

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 27 APRIL 2010
TIME:	1.30 pm
VENUE:	COUNCIL CHAMBER - TOWN HALL
CONTACT:	Gemma George Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>19 April 2010</i>

AGENDA

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1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting held on 23 March 2010** 1 - 12
5. **Development Control and Enforcement Matters**
 - 5.1 **10/00047/FUL - 105 Oxney Road, Peterborough** 13 - 26
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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.

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

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 23 March 2010

Members Present:

Chairman - Councillor North

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

Officers Present:

Nick Harding, Planning Delivery Manager
Jez Tuttle, Senior Engineer (Development)
Peter Heath-Brown, Planning Policy Manager (Item 6)
Amanda McSherry, Principal Planner (Item 6)
Emma Latimer, 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, Thacker and Councillor C Burton.

Councillor C Day attended as substitute.

2. Declarations of Interests

- 5.1 Councillor Lane declared that he was a representative on the Cross Keys Board and would leave the room for the duration of the item.

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

Councillor Ash declared that he would be making representation as a Ward Councillor for agenda item 5.1, Cerris Road.

4. Minutes of the Meetings held on:

4.1 26 January 2010

The minutes of the meeting held on 26 January 2010 were approved as a true and accurate record.

4.2 23 February 2010

The minutes of the meeting held on 23 February 2010 were approved as a true and accurate record subject to the following points of clarification:

- The Planning Officer addressed the Committee and stated that on the last page of the minutes it was written that “after brief discussions 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”. For clarification, the issue at that time was whether it was an equitable situation with objectors, Parish Councillors and Ward Councillors all speaking against an application and receiving three separate time slots as opposed to only the supporter, namely the applicant, speaking in favour of an application and receiving only one timeslot.
- For further clarification, Members were advised that discussions had taken place at the last Parish Council Liaison meeting and the speaking time for Parish Councillors at the Planning and Environmental Protection Committee would remain the same.

5. Development Control and Enforcement Matters

The Committee agreed to vary the order of the agenda and to allow item 5.4, Hyholmes Bretton, to be the next item of business.

5.4 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

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

The proposal was to erect a monopole telecoms mast, 15 meters high which would incorporate two cabinets, one of which would be 1.5 meters tall and the other 1.3 meters tall.

The Planning Officer addressed the Committee and gave an overview of the main issues including the size of the mast in relation to the adjacent street lighting and the distance of the siting of the pole in relation to the surrounding dwellings.

Members were advised that the application had to be either approved or refused at the meeting, a deferral would not be possible, the reason being that the application had been made under the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 which provided set time scales for an application to be determined, otherwise consent would automatically be granted to erect the monopole mast. The date for expiration of determination of this application was 5 April 2010.

Members were further advised that the application could only be determined on the grounds of its siting and its appearance, consideration could not be given to any health implications relating to the proposal, the reason for this being that these issues were covered by specific health and safety legislation and not planning legislation and as such could not be considered as material planning considerations.

Members’ attention was drawn to additional information contained within the update report. Twenty three emails from local residents had been submitted via Councillor Fitzgerald, a Ward Councillor for Bretton North. The main issues highlighted in the emails were that the mast would be aesthetically unpleasant, there were numerous other areas where the mast could be erected, there had been inadequate consultation with local residents, the devaluation of surrounding property, the mast would be hazardous to locals and road users, the potential damage to health, the mast could attract vandalism, the area was used as a footpath and the erection of the mast would mean that a proper footpath could not be laid in future, the mast was not needed and it would have a detrimental impact on wildlife.

Numerous photographs had also been submitted showing the levels of vandalism in the local area.

A further two letters had been received from local residents stating that the mast was not required as telephone reception in the area was good. However, if the mast was to be erected there were other locations better suited for the proposal such as the adjacent roundabout, the Sainsbury's site and other wasteland in the vicinity. The masts prominent location would downgrade the area to visitors and would attract vandalism.

A letter had also been received from the applicant's agent responding to suggestions made by local residents that the proposed location of the mast was unsuitable. The alternate locations that had been suggested were addressed and it was highlighted that they were not feasible. In the first instance there would be a difficulty in supplying power to these locations due to the nature of their siting, particularly in the case of the roundabout location. The suggestions made that the mast could be located at the Sainsbury's site or at the Bretton Centre were also addressed and it was stated that these suggested sites were in the wrong area and would not provide the coverage needed. Existing coverage was also being provided in those areas by existing masts.

Councillor Wayne Fitzgerald, Ward Councillor, addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed mast would be extremely prominent
- The proposed mast would be a third higher than the two lamp posts it would be sited in between
- Numerous local residents were against the proposal
- No coverage plots had been provided by O2 showing whether this site would be the best location for the proposed mast or highlighting signal strength
- No technical parameters stating why the proposed location was the most suitable had been provided
- The application was a "lazy application", meaning that the applicant had chosen the best site for them and not the best site for the local area
- There was a problem with vandalism in the area
- Item C in Policy U11 stated that "there was no alternative site available, satisfactory in technical and operational terms". Operational terms had appeared to be covered in the response from the applicant, however the lack of signal plots did not support the argument
- Unless it was absolutely necessary, why was the mast proposed for this location?

