic fence. The motion was carried unanimously.

RESOLVED: (unanimously) that the application be approved with no acoustic fence subject to:

- The conditions C1 to C11 as detailed in the committee report

Reasons for the decision:

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

- The AWP would contribute towards the provision of sporting facilities within the city area
- There would be no detrimental impact on the amenities of neighbouring residential or retail properties
- There would be no unacceptable impact on the character or appearance of the area
- There would be no unacceptable impact upon the highway network or highway safety.

The proposed development was therefore in keeping with Policies T1, T2, T8, DA1, DA2, DA12 and LNE9 of the Peterborough Local Plan (First Replacement).

The meeting was adjourned for ten minutes.

5.4 09/01358/FUL – Construction of 16 x 2 bed houses, 6 x 3 bed houses and 18 x 2 bed flats in 2 blocks, with associated infrastructure at land to the rear of 1 – 43 South View Road and to the rear of 997 – 1013 Lincoln Road, Peterborough

The application sought permission for the construction of 16 x 2 bed and 6 x 3 bed two storey houses with amenity areas provided in the form of terraces above car ports; and 18 x 2 bed flats in 2 three storey blocks with parking and open space. Access to the development was off South View Road. This was a revised application to a previous planning consent ref. 08/01613/FUL which sought alterations to elevations and roof design.

The application site was approximately 0.66ha and was a vacant brownfield site comprising a collection of garden land and garage blocks and in part was formerly occupied by commercial/industrial property. The garages were mostly redundant. The site was enclosed to the south, west, east and north east by residential properties, predominantly two storey terraced and to the north west by the Paul Pry Public House and Premier Inn (hotel).

The Planning Officer addressed the Committee and gave an overview of the proposal and the main issues. Members were advised that the proposed scheme was different in numerous ways to the original application that had been approved in June 2009. The main differences were small changes to the road layout, small changes to the external appearance of the dwellings such as the removal of windows at first floor level to overcome overlooking concerns, increases in the roof heights of the dwellings, re-design of the façade of the dwellings in order to achieve a more contemporary look, a small re-siting of one of the blocks and changes in the windows at first floor level. These windows had originally been proposed to be full length floor to ceiling windows and the current proposal was for the bottom half of the windows to be obscure glazed in order to address overlooking issues.

Members were further advised that the recent layout change reflected the requirements of the Highway Authority to enable the roads to be adopted. These changes related to the widths of the roads through the site.

Members' attention was drawn to additional information contained within the update report. An email had been received from Councillor Sandford, Ward Councillor for the proposal, stating that opinions among local residents on the development site had been divided. The development would bring much needed social housing to the area, the dwellings looked to be of a high standard and the rear access road would also be welcomed by some residents, however, there were concerns regarding overlooking, the volume of traffic likely to be entering and exiting onto South View Road, the loss of garden land to the development and the issue of open space on the development site not being adequate to meet policy standards.

Mr Asif Shaheed, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The lack of consultation with existing residents of the area
- The problems with the new development overlooking existing properties
- The problems with congestion on South View Road
- The issues with parking in the area
- The access to the development was not ideally situated, why could it not be on Lincoln Road?

Mrs Nick Warboys, the applicant and Mr Paul Bywater the agent, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The amendments that had been made on the application, making it a wholly affordable scheme
- The amendments which had been made in order to deal with issues that had been highlighted, these included the issues of overlooking at 1 – 3 Southview Road
- There would be onsite parking for all of the proposed dwellings
- There was a lack of affordable homes in the area and in the city as a whole
- The designs of the properties were innovative but would complement the streetscene
- The financial commitment to the scheme shown by the developer

The Highways Officer addressed the Committee and stated that the plans submitted highlighted the visibility splays on South View Road. Members were advised that the proposed access would be better than the existing access and would meet with standards. Members were further advised that the proposed parking conformed with adopted policies.

After debate, a motion was put forward and seconded to approve the application. The motion was carried by 5 votes, with 1 voting against and 3 not voting.

RESOLVED: (5 for, 1 against, 3 not voting) that the application be approved subject to:

1. the prior satisfactory completion of an obligation under the provisions of Section 106 of Town and Country Planning Act 1990 for a financial contribution to meet the infrastructural and community needs of the area
2. the conditions numbered C1 to C24 as detailed in the committee report
3. the note number 1 relating to the decision as detailed in the committee report

Reasons for the decision:

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

- The proposed residential development made efficient and effective use of a Brownfield site and the scale and density of the development would not adversely impact on the surrounding character or result in an unacceptable impact on the amenities of occupiers of the adjacent residential properties and accorded with policies DA1, DA2, H15 and H16 of the Adopted Peterborough Local Plan (First Replacement).
- The design of the dwellings would serve to enhance the character and appearance of the locality in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- The future residents of the development would be afforded a good and, unique to Peterborough, provision of private amenity spaces that would accord with policy H16 of the Peterborough Local Plan (First Replacement).
- The parking provision for the development accorded with the maximum standards of policy T10 of the Peterborough Local Plan (First Replacement).
- The residents of a number of the dwellings within South View Road were to benefit from being given the potential for a vehicular access to the rear of their properties which would reduce the existing pressure on the limited number of on street parking spaces in accordance with policy T1 and T10 of the Peterborough Local Plan (First Replacement).
- The vehicular access satisfied the requirements of the outline planning permission in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

6. Changes to Constitution

A report was presented to the Committee which sought its approval for a number of suggested changes to the Council's Constitution relating to the Planning and Environmental Protection Committee (PEP) speaking scheme, delegations to officers and the Planning Code of Conduct.

Members were advised that it was good practice to periodically review and if appropriate revise the governance arrangements for the PEP Committee.

The existing speaking scheme had been in place for a number of years and had been identified for update. The main reasons for updating the scheme were to enable more efficient administration and to simplify existing provision. There had been issues highlighted in the recent months with regard to the amount of time allocated for specific groups of speakers and also the deadline for the cut off for registering to speak. The amended speaking scheme also identified a simplified order of speaking and encompassed a new provision for the submission of written information which had not previously been included.

In order to clarify the issues which should be dealt with at the PEP Committee, further amendments had been made to the officer delegations and to the terms of reference. These amendments encompassed all changes required to ensure the PEP Committee's time was being utilised accordingly and to ensure consistency across the Constitution. The Planning Code of Conduct had also been reviewed and a number of minor changes had been identified in relation to referrals and delegations to officers.

Members were advised that there was a slight change to one of the suggestions highlighted and this was to remove the words 'Parish Councils' from Part 5, Section 4 – Planning Code of Conduct, 3.1.1. This paragraph dealt with referrals to Committee and it was felt that to automatically refer all applications from Parish Councils to the Planning and Environmental Protection Committee was unnecessary.

The Planning Officer further advised the Committee of an additional recommended change, as follows:

Current provision	Proposed provision	Reason for change
Paragraph 2.6.2.3 (g) (xv) The discharge of conditions imposed on planning and related permissions, where those conditions have been complied with.	To re-word to; Applications submitted in order to satisfy a planning condition or seeking that a condition can be discharged.	To enable more efficient administration.

After brief discussion, Members highlighted concerns regarding the speaking times being weighted in favour of Parish Councils. Members were advised that further consultation was being undertaken on this point.

RESOLVED:

1. to approve the changes as detailed in the committee report
2. to approve the additional change as highlighted by the Planning Officer
3. to recommend that Full Council approve the amendments as detailed in the committee report
4. to recommend that Full Council approve the additional amendment as detailed by the Planning Officer

13.30 – 15.17
Chairman

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LOCATION PLAN 09/01317/FUL

Garages at the South of the Recreation Ground, Cerris Road, Dogsthorpe

Scale 1:1250 Date 10/3/2010 Name MKB Department Planning Services

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09/01317/FUL: CONSTRUCTION OF EIGHT, TWO BEDROOM AFFORDABLE HOUSES INCLUDING ASSOCIATED EXTERNAL WORKS AND PARKING AT GARAGES TO THE SOUTH OF THE RECREATION GROUND, CERRIS ROAD, DOGSTHORPE, PETERBOROUGH.

VALID: 23.12.2009

APPLICANT: CROSS KEYS HOMES LTD

AGENT: THE DESIGN PARTNERSHIP

REFERRED BY: CLLR ASH

REASON: WIDER PUBLIC CONCERNS REGARDING PEDESTRIAN SAFETY AND AMENITY OF RESIDENTS

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Access to the site

The Head of Planning Services recommends that the application is APPROVED subject to conditions and the prior completion of a Planning Obligation.

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)

- H7 New housing on unallocated sites must respect the character of the surrounding area**
- H16 Residential development must provide satisfactory amenity for residents**
- DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.**
- DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.**
- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T8 Development must safely connect to the existing highway network.