Mr Allan, an objector and local resident, addressed the Committee on behalf of the residents of Gullymore in Bretton and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposed site of the mast was used regularly by pedestrians as the underpass was often flooded, with low lighting and offensive graffiti
- There was no objection to the need for new technology
- Vandalism was rife in the area and the mast and cabinets would surely to be targeted
- There was a risk of creating a precedent with these masts down Bretton Way
- This was a cheap way of providing the service needed, as this was not the original location looked at for the mast
- There was an issue with access as a cherry picker would be needed to access the proposed mast if it required maintenance

The Planning Officer addressed the Committee and advised Members that in the original application a statement from O2 had been provided which incorporated a series of plans

showing existing coverage and weak points. The coverage required was in a predominantly residential area, therefore the proposed site had been chosen as the best site in proximity to the surrounding dwellings.

After debate and questions to the Planning Officer regarding the maintenance access and the proposed siting of the mast, a motion was put forward and seconded to refuse the application. The motion was carried by 7 votes, with one Member abstaining.

RESOLVED: (7 for, 1 abstaining) to refuse the application:

Reasons for the decision:

The application was refused for the following reason:

- It would 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.

Councillor Ash and Councillor Lane left the meeting for the following item.

5.1 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

Full planning permission was 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 four houses. Plots one to four would be accessed from Western Avenue and plots five to eight from Cerris Road. Eight car parking spaces were proposed, one for each property, together with five visitor car parking spaces.

The site was located within a predominately residential area, consisting of two storey high residential properties. The site was 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 was through the application site.

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

The Planning Officer addressed the Committee and gave an overview of the proposal and highlighted the main issues including access to the site, car parking, the distance between properties and the windows located on the side elevations having frosted glass.

Members' attention was drawn to additional information contained within the update report. There had been a public meeting held on the 15 March 2010 where a number of issues had been raised, one of these being the safety of the access to and from the recreation ground. Members were informed that the plan had been amended so that the footpaths along either side of the access now continued along the side of the entrance all the way to the park, in addition to this a condition had been proposed which required a scheme of barriers to be put in along the edge of the footpath to prevent vehicles from mounting the curb and being a danger to pedestrians.

A further concern had been expressed regarding access for refuse vehicles, Members were further advised that the development would not be served by the Local Authority but by a private service. Other concerns highlighted were the restricted access for fire engines, the overbearing impact of the development and the insufficient details of boundary treatment. There had also been a request for construction to commence after the school holidays however, this was not a request that could be conditioned.

Comments from the Senior Recreation Officer had also been received stating that the only concern was to ensure that children and other users of the recreation ground were able to enter and leave the recreation ground safely.

A letter of support had been received stating that the proposal was a good idea and affordable housing was needed. A further three letters had been received in objection to the application, including one from the Old Dogsthorpe Residents Association.

Comments had been submitted from the Head of Transport and Engineering and an amendment to condition C10, as highlighted in the committee report, had been suggested making reference to the fact that existing streetlights would need to be relocated as part of the scheme.

Councillor Chris Ash, Ward Councillor, addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The fact that some of the major concerns of the local residents had not been addressed
- The residents of Birchtree Avenue who backed on to the proposed development were used to a low outlook and they were concerned about the appearance of the proposal and the prospect of possibly losing the rear access to their properties. Would the developer consider allowing those residents to keep their rear access?
- The main concern of the residents in the area was the safety aspect
- The removal of the garages was not an issue as they were considered unsightly
- Had the concern highlighted by the Recreation Officer in update report been addressed and was the Recreation Officer happy with the answer given?
- The access road on the Cerris Road side was not straight, therefore seeing a waiting vehicle maybe difficult
- Cerris Road was not particularly wide and therefore vehicles wishing to turn into the site may have to wait for a while if another vehicle was coming out of the site
- The Highways Officer had recently responded to a question regarding a similar garage site that had no recreation area within in, by saying that they were concerned about the sub access and they would have rather that planning permission had not been granted due to pedestrian visibility. Therefore, why was this not a similar concern with this proposal?
- The site had not been well used as a garage site for some time, therefore local residents had got used to not having large amounts of traffic travelling into the site
- More consideration should be given to the Recreation Officer's comment and the local residents' comment regarding construction traffic. Would the safety issues be properly addressed?

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

- The local residents felt that it was unjustified to build eight houses on top of a children's recreation ground
- The concerns regarding the safety aspects of the accesses

- The comments made by the Highways Authority at a previous meeting, stating that they believed the accesses were substandard in their width
- Over the last few years there had been minimal traffic travelling into the site, therefore an increase in traffic to new houses would be a safety issue for the children using the site
- The accesses were too narrow for fire engines
- The normal refuse vehicles could not be used due to the narrowness of the roads
- The people who had lived here for many years had been used to the area being an open space
- The local residents agreed that the garages were an eyesore and should be pulled down, however the recreation ground should be expanded instead of building houses

The Planning Officer addressed the Committee and responded to several of the points that had been raised by the speakers. Members were advised that the properties with existing access to the garage court had provision in the proposal for that access to continue. Members were further advised that the Recreational Officer had not seen the latest amended plan which indicated a complete footpath network. This would mean that any children using the park would be kept off the highway. Whilst it had not been confirmed that the Recreational Officer was happy with the amendment, it was likely that he would be satisfied with the proposal as it met the needs stated.

It was highlighted to the Committee that although the garages situated on the site were at that time very rarely used, the use could start up again without the need for any planning consent and therefore consideration had to be given as to whether the amount of traffic the garages could generate would be less than, equal to or more than that which would be generated by the current proposal. Comments had been received from the Highways Officer stating that seven dwellings would be more appropriate for the site however, there was no specific evidence that could be used to state that eight was inappropriate.

The Committee expressed concern regarding the access to and from the site for emergency vehicles and after debate and questions to the Planning Officer and Highways Officer a motion was put forward and seconded to approve the application, subject to a satisfactory response from the emergency services, particularly the fire service, stating that they had no issues with the access to and from the site. The motion was carried unanimously.

Members were informed that if there were concerns highlighted by the emergency services, the application would be brought back to the Committee for determination.

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

1. The emergency services, in particular the fire service, confirming in writing that they had no issues with the access to and from the site
2. 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
3. The conditions numbered C1 to C12 as detailed in the committee report
4. The amendment to condition C10 as detailed in the update report
5. The informative number 1 as detailed in the update report
6. An additional condition stating that obscure glazing must be in place at all times in the windows on the side elevations
7. 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 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:

- It was considered that the siting, scale and design of the proposed development was acceptable and could be accommodated on the site without harm to surrounding residents or the character or appearance of the surrounding area. This was in accordance with Policies DA1 and DA2 of the Local Plan. On balance it was considered the traffic movements of the eight houses would be comparable with the former traffic generation on site, therefore the substandard accesses could accommodate the development proposed.

The meeting was adjourned for ten minutes.

Councillor Ash and Councillor Lane rejoined the meeting.

5.2 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

Full planning permission was sought for the construction of a fifty 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 was on the eastern side of the site, leading to the car parking area which had increased in size from fourteen to thirty two spaces in the amended plans.

The site was located within a predominately residential area, consisting of two storey and one and a half storey residential properties. The site was positioned to the north of the Matley Primary school site and to the south of a small local centre, which contained some shop units and a community centre. It was also positioned to the south of some two storey residential houses. To the west of the site was a busway and beyond this further two storey residential housing. The residential houses on Matley Road to the east of the site were one and a half storey.

The site covered an area of 0.56 hectares and was currently vacant land that had become overgrown. The site was currently well screened from surrounding sites by mature hedge and tree landscaped boundaries.

The Planning Officer addressed the Committee and gave an overview of the proposal, highlighting the main issues surrounding the application, namely the impact of overlooking, the appearance of the application from the street, the proposed car parking, the elevation levels of the site, the loss of part of the hedge surrounding the site and the vegetation to be retained namely the boundary hedge owned by the school.

Members' attention was drawn to additional information contained within the update report. The Head of Transport and Engineering had originally had issues with the scheme with regards to car parking, the pedestrian link and visibility splays. All of the issues had been addressed in the amended plan and a number of conditions had been proposed and were highlighted in the update report. Members were advised that a number of these conditions could be amalgamated together and incorporated into the conditions highlighted in the committee report.

Three letters of representation had been received highlighting concerns as previously raised in the committee report. Additional concerns were also highlighted in one of the letters with regards to the impact of construction vehicles on the area and the amount of traffic that was generated by the local shop and dentist.

Mrs Suzanne Jones and Mrs Shirley Stapleton, objectors and a school governor and the Head Teacher from Matley Primary School, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The safety of the children and the staff at Matley Primary School
- The traffic that would access Matley during construction and during occupation of the site, namely staff and visitors accessing and leaving the site
- The proposed access pathway may encourage people to walk along that area and then to cut across the road in front of the opening to the facility
- There was a problem with illegal parking in Matley which had been reported to the police on numerous occasions
- The pressure on primary school places in the area and the number of children currently on role at the school which could rise substantially, this would lead to further increased congestion in the area
- The possibility that increased parking along Matley may hinder emergency vehicles
- The school had a resource provision for physically impaired children and required the access to the school site be clear at all times for emergency vehicles, specifically ambulances
- The possibility that there may be insufficient car parking spaces on the proposed site
- The nearest evacuation site for the school would be the Matley Community Centre therefore, would the double gates leading onto the proposed site still be available for use as the route to the

Mr Paul Ingle, an Architect from Portess and Richardson the agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- A number of parking spaces had been added to the original proposal
- The proposed path was a requirement of the Highways Authority and if it was not required then it could be removed

The Planning Officer addressed the Committee and responded to points raised by the speakers. Members were advised that the site had pending planning consent for twenty five dwellings and the only point outstanding was the signing of the legal agreement, this should be taken into consideration by the Committee. The applicant had also submitted a transport assessment which had been considered by the Highways Officers and they were satisfied that safe access could be provided to and from the proposed site. Members were further advised that with regards to the gates being used as an emergency exit point for the school, the land was third party private land and the arrangement would have to be agreed between the two parties involved and was not an issue that could be reasonably considered in the determination of the application.