IMP1 New development must make provision to secure 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 kind

Material Planning Considerations

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

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

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

Full planning permission is sought for the construction of eight, two bedroom affordable houses, with associated external works and parking. The properties would be arranged in two, two storey high terraced blocks, each containing 4 houses. Plots 1 to 4 are accessed from Western Avenue, and plots 5 to 8 from Cerris Road. 8 car parking spaces are proposed, one for each property, together with 5 visitor car parking spaces.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within a predominately residential area, consisting of 2 storey high residential properties. The site is bounded on three sides by the rear gardens of the properties on Western Avenue, Birchtree Avenue, and Cerris Road, and to the north by an existing recreation/play area. The access to the recreation ground is through the application site.

The site covers an area of 0.21 hectares and is a former residential garage court. The garages remaining on the southern boundary of the site have been boarded up, with only one still in use. The garage buildings that were positioned on the northern boundary of the site have all been removed. The access from Western Avenue currently has bollards in position preventing vehicle access. The access roads have kerb and footways.

5 PLANNING HISTORY

No relevant planning history

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – Both accesses to the site are technically sub-standard and require upgrading, however they are both existing accesses and have been used in the past to serve the remaining 29 garage courts on site, and those removed. The Local Highway Authority recommends the maximum number of dwellings that should be served off the two accesses is 7 as this would generate a similar level of traffic (both vehicular and pedestrian) to the existing garages court use. However they do not recommend refusal of the 8 dwellings proposed. The vehicle to pedestrian visibility splays are sub-standard but they are accepted as they are existing accesses. Adequate vehicle to vehicle visibility is available at both accesses.

Historic Environment Officer (Archaeology) – Iron age, Roman remains have been found in the vicinity of the site, therefore an archaeological mitigation condition is recommended.

Waste and recycling – The Peterborough City Council refuse vehicles would not be able to enter and turn on site to collect the refuse and recycling of residents. The City Council would not accept refuse collection for the site from either Cerris Road or Western Avenue. The applicant will therefore have to arrange for an alternative means of collection from a private company.

EXTERNAL

Police Architectural Liaison Officer – The existing garage block is seldom used so attracts groups that sometimes cause acts of anti-social behaviour. The development proposed would provide a solution to some of these existing problems on site. Development of this site should improve community safety for both existing surrounding residents and future residents of the site. There is some concern in respect of the amenity for occupiers of plots 1 and 8 adjacent due to their close proximity to the recreation ground. The applicant however has addressed this as far as they can, with the use of robust boundary details and defensive planting.

NEIGHBOURS

Two public consultations have been carried out in respect of this application. The comments below are all in respect of the first consultation on the original plans. At the time of writing the committee report, no comments had been received in respect of the second consultation. Any comments received will be reported to Members in the Update report.

7 Letters of objection have been received from local residents, including the Old Dogsthorpe Residents Association the raising the following issues:

- The safety of children accessing the recreation ground, and the need for safety barriers beside the footpaths to segregate cars and pedestrians.
- Narrow access roads cannot accommodate two cars passing
- Refuse collection
- Fire service access
- Land should be used for recreation purposes
- Safeguard privacy for neighbours
- One garage on site is still occupied
- The pattern of traffic movements throughout the day will be different for housing than for the former garage courts
- No part of the existing recreation ground should be lost
- Parking in the area is problematic therefore sufficient car parking for the site should be provided
- Appropriate boundary treatments are required for the site and existing residents
- Existing right of ways for residents should be maintained

- Extra traffic problematic
- Impact on property values

COUNCILLORS

Cllr Ash – This application has caused a lot of local interest. The main concerns are in respect of the safety issues, particularly with regard to the mixing of vehicular traffic and children using the shared access to the development site and the recreation ground. There is also the need to ensure that the amenity of residents surrounding the site is not adversely affected.

7 REASONING

a) The proposed design and layout

The proposed two storey high terraced housing with a hipped roof design is characteristic of the development in the surrounding area. The simple fenestration design and detailing is acceptable and is similar to the surrounding properties. The development is acceptably laid out on site, with adequate amenity space and car parking provision.

It is considered that the siting, scale and design of the development is acceptable and can be satisfactorily accommodated on the site without any visual harm the character or appearance of the surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan

b) The impact on neighbouring sites

The principle elevations of the properties are positioned facing the rear of the properties on Cerris Road and Western Avenue. Sufficient separation is proposed between the proposed and existing properties to safeguard privacy, approximately 44m to the rear of the properties on Cerris Road and 34m to the rear of the properties on Western Avenue. This is well in excess of the minimum 21m separation distance normally required, between dwellings with habitable rooms facing one another.

The separation distance between the proposed side elevations of the new properties and the rear of the properties on Birchtree Avenue is approximately 23m, with only an obscure glazed landing window on this elevation. This results in an acceptable relationship between the properties in terms of privacy.

Concern was raised in respect of the impact of the mass of the proposed southern side elevations on the properties in Birchtree Avenue. To overcome this amended plans were received hipping the roofs of the properties and deleting the staggered building line in each of the terraces. This reduced the mass and bulk of the development when viewed from the rear of the properties on Birchtree Avenue. The relationship between the development and the properties on Birchtree Avenue in the amended plans is now considered to be acceptable.

The separation distances and orientation of the development in relation to the surrounding properties ensures that there would be no unacceptable overshadowing or reduction in light levels for neighbouring sites.

The traffic movements associated with the development are considered comparable with those of the previous garage court use of the site, and therefore cannot be considered to be unacceptably harmful to the amenity of surrounding residents.

It is therefore concluded that the development would not unacceptably impact on the amenities of the surrounding residential sites in accordance with Policy DA2 of the Local Plan.

c) Access to the site

The remaining garage courts on site and those that have been removed were served off the two accesses (Cerris Road and Western Avenue) on site. The layout of the development proposes that each of the existing accesses serves 4 of the proposed properties only, with no through traffic, which was previously permissible.

Both access to the site due to their narrow width are sub-standard, however as they are both existing accesses and have been used in the past to serve the remaining 29 garage courts on site, and those garages removed, only any additional traffic movements over and above this previous use could justify any road improvements.

The Local Highway Authority recommend that the maximum number of dwellings that should be served off the two accesses is 7 as this would generate a similar level of traffic (both vehicular and pedestrian) to the existing garages court use. This is because they feel that as the Western Avenue is currently bollarded off its re-opening should only serve 3 dwellings and the use of Cerris Road could serve 4 dwellings, and this would have a similar impact on the highway network to that from traffic from all 29 existing garages travelling through the Cerris Road access.

Whilst the concerns of the Highway Officers are understood, in this instance on balance Officers do not consider that the one additional dwelling served from Western Avenue could justify refusal of the application, in view of the previous traffic use. The Local Highway Authority whilst recommending a maximum number of 7 dwellings, do not consider a refusal for 8 dwellings in this instance could be justified.

Concern has been raised in respect of the safety of children due potential conflict between children accessing the recreation ground and vehicles using the site. There are already footpaths with kerbs along the access roads leading to the recreation ground, which separate vehicles and pedestrians. However due to the narrow width of the access road it is considered that drivers may use the footpaths as extra width to enable 2 vehicles to pass. Therefore it is considered necessary for safety measure to be erected beside the footpaths to prevent this happening and thereby providing greater safety for pedestrians. This should be secured by way of a planning condition.

The visibility splays available at both accesses are considered to be acceptable. The development provides one car parking space per property maximum in accordance with the Peterborough City Council car parking standards. In addition to this 5 visitor spaces are proposed, therefore the car parking provision for the site is acceptable.

The agent has confirmed that the refuse/recycling collection for the site would be by a private contractor.

d) **S106 Planning Obligation**

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

The Peterborough City Council planning obligation strategy in line with policy IMP1 triggers a requirement for this development to meet the community needs of the development. The applicant submitted a financial appraisal, which demonstrated that as this was a 100% affordable housing scheme, it would not be viable if the standard strategy figures were applied. In view of the scheme providing the additional community benefit of affordable housing, a reduction in the standard figure was agreed.

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

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 siting, scale and design of the proposed development is acceptable and can be accommodated on the site without harm to surrounding residents or the character or appearance of the

surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan. On balance it is considered the traffic movements of the 8 houses would be comparable with the former traffic generation on site, therefore the substandard accesses could accommodate the development proposed.

9 RECOMMENDATION

Subject to 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 development needs of the area, the Head of Planning Services be authorised to grant planning permission 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 materials to be used in the construction of the external surfaces of the dwellings 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 Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).

C4 The dwellings shall not be occupied until the area shown for parking and turning on the plan attached has been drained and surfaced [or other steps as may be specified] [in accordance with details submitted to and approved in writing by the Local Planning Authority], and that area shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.

Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).

C5 No development approved by this planning permission shall be commenced until:

a). A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

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

C6 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

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

C7 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

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

C8 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate the location, species and size of all new planting. Any trees, shrubs or hedges dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C9 The development shall not commence until details of all boundary treatments have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C10 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

- C11** Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:
- (a) A phasing scheme and schedule of the proposed works;
 - (b) Provisions to control construction noise and vibration emanating from the site;
 - (c) A scheme for the control of dust arising from building works and site works;
 - (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;
 - (e) A scheme of working hours for construction and other site works
 - (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and
 - (g) The site compound (including site huts) and parking for contractors and other employee vehicles.