The Highways Officer addressed the Committee and stated that he believed the traffic generation to the site would be less than that generated by the school. The provision of a pedestrian link, in this case being the footpath, would also reduce vehicles entering and exiting the site.

The Committee questioned whether the number of disabled parking spaces proposed for the site was adequate. The Planning Officer responded to the query and stated that a check would be made against the standard and if additional disabled spaces were required the issue would be resolved.

After debate, 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:

1. No objections from the Head of Transport and Engineering
2. 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 bus stop improvements, travel plan and monitoring cost needs of the area
3. The conditions numbered C1 to C10 as detailed in the committee report
4. The conditions numbered 1 to 10 in the update report being amalgamated together and incorporated into the conditions highlighted in the committee report
5. The informatives numbered 1 to 7 in the update report
6. An additional condition requiring the disabled parking spaces to be hard surfaced
7. An additional condition requiring the proposed fence to be on the inside of the hedgerow instead of on the outside

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:

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

5.3 10/00099/FUL – Additional parking area within approved garden centre – retrospective – at Peterborough Garden Park, Peterborough Road, Eye

Retrospective planning permission was sought for the additional 84 car parking spaces already provided on site, to be used in association with the Garden Centre development. This was 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.

The site was located on the north east edge of the City. The site was positioned within the urban area boundary of the city, with its northern boundary marking the settlement edge. The site was 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 covered an area of 5.94ha and contained the Garden Centre development and associated car parking, which recently opened on 5 February 2010.

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

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

The Planning Officer addressed the Committee and gave an overview of the proposal and the main issues. Members were advised that the applicant had stated that the additional

spaces were required, the primary reason being that given the nature of the goods sold at the development (primarily bulky goods) a higher vehicle visitor rate was expected. Additional spaces were also needed to cover busy periods and the applicant had also identified, through research, that this proposal provided less car parking than its competitors. In addition the applicant had stated that if they were to apply the car parking standards from the existing local plan more spaces could be provided.

Mr John Holmes, from Gregory Gray Associates the agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The application would sustain the £22 million invested in the Peterborough Garden Park
- The scheme was getting busier by the day and it was believed the scheme would get even busier as the weather improved
- The land was designated as a picnic area and through a bird survey it was deemed to be unsuitable for that purpose due to the landfill site nearby
- It was important to provide adequate parking
- Garden centres had peak periods, particularly around bank holidays and seasonal times, therefore additional parking was required
- The Peak periods had not been reached and adequate facilities were required
- The development was an important investment for Peterborough

The Highways Officer addressed the Committee and stated that the increase in car parking spaces was not likely to increase the number of visitors to the site, there was a travel plan for the site and for any future applications travel planning should be taken into consideration.

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

RESOLVED: (unanimously) that the application be approved unconditionally.

Reasons for the decision:

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 additional 20% increase in car parking on site was 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 did 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 was therefore acceptable in accordance with policies T1 and T10 of the Local Plan.

6. Peterborough Local Development Framework – The Peterborough District Hospital Site Draft Supplementary Planning Document

A report was presented to the Committee which sought its comments on the draft Peterborough District Hospital Site Supplementary Planning Document (SPD) before its submission to Cabinet for approval for the purposes of public participation.

The Peterborough District Hospital site was to 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 would become vacant and would require comprehensive regeneration. The purpose of the Hospital Site SPD was to provide detailed guidance to prospective developers as to the

type and level of development the Council would expect to see come forward on the site, and in turn meet the objectives of the Local Plan, the emerging Local Development Framework, the Local Area Agreement and the Sustainable Communities Strategy.

The Hospital Site SPD had been prepared jointly by King Sturge (acting on behalf of the Peterborough and Stamford NHS Trust) and Peterborough City Council Officers. However, as the SPD would become official Council planning policy once adopted (post consultation), the final text as presented to the Planning and Environmental Protection Committee (PEP) was that as recommended by Peterborough City Council Planning Officers.

The draft Hospital Site SPD set 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 would help to meet one of the key priorities of the Sustainable Communities Strategy to deliver substantial and truly sustainable growth.

Members were advised that it was anticipated that Cabinet, at its meeting due to be held on 29 March 2010, would approve the draft Hospital Site SPD for public consultation in April 2010 and it would be assisted in its decision by any comments made by the Local Development Framework Scrutiny Group and the Planning and Environmental Protection Committee.

Members were invited to comment on the District Hospital Site SPD and the following issues and observations were highlighted:

- Members questioned how much of the memorial wing was to be retained. Members were advised that the core of the building was locally listed and to be retained. The remainder of the building was comprised of later extensions and was not to be retained.
- Members further questioned whether the community site located on the plan, comprising the memorial wing and the surrounding area, could be utilised for the war memorial site. Members were further advised that the community area had no specified use at that stage.
- The Committee commented that there appeared to be no church or chapel provision on the site and this point was to be relayed to Cabinet.
- The Committee further commented that there also appeared to be no provision for a nursery or school on the site. The Committee was informed that the education department had been consulted on the need for a school and it had been stated that the development would not generate the need for a school. There would however be an education contribution sought to meet the needs of the residents.
- Members expressed concern at the lack of school provision on the site and further commented that there were no suitable schools in the local vicinity. Members were advised that, in local policy, the proposed site did not generate enough school places to request that a new school was provided.
- The Committee expressed further concern at the lack of school provision on the site and the lack of schooling in the area. These concerns were to be relayed to Cabinet.
- Members commented on the parking provision at the site and questioned whether it would be possible to implement underground parking for high rise apartment buildings. Members were advised that the site would need to incorporate a range of parking opportunities and some of that could include underground parking.
- Members further commented on the provision of homes for life at the site as it was felt that there was a need for this type of property rather than multi storey accommodation.
- The Committee questioned the size of the proposed retail outlet on the site, would it be sustainable in the future as it was relatively modest size. The Committee was advised that the retail aspect of the site had been looked into and it was important to provide a retail outlet that suited the area. Because of the sites proximity to the city centre, it was important not to provide a retail outlet that competed with the outlets in

the city centre. There was also the possibility of future retail development in the station quarter.

- Members commented that retailing should not be located around site 1 on the plan as the viability of a retail outlet on this site may not be as strong as if it was located elsewhere. There were a number of other local retail outlets in this area therefore it would be better suited to site 4. Members further commented that making the retail outlet visible from the road may increase the flow of traffic into the site.
- Members requested that their concerns be noted regarding the possible additional traffic that may be generated by the proposal and going forward, with the development of the station quarter, the access onto Thorpe Road.
- Members requested it to be noted that they felt more open communal space was needed on the development.
- The Committee commented that the focus for the site could be an education quarter for the city. Going forward, it was important to provide development that the people of the city required and was sustainable for the future. Members requested that the possibility of the site being utilised for the university campus be looked into.
- Members commented that the design and scale of the development should be sympathetic to existing buildings.

In summary, Members requested that the issues to be relayed to Cabinet were around schooling provision in the area, parking, communal gardens, using part of the site as the university campus, homes for life, the possible provision of space for a church, the exploration of underground parking for high rise buildings and access onto Thorpe Road particularly at the city centre end.

RESOLVED: to comment on the draft Peterborough District Hospital Site Supplementary Planning Document before its submission to Cabinet on 29 March 2010 for approval for the purposes of public participation.

13.30 – 16.55
Chairman



LOCATION PLAN 10/00047/FUL

105 Oxney Road, Peterborough

PCC GIS



Scale 1:1250 Date 1/4/2010 Name MKB Department Planning Services

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10/00047/FUL ERECTION OF 4 X ONE BED FLATS AND 4 X TWO BED FLATS IN 2 X TWO STOREY BLOCKS AT LAND TO THE REAR OF 105 OXNEY ROAD, PETERBOROUGH

VALID: 08.01.2010
APPLICANT: MR AND MRS SMITH
AGENT: ACCENT AND WILKINSON
REFERRED BY: CLLR STEPHEN GOLDSPINK
REASON: THE USE OF THE VEHICULAR ACCESS ONTO OXNEY ROAD WOULD BE DETRIMENTAL TO HIGHWAY SAFETY
DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS
TELEPHONE: 01733-454410
E-MAIL: mike.roberts@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Planning history
- The impact of the development upon the character and appearance of the immediate area
- The impact of the occupation of the development upon the amenities of the occupiers of the close by residential properties
- Highway safety implications
- The impact the development upon the health of adjacent tree

The Head of Planning Services recommends that the application is APPROVED subject to the satisfactory completion of a planning obligation in accordance with the Council approved Planning Obligation Implementation Strategy (POIS).

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)

- H15 Residential Density** – Residential density shall be at the highest net density that is compatible with the character and appearance of the site and surrounding area, is compatible with the living conditions of the local residents, to include privacy, light, aspect, noise avoidance, will achieve a good standard of design and layout with adequate open space. The net densities should be within the range of 30-50 dwellings per hectare.
- H16 Residential Design and Amenity** - Amenities for the occupiers of all new dwellings should provide a satisfactory standard of daylight/sunlight, privacy in habitable room, noise attenuation and a convenient area of private garden or outdoor amenity space with reasonable privacy.
- H20 Range of Accommodation to Meet Housing Needs** – To ensure the provision of a suitable proportion of residential accommodation to meet the needs of single person households,

young people, homeless households, people with learning or physical disabilities older people as well as large family groups.