The development shall be carried out in accordance with the approved construction management plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

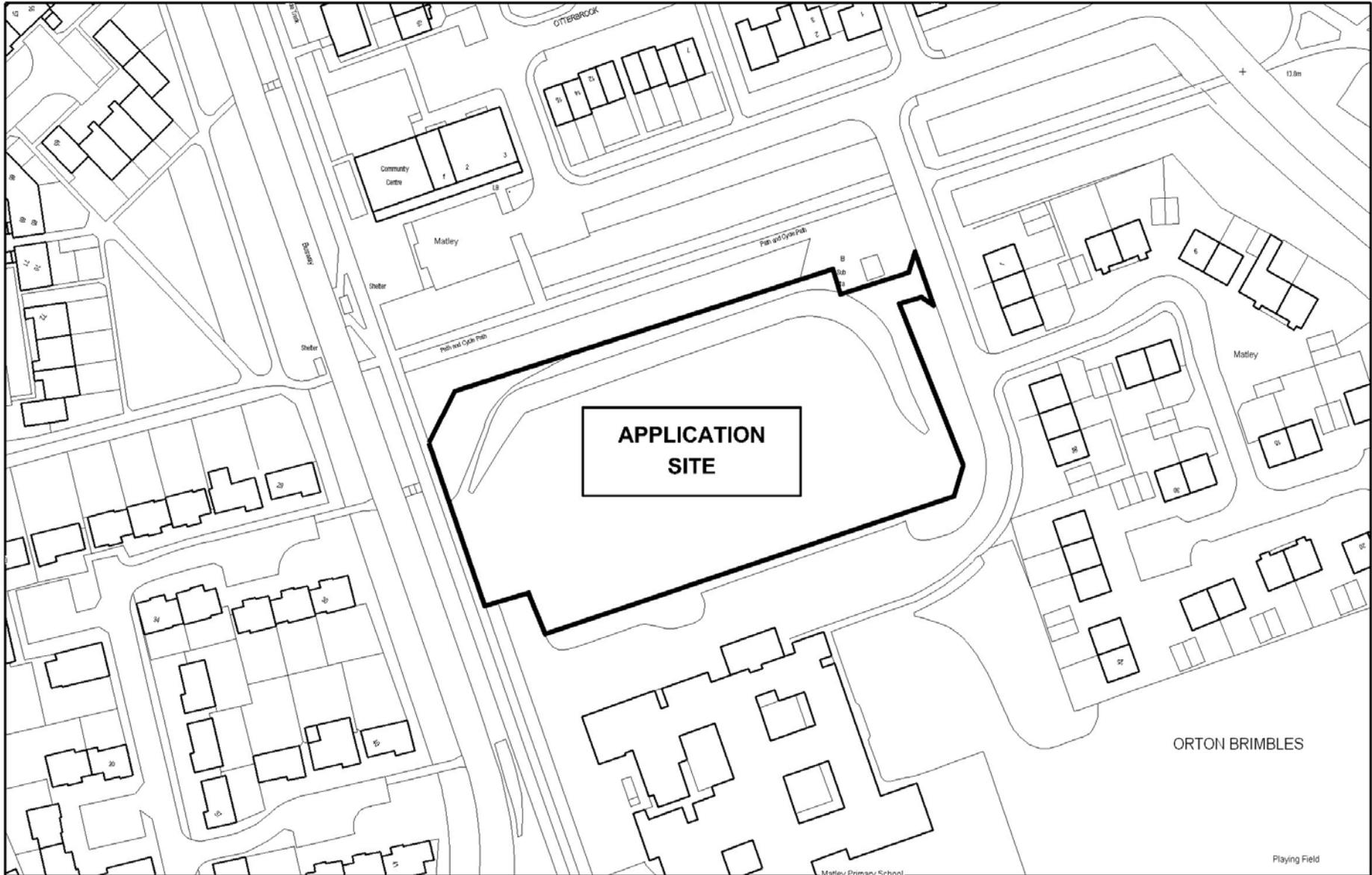
- C12** Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, a scheme for the protection of pedestrians using the footways shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 6 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure the community requirements of the scheme however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Ash, Miners, Saltmarsh



LOCATION PLAN 09/01384/FUL

Land North of Matley Primary School, Matley, Orton Brimbles

Scale 1:1250 Date 10/3/2010 Name MKB Department Planning Services

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09/01384/FUL: CONSTRUCTION OF 50 BED CARE HOME AND NEW ACCESS AT LAND NORTH OF MATLEY PRIMARY SCHOOL, MATLEY, ORTON BRIMBLES, PETERBOROUGH, PE2 5YQ

VALID: 23.12.2009

APPLICANT: PETERBOROUGH CARE LTD

AGENT: PORTESS AND RICHARDSON

REFERRED BY: CLLR ALLEN

REASON: BUILDING TOO HIGH, OUT OF CHARACTER WITH AREA, IMPACT ON NEIGHBOURS, LACK OF CAR PARKING

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Access to the site and car parking provision
- The impact of the development on trees

The Head of Planning Services recommends that the application is **APPROVED** subject to conditions and the prior completion of a Planning Obligation.

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)

- H25** Seeks to ensure residential homes are accessible to public transport, services and facilities and would not unacceptably impact on the amenities of neighbouring properties.
- DA1** New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.
- DA2** The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.
- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T8 Development must safely connect to the existing highway network.

IMP1 New development must make provision to secure 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 kind.

Material Planning Considerations

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

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

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

Full planning permission is sought for the construction of a 50 bed care home, with a new access and associated car parking. The accommodation would be provided in a three storey L-shaped building positioned on the western half of the site. The new access from Matley, is on the eastern side of the site, leading to the car parking area, which has increased in size from 14 to 32 spaces, in the amended plans.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within a predominately residential area, consisting of 2 storey and 1^{1/2} storey residential properties. The site is positioned to the north of the Matley Primary school site, and to the south of a small local centre, which contains some shop units and a community centre. It is also positioned to the south of some two storey residential houses. To the west of the site is a busway and beyond this further two storey residential housing. The residential houses on Matley Road to the east of the site are 1^{1/2} storey.

The site covers an area of 0.56 hectares and is currently vacant land that has become overgrown. The site is currently well screened from surrounding sites by mature hedge/tree landscaped boundaries.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/01339/R3OUT	Proposed residential development for 25 dwellings		Pending approval subject to S106

INTERNAL

Head of Transport and Engineering – Objected to original submission due to:

- The absence of a Transport Assessment
- Inadequate visibility at the access
- Poor provision for pedestrians

Revised plans and a Transport Assessment have been submitted and this is being considered at this time. An update will be given at the meeting.

Travel Choice – No objection. Requests contribution towards bus stop improvements

Drainage Engineer – No objection

Access Officer – No objection

Landscape (Tree) Officer – No objection. Requests 2 conditions to cover, protection of trees during construction and new landscape planting.

Property Services – No objection

EXTERNAL

Police Architectural Liaison Officer – No objection. The comments given in respect of perimeter security were; the need ensure appropriate perimeter fencing, provide a secure access gate and the possible use of CCTV. These details could be secured by way of a planning conditions.

Anglian Water – No objection.

Natural England – No objection. The measures outlined in the Ecological Appraisal regarding nesting birds and tree protection should be secured by planning conditions, and additional measures to enhance biodiversity for the site, is encouraged.

Parish Council – Objects on the grounds that a 3 storey building would be out of character and have an overbearing impact on the surrounding area, which comprises of two and single storey buildings only. They object also on the health and safety grounds, that the upper floors would be difficult to evacuate if there was a fire as the residents would be elderly and infirm. They have no objection to the principle of the Care Home.

Cambs Fire & Rescue – It is not yet known if additional water supplies are needed to serve the development. An update will be given at the meeting.

NEIGHBOURS

Three public consultations have been carried out in respect of this application. The first consultation was in respect of all the information initially submitted. The second consultation was in respect of the Transport Statement received. The third consultation was in respect of the amended layout, to include the additional 18 car parking spaces and the proposed amendments to the design of the buildings elevations.

9 Letters of objection have been received from 7 surrounding sites, including the adjacent primary school, in respect of the first two consultations, raising the following issues:

- Insufficient amount of car parking spaces, and the harmful impact of overspill parking on surrounding school and residents
- Extra traffic in an already congested area
- Building too high at 3 storeys
- Overlooking and reduced privacy

- What will vacant land on the site be used for in future
- Reduced property values
- Maintaining emergency access to school
- Impact of construction traffic on safety of school children

4 Letters of no objection/support were received from 3 surrounding sites, in respect of the first two consultations.

At the time of writing the committee report, no comments had been received in respect of the third consultation. Any comments received will be reported to Members in the Update report.