- T1** **The Transport Implications of New Development** – Appropriate provision is to be made for safe and convenient access to, from and within the site for all user groups and the development would not result in an unacceptable impact upon any element of the transportation network.
- T3** **Accessibility to Development** – Pedestrians and those with Mobility Difficulties – Development is to be safely and easily accessible by pedestrians and those with mobility difficulties. Provisions should be made for new connections and improvements to pedestrian routes where they are directly related to the proposed development.
- T8** **Connections to the Existing Highway Network** – Development is only to be granted if the vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated by the proposed development.
- T10** **Car and Motorcycle Parking Requirements** – Parking requirements for both cars and motorcycles shall accord to the defined Local Plan standards outside of the City Centre.
- LT1** **Open Space in New Residential Development** – Planning permission will not be granted for residential development of 9 or more dwellings unless open space is provided within the site to the Local Plan minimum standards. However, if there are particular deficiencies in open space in the surrounding area variations in the component parts of the required provision may be sought.
- DA1** **Townscape and Urban Design** – Development will be permitted if it is compatible with, or improves its surroundings in respect to nearby buildings, spaces and longer views, creates or reinforces a sense of place and does not create an adverse visual impact
- DA2** **The effect of Development on the Amenities and Character of an Area** – Development is only to be permitted if by virtue of its density, layout, massing and height it can be satisfactorily accommodated within the site, would not have an adverse impact upon the character of the area and would not have no adverse impact on the amenities of occupiers or nearby residents.
- DA11** **Design for Security** – Vulnerability of a development to crime shall be addressed in development proposals.
- LNE9** **Landscape Implications of Development Proposals** – Planning permission is only to be granted for development provided that, as far as possible, natural features on the site that make a positive contribution to the local environment are retained and that the development makes adequate provision for landscaping the site as an integral part of the development.
- LNE10** **Detailed Elements of Landscaping Schemes** – Conditions will be imposed requiring the provision of a detailed landscaping scheme suitable for the site, the type of development proposed and the location.
- IMP1** **Securing Satisfactory Development** – Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of the development and fairly and reasonably related to the proposal in scale and kind. Such requirements shall be secured through the development proposals, though the imposition of conditions or sought through planning obligations. Where provision on an application site is not appropriate or feasible provision will be sought elsewhere or a contribution towards this provision will be sought where necessary

Material Planning Considerations

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

From 6 April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

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

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

The proposal is for 4 x 1 bed flats and 4 x 2 bed flats. The flats are to be in two blocks of 4 units each, both being 2 storey's high with the ground floors providing the 1 bed units and the first floors the 2 bed units. The blocks are to be identical in terms of their footprints having an average depth of 7.5m and length of 23m. The elevational details are also near identical for both blocks, the only differences being within the first floor rear fenestration. The design of the flats incorporates four 2 storey gable elements to the front and rear elevations. These are to have pitched roofs. The main roof form of the flats is to comprise a pitched roof with dark grey Calderdale slates and contrasting red ridge and hip tiles.

Within the flat blocks at either end is to be a single garage to serve the parking for the occupiers of the ground floor flats. Four parking spaces, 2 in a gap between the two flat blocks and 2 single spaces at either end of the flat blocks are to serve the occupiers of the first floor flats. Each flat is to have space set aside for the storage of 2 wheelie bins to the rear of the buildings with space to be provided at the entrance to the site for the occupiers of the flats to place the bins on the days that they are to be emptied. Parking provision for 5 cycles is to be provided in a central location between the flat blocks. The vehicular and pedestrian access to the flats is to be directly off Oxney Road, being located immediately adjacent to the eastern boundary. The first 10m of the access is to have a width of 5m with the remainder of the access to the flats to have a width of 4.5m. The required vehicle to vehicle visibility splays to the east and west of the new access onto Oxney Road has been shown which will involve the removal of a row of leylandii along the frontage of no.105 Oxney Road. Due to the presence of a tree belt alongside the eastern boundary of the site the driveway is to be of a no dig construction. A turning head is to be provided to the north of the northern most flat block.

Amenity areas, approximately 4.2m by 9.5m to the rear of the flats are to provide garden areas for the occupiers of the ground floor flats. Within the tree area to the north of the flats provision is to be made for a sitting out area and a more formal setting. The boundaries to the flats are to be fenced.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site was formerly a part of the rear garden of no.105 Oxney Road which comprises a chalet style bungalow located close to the front of the property with garden area and a small woodland area to the rear.

The application site has an area of 0.25ha although 0.08ha comprises the woodland area that is the subject of a tree preservation order. The application site has been overgrown for some years.

Immediately to the west of the proposed siting of the two flat blocks is an area of open space which is predominantly grass with mature trees. Detached dwellings within Lyvelly Gardens and those that front towards Oxney Road form a horseshoe layout around the open space area. A narrow tree belt runs in a north – south alignment alongside the eastern flank boundary of the site with a footpath/cycleway to the east of the tree belt that connects Oxney Road and the dwellings further to the east and north i.e. Parnwell.

Along the frontage of no.105 Oxney Road lies a row of leylandii. The driveway serving no.105 lies beyond these trees. To the east of the access is the entrance to the aforementioned footpath/cycleway and beyond is an area of landscaping fronting Oxney Road. Approximately 42m to the west of the proposed vehicular access to the site is a signal controlled pedestrian crossing. The junction of Newark Road and Oxney Road lies approximately 25m to the west and to the south east of the access is an entrance to established offices.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
00/00542/OUT	Residential development comprising 3 dwellings including construction of access	15.5.2000	APPROVED
02/00505/REM	Erection of 3 dwellings and access	31.05.2002	WITHDRAWN
02/01066/REM	Erection of 3 dwellings and access - revised	23.09.2002	PERMITTED
03/00991/OUT	Erection of 9 flats and 8 town houses and construction of access	6.7.2004	WITHDRAWN
05/00063/FUL	Erection of 2 x two storey blocks of flats (4 x one bed flats and 4 x two bed flats)	6.4.2006	PERMITTED
08/00794/FUL	Erection of 3 detached dwellings, garages and access	12.8.2008	WITHDRAWN
09/00751/FUL	Erection of 2 x two storey blocks of flats (4 x one bed flats and 4 x two bed flats)	26.10.2009	WITHDRAWN

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The junction requirements, particularly the required vehicle to vehicle visibility splays to Oxney Road are not to be based on the Government guidance document Manual for Streets as Oxney Road does not satisfy the criteria which would make this guidance applicable. New junctions to streets that have a significant heavy goods vehicle usage or that have a regular bus frequency (both of which Oxney Road does have) should ensure that vehicle to vehicle visibility splays satisfy the standard stopping distances of such vehicles. The standards contained within Design Manual for Roads and Bridges and the Design Bulletin 32 should apply rather than the recommendations contained in Manual For Streets to allow HGV's and buses to slow and stop safely and to be aware in advance of vehicles exiting the new access. The visibility splay to the east of the new access should be 73.5m and to the west 80m. A plan has been received to show that these visibility splay lines are acceptable.

Between 2004 to 2008 there were 9 reported injury collisions at the Oxney Road/Newark Road junction of these 8 were considered to be slight with one serious. However, despite this accident record with the appropriate visibility splays in place, as can be provided to either side of the new access, the safety and free flow of traffic along the immediate stretch of Oxney Road should not be prejudiced by the introduction of a further access to serve a small residential development.

A vehicle speed check has been undertaken in Newark Road, just to the west of the application site and it revealed that many motorists were exceeding the speed limit. As a result of this traffic calming measures within Newark Road on the approach to its junction with Oxney Road are planned to be introduced. However at this stage no scheme has been drafted although it is likely that a scheme could

be in place within the next year. Such a scheme could be expected to reduce the speeds of vehicles approaching the junction of Newark Road and Oxney Road to improve safety at the junction.

Drainage Team – The use of soakaways for the surface water drainage of the site should have Building Regulation approval prior to their installation.

Housing Team – Various comments on the internal flat arrangements/layout

Architectural Liaison Officer – Lack of any on site parking provision for visitors. The proposed built element of the development is appropriate and should not adversely affect existing crime levels in the locality.

There should be no encouragement offered to site seating facilities away from the flats within the tree area to the north of them as these would be used miscreant and anti-social behaviour would be highly likely. There is much evidence that the tree area has been used over a long period of time by miscreants as empty alcoholic drinks cans and bottles have been found in the vicinity and there is concern that it could be used for other activities such as drug taking and general anti-social behaviour in an area that would not be afforded surveillance. The Police are currently advising the local authority and residents, in relation to problems of drinkers and drug users, who have "hi-jacked" seating, at a similar small residential park in Peterborough, which also has limited natural surveillance.

Building Control – The erection of the flats will require building regulation approval. The internal layout of the flats are considered to be acceptable such that necessary provisions for a safe means of escape from the flats in the event of a fire could be provided to comply with the Building Regulation requirements.

EXTERNAL

NEIGHBOURS

Letters of objection have been received from 3 local residents raising the following issues:

- The proposed flats would be out of character with the established style and general pattern of residential development in the immediate locality to the detriment of the character and appearance of the area.
- The flats would provide for a dominant adverse overbearing relationship to the rear of the existing close by dwellings due to their size and massing and close proximity to those dwellings.
- The first floor rear facing windows would permit overlooking into the rear gardens of close by existing dwellings.
- The site is located close to a stretch of Oxney Road that has an accident record and the creation of another vehicular access close to a junction and signal controlled crossing would be likely to increase the potential for more accidents to occur in the immediate vicinity of Oxney Road. The accident record is of significance that a remedial scheme is being considered.
- Loss of sunlight and daylight entering gardens
- The construction of the dwellings would be detrimental to the amenities of the occupiers of the close by residential properties by way of noise, dust, smells, fumes, vibration and grit
- The proposal represents an overdevelopment of the site
- The proposed flats would be afforded a poor level of natural daylight as a result of the presence of close by trees.
- Vehicular access to the development should be off Lyvelly Gardens and not Oxney Road.