COUNCILLORS

Cllr Allen objects to the proposed 3 storey building, as it is out of character with the surrounding buildings and would have a detrimental effect on surrounding residents, in terms of reduced privacy and overlooking. Concern is also raised in respect of the traffic issues, as it is considered insufficient parking is proposed for staff and visitors, which would result in illegal parking and traffic problems for the surrounding area. At the time of writing the report, no comments had been received in respect of the amended plans of the third consultation. Any comments received will be reported to Members in the Update report.

7 REASONING

a) The proposed design and layout

The proposed care home building on site is to be three storeys in height, which would be higher than the existing buildings in the area, which are a mixture of single storey, 1^{1/2} storey and two storey buildings. This additional storey height is not considered to be visually harmful to the character of the area in this instance, due to 1) the significant separation distances between the proposed building and those surrounding, 2) the varying roof design, scale and siting of the building which sits comfortably on the site, and 3) as the site sits alone, separated from surrounding sites by roads, landscaped areas, busways and footpaths. It is therefore considered this increased height can be visually accommodated on this site, without appearing too high or visually inappropriate in relation to the height and scale of surrounding buildings.

The massing of the building has been broken by the varying roof design and changes in the proposed materials. Minor elevation design revisions were requested to enhance the buildings design and appearance and the amended plans have been received. The design changes made in the amended plans are currently being assessed and the outcome will be reported to Members in the update report.

It is considered that the siting, scale and design of the development is acceptable and can be accommodated on the site without visual harm the character or appearance of the surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan.

b) The impact on neighbouring sites

The proposed building has been designed and positioned on the site to provide residents with a private enclosed rear landscaped area, and to minimise the developments impact on surrounding sites. The east elevation of the building is positioned approximately 70m from the residential properties on Matley Road and this is well in excess of the minimum separation distance required between these two developments. There would not therefore be any unacceptable adverse overlooking, overbearing or overshadowing impact on these neighbouring properties.

The north elevation of the building is positioned some 32 m from the community centre and shop units and is designed so the main elevation stops, when it reaches the point directly opposite the residential properties of Otterbrook. There would not therefore be any unacceptable adverse overlooking, overbearing or overshadowing impact on these neighbouring properties of Otterbrook or Griffiths Court.

The main southern elevation would be positioned approximately 74m from the Matley school building, and the smaller southern side elevation 22m from it. This is a sufficient distance to prevent any

unacceptable adverse overlooking or overbearing impact. The site orientated to the north of the site therefore there would be no overshadowing impact.

The building is positioned a significant distance from the side elevations of the properties of Carradale therefore there will be no adverse impact on these properties.

The impact on property values is not a material planning consideration.

It is not therefore considered that the siting, layout and design of the building would result in any harmful impact overbearing or reduced privacy impact for the surrounding residential properties. The proposal is therefore in accordance with Policy DA2 of the Local Plan.

c) Access to the site and car parking provision

The location of the new vehicle access to the site is considered to be acceptable in highway safety terms and subject to the provision of the required visibility splays, no objection to it has been received from Highway colleagues. It is considered that the traffic generated by this development can be satisfactorily accommodated within the existing highway network without detriment to the safety of highway users, or adversely affecting junction capacity.

A new footway link is required to be provided as part of the development, to connect the site to the existing footpath, thereby providing users of the site with a safe pedestrian link to the nearby shops. Similarly, a safe pedestrian footpath is required within the site to the main entrance doors. These issues can be secured by way of planning conditions.

Concern was raised in respect of the originally proposed 14 car parking spaces and whether this would meet the needs of the development, and prevent the possibility of overspill parking in the surrounding area. The amended plans received increases the parking provision from 14 to 32 spaces. At the time of writing the report the comments of our Highway colleagues in respect of the additional car parking provision and revised transport statement information are awaited. Their comments received will be reported to Members in the Update report.

d) The impact of the development on trees

The tree survey and arboricultural constraints report is considered to be an accurate report of tree constraints of the site. The trees of merit on this site are around the boundaries and off site on the adjacent Peterborough City Council land. The high amenity value trees are to be protected and retained, and suitable replacement planting will be secured by planning condition for those lost. Some of the existing hedge on the northern boundary will be lost as a result of the development, however subject to securing a suitable landscaping scheme, this is considered to be acceptable.

The development is therefore considered to be in accordance with the requirements of Policies LNE9 and LNE10 of the Local Plan.

e) S106 Planning Obligation

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

In this case the development triggers a requirement for:-

- Bus stop improvements
- Travel Plan and monitoring
- S106 monitoring fee

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

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 siting, scale and design of the proposed development is acceptable and can be accommodated on the site without harm to surrounding residents or the character or appearance of the surrounding area. This is in accordance with Policies DA1 and DA2 of the Local Plan. The new access is acceptable in highway safety concerns, and subject to the final comments of the highway engineers the amended car parking provision appears to be acceptable.

9 RECOMMENDATION

Subject to no objections from the Head of Transport and Engineering, 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 bus stop improvements, travel plan and monitoring cost needs of the area, the Head of Planning Services be authorised to grant planning permission 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 materials to be used in the construction of the external surfaces of the dwellings 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 Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C4 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority.

Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C5 The development shall not commence until details of all boundary treatments have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C6 No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

C7 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, external lighting and any CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

C8 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- (a) A phasing scheme and schedule of the proposed works;**
- (b) Provisions to control construction noise and vibration emanating from the site;**
- (c) A scheme for the control of dust arising from building works and site works;**
- (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
- (e) A scheme of working hours for construction and other site works**
- (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**

The development shall be carried out in accordance with the approved construction management plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

- C9** The "approach" to the principal entrance to the development, that being the entrance that would be used by visitors arriving by car, shall be level (no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid the need for a stepped approach and to meet the needs of access for all in accordance with Policy H20 of the Peterborough Local Plan (First Replacement).

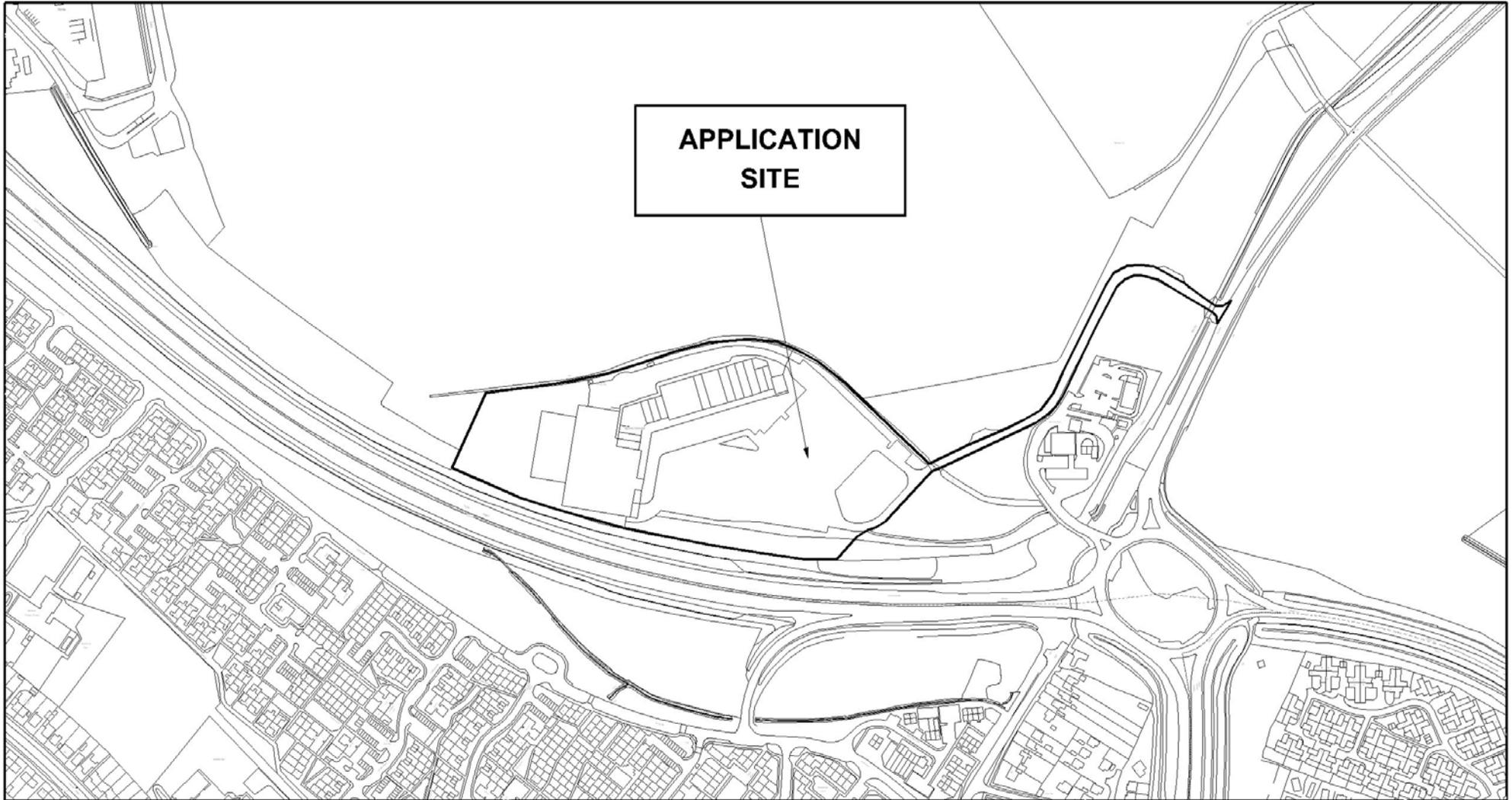
- C10** Notwithstanding the submitted information, prior to the commencement of any development unless otherwise agreed in writing with the Local Planning Authority, details of existing and proposed site levels, including finished floor levels and levels of the surrounding ground area, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to provide for the long term retention of retained trees, in accordance with policies DA1, DA2, LNE9, and LNE10 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 6 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure bus stop improvements, a travel plan and monitoring costs, however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Allen, Elsey, and Trueman



**APPLICATION
SITE**

LOCATION PLAN 10/00099/FUL

Peterborough Garden Park, Peterborough Road, Eye

PCC GIS



Scale 1:5000 Date 11/3/2010 Name MKB Department Planning Services

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10/00099/FUL: ADDITIONAL PARKING AREA WITHIN APPROVED GARDEN CENTRE –
RETROSPECTIVE - AT PETERBOROUGH GARDEN PARK,
PETERBOROUGH ROAD, EYE

VALID: 29.01.2010

APPLICANT: GARDEN PARKS (PETERBOROUGH TWO) LTD

AGENT: GREGORY GRAY ASSOCIATES

REFERRED BY: CLLR SANDERS

REASON: TRAFFIC IMPACT

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The need for additional customer parking spaces
- The impact of the development on the transport network

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)

T1 New development should not unacceptably impact on the transport network

T10 Car and motorcycle parking requirements

Material Planning Considerations

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

PPG13 Planning Policy Guidance for Transportation seeks to integrate planning and transport.

3 DESCRIPTION OF PROPOSAL

Retrospective planning permission is sought for the additional 84 car parking spaces already provided on site, to be used in association with the Garden Centre development. This is an approximate 20% increase to the car parking compared to the 412 spaces that were originally approved. The area of land of the additional car parking was originally approved as a picnic area for visitors to the site under planning reference 07/00011/OUT.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located on the north east edge of the City. The site is positioned within the urban area boundary of the city, with its northern boundary marking the settlement edge.

The site is to the north of the Eye/Peterborough Road and A47 Paston Parkway roundabout. The site was previously used as a sports ground by the Parkway Sports and Social Club.

The site covers an area of 5.94ha and contains the Garden Centre development and associated car parking, which recently opened on 5th February 2010.

The northern boundary is edged by an existing drainage dyke. To the north and west of the site are the Dogsthorpe Landfill site and a Household Waste Recycling Centre. Eye village lies to the north east. Trees and shrubs bound the site to its Paston Parkway frontage. Immediately to the east of the site is a petrol filling station containing a Somerfield convenience food store and a Kentucky Fried Chicken (KFC) restaurant. The site is separated from existing residential areas by Paston Parkway and Parnwell Way.

The site is accessed via a vehicular access road leading off Eye/Peterborough Road. A footpath along the southern boundary from the roundabout provides further access to the site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
05/01274/OUT	Erection of garden centre building (5777sqm), plant area (5110sqm), garden centre concessions buildings (5498sqm), cafe/kiosk (465sqm), car parking, service area, improvements to service road and access to Eye Road, entrance totem sign, footway/cycleway access, recycling collection area and landscaping	07.03.2006	Withdrawn
07/00011/OUT	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	31.03.2008	Permitted
08/00989/REM	Reserved matters application for the appearance only of the garden centre development pursuant to outline planning application 07/00011/OUT, and alterations to the approved subdivision as per C6 of 07/00011/OUT	30.09.2008	Permitted
08/01586/REM	Reserved matters application for the landscaping only of the garden centre development pursuant to outline planning application 07/00011/OUT	26.06.2009	Permitted
08/00925/WCPP	Amendment to condition C6 of planning permission 07/00011/OUT to allow the insertion of a mezzanine floor totalling 270sqm.	18.11.2008	Permitted
08/01297/FUL	Canopy over external sales and display area for garden centre	16.01.2009	Permitted
09/00062/WCPP	Variation of Condition 5 of Planning Permission Ref: 07/00011/OUT amending the range of goods and services permitted on site	05.06.2009	Permitted
09/00314/ADV	Non-illuminated traffic direction sign and illuminated entrance, tenant's directory and 6 no. banner advertisements	04.06.2009	Permitted
09/00444/ADV	Internally illuminated fascia sign	19.06.2009	Permitted
09/00673/FUL	Internal subdivision of 2 garden centre cafe units and management store into 2 garden centre retail units and management store with associated minor external alterations	22.09.2009	Permitted
09/00836/WCPP	Variation of condition 5 of planning permission 07/00011/OUT (restriction on unit sizes) in connection with construction of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	01.10.2009	Permitted
09/01073/FUL	Side extension to cafe to form ground floor toilets and staircase and internal mezzanine sitting area	17.11.2009	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objection. A transport assessment and travel plan supported the original planning application, to determine the car parking provision on site and encourage the use of alternative modes of transport other than private car. The bus stops and pedestrian cycle crossing points associated with the original permission have not as yet been implemented, as they have been incorporated into the Junction 8 Improvements scheme (due to start in April), to prevent abortive works. Until these works are completed, the majority of the trips to the site will be by private vehicle. Therefore the additional car parking is considered to be acceptable subject to the Travel Plan originally submitted being fully implemented.

EXTERNAL

Police Architectural Liaison Officer – No objection.

Eye Parish Council - Clarification is required on whether this application is retrospective or not. The Parish are of the opinion that applicants should make their application for permission before work commences. The traffic management at the site needs investigation as the impact on residents leaving and entering the village is tremendous. Eye Parish expressed these traffic concerns at the initial planning stage and unfortunately the traffic problems anticipated have proved to be correct.

NEIGHBOURS

None received.

COUNCILLORS

Cllr Sanders – Concerned about the impact of this development on traffic management and traffic flow, in view of the severe traffic mis-management on site, highlighted in the press. Clarification is required on whether this application is retrospective or not.

7 REASONING

a) **Introduction**

Planning permission was granted for the 'erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access' in March 2008. A total of 412 car parking spaces were approved on site, 362 standard spaces, 25 disabled, 25 parent and child (12 of the total spaces were for staff).

The applicant has carried out the development for two reasons. Firstly, to provide additional car parking to cater for customer vehicles at busy periods, including the weekend. Secondly, because of the concerns that the originally proposed picnic area would attract birds due to the availability of food, and this could cause potential nuisance and damage to the site, customers and their vehicles.

b) **The need for additional customer parking**

The supporting additional parking provision assessment, states that as products sold at garden centres are often large, heavy and/or delicate in nature, most customers choose to visit garden centres by car. It states that the duration of customer visits to garden centres are typically longer than at other non-food retail destinations, and as a result, the level of parking demand can be higher. Due to both these factors, the additional car parking subject of this application has been identified as being required to cater for customer vehicles at busy periods of operation, particularly at weekends. As the applicant anticipated that the opening weekend of the development would generate unusually high volumes of traffic, this car parking was provided on site before the opening of the development and before planning permission was sought. Hence the retrospective nature of this application.

The original Transport Assessment proposed car parking in line with maximum standards for non-food retail, as there are no specific Peterborough City Council standards for garden centres.

A travel plan was also secured to encourage people to use alternative modes other than the private car. It is accepted the travel plan measures, due to the site location and nature of customers purchasing bulky garden centre products, will be more appropriate for staff rather than customers. The implementation of the bus stops and pedestrian/cycle crossing points secured by the original planning consent to encourage less reliance on the private car, have been delayed due to the larger Junction 8 Highway scheme improvement works. These works will now be part of the Junction 8 works which are intended to start in April, to prevent them having been installed and then removed shortly afterwards, to allow for the implementation of Junction 8 works. Given this, it is likely that until the Junction 8 works are complete, the majority of the trips to the site will be by private cars. Therefore the case for additional car parking can be seen as acceptable in principle. It is not considered appropriate to review the provision of the additional car parking spaces following the provision of the bus stop and crossing points because of the nature of the goods sold at the site.

In terms of the picnic area, there was never a planning requirement for this to be provided. The amenity value of this picnic site for customers of the site would be limited due to its proximity to the landfill site, the potential nuisance from birds, and due to its positioning surrounded by car parking and access roads. Therefore the loss of the picnic area on site is considered to be acceptable.

c) **Impact on the traffic network**

The level of traffic generation associated with the Garden Centre development was established through a submitted Transport Assessment submitted at the time planning consent was originally granted. As this planning application is for additional car parking spaces only, and does not involve any additional increase in sales floorspace, this specific proposal would not in itself generate any additional traffic to the site. It would however accommodate those vehicles already choosing to visit the site and already on the highway network, which at busy periods may have to be turned away due to lack of car parking spaces. It is therefore concluded, because the proposal does not generate any additional traffic to the site, that there could be no justification that this proposal would cause any additional harmful impact to the transportation network. On this basis the proposal is considered to be in accordance with Policy T1.

The problems with traffic flow and management, of cars entering and leaving the Garden Centre over their opening weekend, was as a result of the traffic signals not being properly installed and tested by the developer's engineers. If the software controlling the timing of the traffic signals had been properly set up, there would not have been the bottle neck of cars both inside and outside the site. It is understood that these technical problems have now been resolved and that the traffic flow and management is now operating effectively.

It should be noted that until the Junction 8 Highway works are completed, there will be traffic flow disruption in the vicinity of the site, but this will be short term disruption, to allow the long term increased traffic capacity of the area.

8 CONCLUSIONS

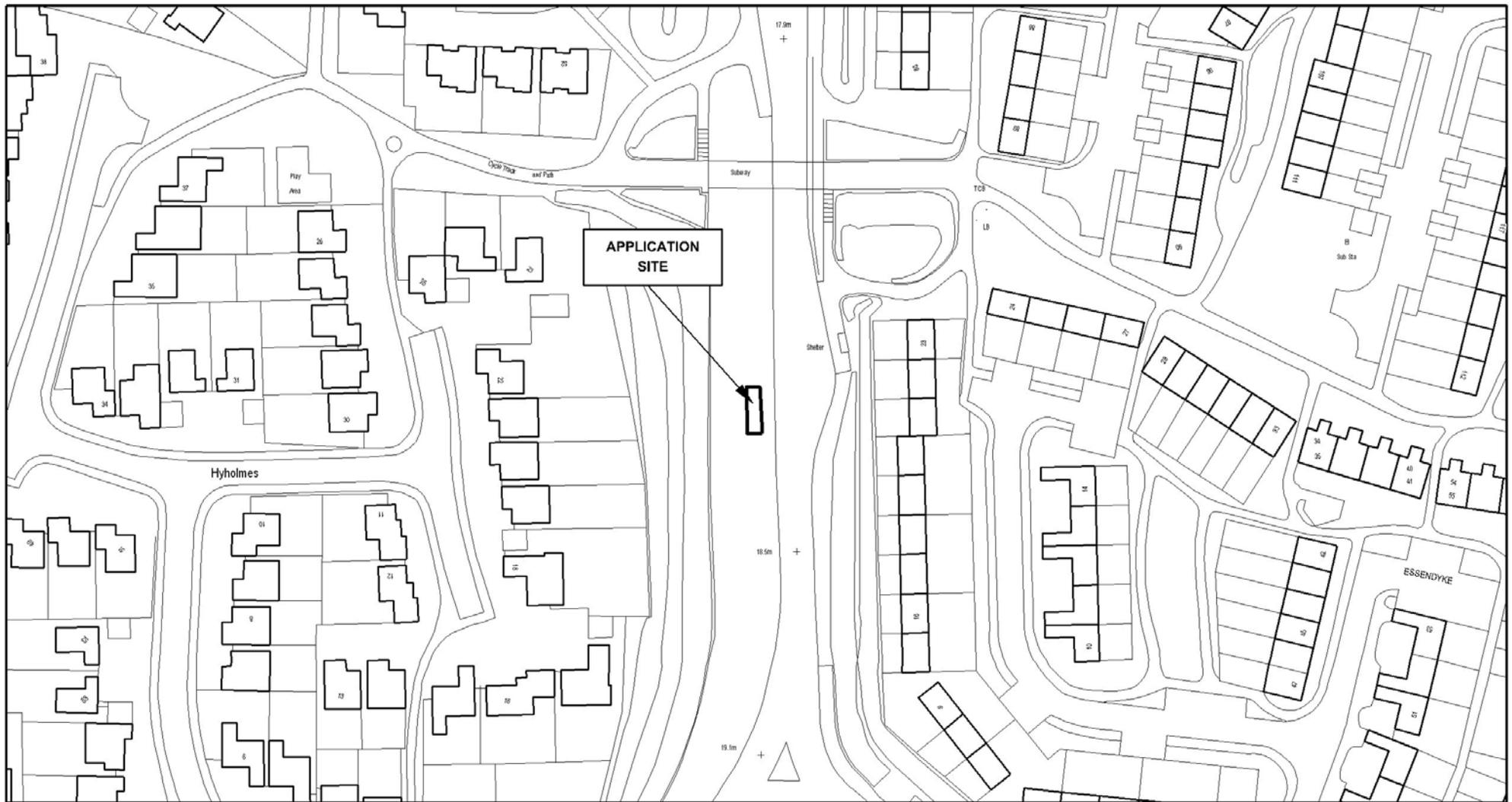
The proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The additional 20% increase in car parking on site is considered to be acceptable, and would assist in providing for the demand in customer parking, particularly at busy periods. The Travel Plan already approved should be fully implemented to help encourage the use of sustainable travel modes, where possible. As the proposal does not create additional retail floorspace therefore it would not in itself generate any additional traffic, as so could not be deemed harmful impact to the transportation network. The proposal is therefore acceptable in accordance with policies T1 and T10 of the Local Plan.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is **APPROVED** unconditionally, having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan.

Copy to Councillors Sanders, Dobbs, Ash, Miners, Saltmarsh



LOCATION PLAN 10/00133/NTEL

Grass Verge Adjacent to Hyholmes, Bretton Way, Peterborough

Scale 1:1250 Date 11/3/2010 Name MKB Department Planning Services

PCC GIS



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10/00133/NTEL: INSTALLATION OF A 15M HIGH STREETWORKS MONOPOLE WITH 6 NO. SHROUDED ANTENNAS AND 2 NO. EQUIPMENT CABINETS LOCATED ADJACENT TO THE MONOPOLE ON THE GRASS VERGE ADJACENT TO HYHOLMES, BRETTON WAY, BRETTON PETERBOROUGH

APPLICANT: TELEFONICA O2 UK LIMITED
AGENT: BABCOCK - NETWORKS DIVISION
REFERRED BY: CLLR FITZGERALD/PARISH COUNCIL
REASON: CONFLICT WITH POLICY U11, HARM TO LIVING CONDITIONS, CHARACTER AND APPEARANCE OF THE AREA, TOO CLOSE TO DWELLINGS, GRAFFITI, MORE SUITABLE SITES ARE AVAILABLE.

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:

- Appearance
- Siting
- Neighbour/Parish Council concerns

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.

Peterborough Local Plan 2005

U11 Where planning permission for telecommunications development is required it will be granted where:

- a) it would not unacceptably harm the living conditions of residents or the character and appearance of the surrounding area, particularly in terms of size, design, prominence, or relationship to surrounding buildings, spaces or landscape; or
- b) any such harm is outweighed by the need for the proposal as part of a telecommunications network; and
- c) there is no alternative site available that would be satisfactory in technical and operational terms, and where the environmental impact would be less; and
- d) there is no reasonable possibility of sharing existing telecommunications installations or sites, or of erecting antennae on an existing building or structure, with acceptable environmental impact.

Material Planning Considerations

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

PPG8 'Telecommunications' gives general advice on dealing with proposals for telecommunications masts.

3 DESCRIPTION OF PROPOSAL

Installation of a 15m high monopole with 6 no. shrouded antennas and 2 no. equipment cabinets located adjacent to the monopole on the grass verge adjacent to Hyholmes Bretton Way

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is part of the highway verge along Bretton Way. It is approximately 29 m wide at that point, comprising a grass verge of approximately 13 m and a belt of trees before the rear gardens of Hyholmes. To the opposite side of Bretton Way, there is a bus lay-by and a narrower verge before the rear gardens of houses in Essendyke. There is no footway at the proposed location.

5 PLANNING HISTORY

None

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The proposed equipment is to be located in the public highway (verge). Given there is no footway and no visibility splays are affected, the LHA raises no objection to the proposal.

EXTERNAL

Bretton Parish Council - Object on the following grounds –

1. This proposed mast will be totally out of character to the surrounding area.
2. The mast will be very close to properties and indeed the busy Bretton Way.
3. At the intended position of the site the mast and equipment cabinets will become rapidly vandalised and covered with graffiti.
4. It is considered by the Parish Council that this mast could be built on the roundabout close to where it is now planned. In the middle of the roundabout is a very large street light and the mast could be built on top of that light and thus it would blend in with the area. Likewise it would be further away from properties and residents. The 2 equipment cabinets could be located close by and not on the roundabout.
5. The parish forwarded a petition bearing 97 signatures objecting to the mast on the following grounds – visual intrusion; it will prevent this area being turned into a footpath; target for vandalism; adverse effects of emissions; hazard to road users causing obstruction to view of pedestrians and less intrusive sites are available.

NEIGHBOURS

Letters of objection have been received from 45 local residents raising the following issues:

- Unattractive design, particularly for mourners
- Loss of open view
- Prone to vandalism
- Safety and health concerns – particularly for children
- Devaluation of properties – Council Tax reduction will be sought
- No need for this mast – service is adequate
- The Council should not allow its land to be used for this purpose
- Alternative preferable sites are available
- Inadequate publicity
- Inappropriate siting – Industrial land or open countryside should be used.
- The mast will prevent a footway from being provided in this location
- Obstruction of a pathway
- Obstruction of view
- Highway danger – particularly during construction and maintenance
- Mast could be disguised as a tree
- Other operators have had to remove masts as a result of health scares

- Located too close to the road
- Degradation of TV signals
- Telecom companies are required to share equipment which will result in more clutter on the site
- Vandalism will result in pressure for fencing which will be unattractive and a target for graffiti
- The submitted drawings play down the impact of the proposal.
- The range of this equipment is about 300m, so there will be further demand for similar poles which provide film and music downloads and do not improve phone coverage.
- On resident submitted a further page of the petition submitted by the Parish Council containing a further 33 signatures.

COUNCILLORS

Cllr Fitzgerald: Referred the item to Committee Under policy U11 of the local plan paragraph a) In that residents feel it would harm the living conditions and affect the character and appearance of the surrounding area. Particularly in relation to its size, design, prominence and location.

There is a general view amongst residents that other nearby locations should be considered first and that this is a "lazy application" to access nearby power and other utilities that would be needed to power the mast.

7 REASONING

Introduction

This is not a conventional planning application; it is a notification under Part 24 of the General Permitted Development Order. Under this section the proposed mast is Permitted Development. The operator is required to '*apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development*'. The Council has 28 days from receipt of the notification in which to advise the applicant whether it wishes to exercise control over the siting or appearance of the mast. The Council has advised that it does wish to exercise control within the 28 day period. The Council has a further 28 days to decide whether the siting and appearance are acceptable.

The Council may only consider issues relating to siting or appearance.

Policy issues

The controlling policy here is U11 which sets out four tests for telecommunications applications. Although this is a notification under the GPDO, it is still appropriate to consider the proposal against those headings; namely, harm to the living conditions of residents or the character and appearance of the surrounding area; the need for the proposal as part of a telecommunications network; alternative site availability and the possibility of sharing existing telecommunications installations.

a) Harm to Living Conditions

The mast could be visible through the trees in winter or over the tops of trees in summer at a very small number of dwellings, but it is not considered that the appearance of the mast could be described as harmful to the living conditions of nearby residents.

The mast will be visible to users of Bretton Way. Bretton Way is primarily a distributor road, with no continuous footway and it is not intended to be used by pedestrians. It is lined with trees along either side for most of its length, set back from the road and with wide grassed verges. In the verges 10m high street lamps are set back approximately 2m from the edge of the road, in the position they would be in if there was a footway. The proposed mast will be on the same line as the street lamps. It will be 5 m taller and will have two cabinets, each approximately 1.5m high at the base. The mast will be similar in appearance to a large street lamp and the antenna array will be similar to a lamp unit. It will not have the sort of exposed antennae that are familiar elsewhere. This siting is considered to be acceptable.

Relocation within the tree belt would be less noticeable, but it would inevitably result in damage to and shortening of the life expectancy of the trees (due to root damage) and bring

the mast considerably closer to dwellings, thus the benefits of any move are outweighed by the consequences. Disguising the mast as a tree is therefore inappropriate and in practice is a feature of much larger masts.

b) Need

The application is a joint proposal from O2 and Vodafone. It is intended to meet a need in the North of Peterborough and the applicant comments *'the search area for this site was centred upon the Pyramid Centre in the North Bretton area. Due to this area being predominantly residential in character, it was decided to locate the proposed installation to the edge of the search area along Bretton Way'*. The applicant has provided evidence to show that other sites have been considered and rejected due to a variety of reasons including proximity to existing masts. See Appendix 1.

c) Alternative sites

Officers have discussed the alternative sites suggested by objectors with the applicants who consider them unsuitable from either a technical or operational perspective. O2 already have an installation upon the rooftop of Bretton House which means they have no requirement for a new site in that vicinity. The applicants have identified the area to be covered by the proposed mast to provide in-fill to the existing sites and the preferred location would be equidistant between 3 existing O2 sites, the proposed site will provide acceptable, although not ideal coverage. Sites such as the 'Oak Tree' site and the centre of the roundabout are unsuitable either because they are too far away or there is no suitable power supply.

d) Sharing

Sharing is not available as an option as there are no suitable locations in the search area.

e) Appearance

The proposed mast is similar in appearance to a street light. It is comparable in height with the street light in the centre of the nearby roundabout. Although appearance is always a subjective matter, the mast will not appear alien in this location because it will look similar to the existing street furniture and therefore it would be unreasonable to conclude that the design is so unattractive that a refusal on grounds of appearance could be sustained.

f) Siting

The proposed mast is sited in a line of street lights and will not appear as alien or out of place. The additional height will make it more noticeable than the street lights, but its siting is not so prominent or damaging as to justify refusal. The proposed cabinets will be more noticeable, but they are the size and design of cabinets that are found in many urban or sub-urban streets and are thus familiar items that will not appear as alien or out of place.

The applicants have considered commercial sites for the mast, but have been unable to secure the rights to use land. They are constrained by many factors including the ability to supply adequate power and thus sites which may appear physically suitable are often not technically suitable; the chosen site has been selected because it is not too close to dwellings and is not prominently visible from houses in order to minimise the potential for visual impact. The Highway Authority has raised no objection to the siting and is satisfied that it will not result in unacceptable implications for highway safety.

g) Neighbour objections

Loss of View

The mast will not cause any material loss of view.

Susceptibility to Vandalism

There is no evidence to suggest that the development would be any more prone to vandalism than existing street furniture in the locality, and it would be unreasonable to resist the development on these grounds. There is no footway in the vicinity of the proposed site and it is readily visible from the public highway.

Safety and Health Considerations

These are not normally material planning considerations. Government's PPG8 is very clear on the subject and states that:

'... it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.'

This proposal is certified as meeting the ICNIRP guidelines.

Devaluation of Property

This is not a material planning consideration.

Mast Not Needed

The need for the mast can only be assessed by the applicants who are clear that there is inadequate local coverage .

Ownership of the land

This is not a material planning consideration.

Lack of Publicity

The proposal was subject to additional consultation beyond the Council's normal practice and the legal requirements. A site notice was displayed and a replacement displayed when the original was removed. The level of public response to the application demonstrates that it was widely known in the vicinity.

Impact on Footway

There is no footway on Bretton Way at this point and it is not intended to provide one in future.

Impact on TV Reception

There is no reason to believe that the mast will cause any degradation of television signal.

8 CONCLUSIONS/REASONS FOR RECOMMENDATION

Although there is strong local opposition to the notification, Members should reach a decision based on the consideration of the appearance and siting of the mast. Other issues are not material considerations in this instance, given that this is a notification and not a planning application. The appearance of the proposed mast is comparable with a street light and is not unattractive. The siting is within a line of street lights on a road that provides a distributor function and is not directly overlooked by any residents or businesses; it will not cause highway danger, and is therefore considered acceptable.

9 RECOMMENDATION

The Head of Planning Services recommends that the 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).

Copies to Councillors Nash, Morley, Fitzgerald

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Evidence of alternative sites considered by the applicant.

The following are extracts from emails from the applicant:

With regards to the... *Oak Tree Site*..., I can confirm that this would not be suitable to my clients from either a technical or operational perspective. The site is located a considerable distance to the south of the proposed location and the search area. Additionally, the suggested location is very close to the Bretton Shopping Precinct. O2 already have an installation upon the rooftop of Bretton House which means they have no requirement for a new site in the offered location.

The proposed site is required to provide in-fill to the existing sites and the preferred location would be equidistant between the 3 existing O2 sites. As you will see from my annotations, the proposed site will provide good, although not perfect coverage. Whilst the offered site would not work in this instance.

With regards to the site in the middle of the roundabout, we would encounter a number of problems which would render this unsuitable. The primary one relates to highways issues in terms of safely accessing the site for maintenance as well as the parking of vehicles close to the site. The proposed site on Bretton Way allows safe access for maintenance and construction without inhibiting the highway. We would also suffer from problems with the power for the site, although the streetlights have a supply, this is Low Voltage and is unsuitable for the proposed site.

Extract from the supporting statement accompanying the application:



Number on map	Site Type	Site Name and address	NGR	TLM Rating	Reason for Rejection
1	Greenfield	'Di-Perk Power Solutions, Sturrock Way, Peterborough	517251E , 301636N	Green	Site provider not interested in an installation. Site location is too close to existing Vodafone site
2	Greenfield	Smiths Nissan, Sturrock Way, Peterborough	517191E , 301501N	Green	Site provider not interested in an installation. Site location is too close to existing Vodafone site
3	Streetworks	Enterprise Road, Peterborough	516986E, 301797N	Green	Site location did not provide the required height for coverage. Proposed location also too close to existing Vodafone installation
4	Site Share	Orange Site - CAM0085, Sturrock Way, Peterborough	517380E, 301460N	Green	Site located outside of the search area. Location is too close to existing Vodafone installation
5	Site Share	Vodafone Site - 54074, Sturrock Way, Peterborough	517379E, 301464N	Green	Site located outside the search area. O2 are in the process of sharing this site. This site would not provide the required coverage to the designated area
6					

If no alternative site options have been investigated, please explain why:

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
23 MARCH 2010	PUBLIC REPORT

Cabinet Members responsible:	Lead Member - Councillor Piers Croft, Cabinet Member for Strategic Planning, Growth and Human Resources.	
Contact Officers:	Andrew Edwards (Head of Delivery)	Tel. 384530
Reporting Officer:	Richard Kay (Strategic Planning Manager)	Tel. 863795

PETERBOROUGH LOCAL DEVELOPMENT FRAMEWORK - THE PETERBOROUGH DISTRICT HOSPITAL SITE DRAFT SUPPLEMENTARY PLANNING DOCUMENT

RECOMMENDATIONS	
FROM : Head of Delivery	Deadline date : 29th March 2010
That Committee offers any comments on the draft Peterborough District Hospital Site Supplementary Planning Document before it is submitted to Cabinet on 29 March for approval for the purposes of public participation.	

1. ORIGIN OF REPORT

1.1 This report is submitted to Committee following approval of the Council's Local Development Scheme by the Secretary of State for Communities and Local Government and in accordance with the Peterborough Local Plan (First Replacement) 2005.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to enable the Committee to offer any comments on the draft Peterborough District Hospital Site Supplementary Planning Document (hereafter referred to as the Hospital Site SPD) before it is submitted to Cabinet for approval for the purposes of public participation.

2.2 The officer-recommended Hospital Site SPD is available on the Council's web site at <http://democracy.peterborough.gov.uk/ecSDDisplay.aspx?NAME=SD269&ID=269&RPID=112570&sch=doc&cat=12992&path=12992> and copies have been placed in the Members' group rooms. In addition, attached to this agenda report (Appendix 1), is a map showing the opportunities and constraints of the site, a map which forms part of the Hospital Site SPD.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	No	If Yes, date for relevant Council Meeting	
		Date for submission to Government Dept	N/A

4. PETERBOROUGH LOCAL DEVELOPMENT FRAMEWORK: PETERBOROUGH DISTRICT HOSPITAL SITE DRAFT SUPPLEMENTARY PLANNING DOCUMENT

Introduction

4.1 The Peterborough District Hospital site will be vacated by the end of 2011 following the transfer of remaining medical services to the new city hospital on the Edith Cavell site. The

site will become vacant and will require comprehensive regeneration. The purpose of the Hospital Site SPD is to provide detailed guidance to prospective developers as to the type and level of development the Council will expect to see come forward on the site, and in turn meet the objectives of the Local Plan, the emerging LDF, the Local Area Agreement and the Sustainable Communities Strategy.

- 4.2 The Hospital Site SPD has been prepared jointly by King Sturge (acting on behalf of the Peterborough and Stamford NHS Trust) and PCC Officers. However, as the SPD will become official Council planning policy once adopted (post consultation), the final text as presented to PEP Committee is that as recommended by PCC planning officers.

Summary of the draft Hospital Site SPD

- 4.3 The draft Hospital Site SPD sets out the Council's ambition to see a mixed-use development incorporating residential, community, local retail and ancillary uses on the Peterborough District Hospital site. This will help to meet one of the key priorities of the Sustainable Communities Strategy to deliver substantial and truly sustainable growth.
- 4.4 **The site** – The Peterborough District Hospital site occupies an area of circa 10 hectares (25 acres). It currently has a range of hospital and residential buildings. To the east of the site is the Station Quarter; to the north are residential dwellings; to the west is Peterborough High School and further housing; and to the south is Thorpe Road. A plan is attached at Appendix 1.
- 4.5 **Residential development** – The draft Hospital Site SPD makes provision for 350-550 houses, mainly in a mix of family housing and apartments, at varying densities (generally higher to the east). In accordance with emerging Core Strategy policy, 30% of all new dwellings must be affordable; and a minimum of 20% must meet lifetime homes standards.
- 4.6 **Retail** – Small-scale retail facilities, consisting of a local convenience shop, and perhaps other smaller commercial space or smaller individual shops, of no larger than 500 sq.m gross in total. This level should not be exceeded, in accordance with national and local retail policy for this out of centre site, to ensure that the vitality and viability of existing retail centres are not compromised.
- 4.7 **Historic buildings** – Historic buildings of local importance on the site should be retained and re-used, namely The Gables and the core part of the Memorial Hospital. Historic buildings adjacent to the site will also be important considerations.
- 4.8 **Transport/access** – Redevelopment of the site will create and improve access to and through the site. New east and west links are proposed and an opportunity for direct connectivity, particularly for pedestrians and cyclists, into the Station Quarter/Railway station and surrounding residential suburbs. Preliminary modelling demonstrates that the development proposed would have no negative impact on trip generation compared to the present (hospital) use of the site.
- 4.9 **Trees** – trees that are protected by a Tree Preservation Order and those that are not protected by law but make a positive contribution to the character of the area will need to be retained and preserved.
- 4.10 The Hospital Site SPD has fuller details as to what is expected from the site, and the above should therefore be considered only as a summary.

5. CONSULTATION

- 5.2 The draft Hospital Site SPD is scheduled to have been presented to the LDF Scrutiny Group (17th March). Officers will verbally present to Cabinet (29 March) any comments raised at that meeting, along with any comments raised at this meeting today.

- 5.3 Subject to Cabinet approval on 29th March, the draft Hospital Site SPD will then be published for formal consultation for 4 weeks, commencing early April (but post Easter).
- 5.3 Following consultation, representations will be considered and a statement will be prepared setting out a summary of the main issues raised and how these issues are to be addressed in the final document to be considered for adoption by Cabinet (likely to be Cabinet on June 14th). The consultation will be undertaken in accordance with Peterborough City Council's Statement of Community Involvement.

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that Cabinet, at the meeting on 29th March 2010, will approve the draft Hospital Site SPD for public consultation in April 2010, assisted in its decision by comments made by the LDF Scrutiny Group and this PEP Committee.

7. REASONS FOR RECOMMENDATIONS

- 7.1 Committee is recommended to make its comments known to assist Cabinet in reaching its decision. At the meeting on 29th March 2010, Cabinet will be recommended to approve the draft Hospital Site SPD for public consultation starting in early April 2010.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Various development options for the site have been considered and have been tested for the viability of each. The development proposed in the document is, in simple terms, considered to be the 'preferred option', subject to public consultation.

9. IMPLICATIONS

- 9.1 The SPD will guide regeneration of the hospital quarter; it will help to deliver a mix of housing and a small amount of ancillary retail.
- 9.2 **Legal Implications** - The Council must follow due Regulations in preparing the SPD. Once the SPD is adopted, the Council has a legal duty to refer to it when determining planning applications for the hospital site and, to some extent, the surrounding area.
- 9.3 **Financial Implications** - There are no immediate financial implications flowing from the approval of the draft Hospital site SPD, simply because this is not the 'final' plan. However, Members should be aware that there could be:

- Indirect financial implications for the Council in terms of its Vawser Lodge asset. This falls within the SPD area, and is labelled as possibly coming forward for housing. However, the SPD is sufficiently flexible for this to happen or not happen depending on what the Council wishes to see happen to that asset (hence, the SPD only has indirect financial implications).
- Indirect financial implications arising from the development of the hospital site (e.g. provision of infrastructure and services for the new residents, s106 arrangements, and increased council tax or other receipts).

10. BACKGROUND DOCUMENTS

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

- Peterborough Local Plan (1st Replacement) July 2005
- Peterborough Core Strategy Proposed Submission Version (as approved by Council December 2009 and published in January 2010).

Appendix 1 – Hospital Site - Constraints and Opportunities Map (see next page for Key)



Key

-  Listed buildings grade 2
-  Listed buildings grade 2*
-  Buildings of local importance
(Peterborough City Council Local Plan
Appendix IX)

- A) Crescent Wagon Repair Shop
- B) Memorial Hospital
- C) The Sessions House
- D) 64 Thorpe Road
- E) The Gables
- F) The Lodge

-  Potential route and Vista to Station
-  Primary East / West link
-  Existing vehicular access points
-  Potential vehicular access points
-  Existing external pedestrian only links
-  Potential residential areas
-  Potential Community use
-  Potential Health Care area
-  Potential retail / mixed use area
-  Potential additional residential area at Vawser Lodge
-  Category A and B trees
-  Important views
-  Potential frontages
-  Sensitive boundaries
-  Boundary line

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