COUNCILLORS

Cllr Stephen Goldspink objects to the application for the following reasons –

- the development is too intensive for the site
- the development would be out of character with the street

- the access would be close to a junction with an accident record - the Council is contemplating a remedial scheme to improve the safety of the junction
- the flats would overlook and block light from adjoining properties
- the change in character of the site from the existing would be unacceptable.

7 REASONING

Planning History

The site has had 2 approvals of planning permission for the residential development of the site within the past 8 years with the most recent being in 2006. The current proposal is for the same number, type, footprint and location of, the flats approved in the 2006 permission. The only changes in the current proposal are essentially cosmetic to the design and appearance of the flat units. This permission expired in 2009. The applicant did seek to implement the 2006 permission but could not do so due to several of the 'prior to commencement' planning conditions of the planning permission not having been discharged within the 3 year life of the permission. Hence, the submission of the current application. Given the similarities of the original and current proposal it can therefore be considered that a precedent has been set as to the acceptability of the current proposal and that the original permission is a material consideration in the determination of the current application.

The impact of the development upon the character and appearance of the immediate area

It was considered that such a development, the 2006 planning permission refers, would be an acceptable and appropriate addition in terms of its relationship to the character and appearance of the immediate area. However, the current proposal has enabled improvements to be made to the design and general appearance of the development compared to that of the original permission for the development.

Changes have been made to the two principle elevations of the flat blocks by way of the introduction of two storey gable features and by raising the roof height of the flats to provide for more balanced and proportioned elevations that show a better respect to the immediate detached residential properties.

Objections have been received on the grounds that the change in the character of the site i.e. to physical development, would not be as visually pleasing as the current state of the site. However, in this regard the site is currently overgrown and has been for several years and is generally in an untidy state. Given that the area is predominantly residential in character the residential development of the site would be wholly in keeping with the character of the area and would improve the sites appearance. As a result it is considered that overall the development would not harm the character and appearance of the locality.

The impact of the occupation of the development upon the amenities of the occupiers of the close by residential properties

The two storey nature of the proposed development would be entirely in keeping with the heights of the dwellings immediately to the west of the site i.e. within Oxney Road and Lyvelly Gardens, which comprise solely detached two storey dwellings. However, the proposed flats will afford a slightly greater bulk and mass than the existing dwellings due to their width but due to their location and general separation from the existing dwellings they would not provide for any adverse overbearing presence.

A greater attention to the positioning of the windows in the first floor rear elevations of the flats has been given in order to minimise the potential for the occupiers of the flats to view into the rear gardens of the existing dwellings. In particular the originally proposed southern most first floor rear facing window of the southern flat block and the proposed northern most first floor rear facing window of the northern flat block have been deleted and replaced with roof lights in the former and a relocated window to the north elevation of the latter.

The separation distances of the flats to the rear gardens of the existing dwellings are considered sufficient such that the outlook from the rear first floor windows of the flats would not give rise to significant levels of overlooking into the existing properties, particularly given the removal of the aforementioned first floor rear windows. Such separation distances between the flats and the existing dwellings would not lead to the blocking to the rears of the existing dwellings.

Highway safety implications

The new access to serve the residential development will have the necessary vehicle to vehicle visibility splays both to the east and west directions along Oxney Road that will permit the drivers of vehicles exiting the site to have clear views in either direction of on coming vehicles and similarly for those vehicles approaching the access, specifically HGV's and buses that have longer stopping distances than cars. Further by securing these splays the existing dwelling at 105 Oxney Road would also have visibility improvements for vehicles exiting that property.

The fact that there have been a number of accidents in recent years close to the junction of Oxney Road and Newark Road has to be taken into consideration. The accident record database shows that many of the accidents have not been associated with cars manoeuvring at this junction and include incidents where for example a vehicle has had to swerve to avoid an animal crossing the road, a pedestrian crossing the road without care causing a vehicle collision and an accident resulting from a cycle pulling out of the junction without care.

However, a vehicle has for example, been reported to have collided head on with another vehicle, another vehicle hit into a vehicle waiting to turning right into Newark Road off Oxney Road and have collided as a result of skidding on a late on a wet road. Consideration also has to be given to vehicle activity at the junction of Oxney Road and Newark Road which is high at peak times as Oxney Road serves as a distributor of traffic both into and out of the city and also access to a large Supermarket. Newark Road serves the traffic accessing to and from the northern area of the Eastern Industry area. There is also the presence of the traffic controlled junction to the west of the proposed access.

Notwithstanding these factors the new access will comply with the requisite vehicle to vehicle visibility standards and this will provide clear views of oncoming traffic. On that basis the proposal is considered to be acceptable.

The impact of the development upon the health of adjacent trees

The northern most part of the two flat blocks and the vehicle turning head are to be located a sufficient distance away from the group of trees within the northern area of the site, which are the subject of a tree preservation order, such that there would be no detriment to their health and general appearance either as a result of the necessary construction works or upon the future growth of the trees.

The overall condition of this tree area is to be improved which will include various shrub clearance works and the provision of a small seated area close to the flats for the benefit of the occupiers of the properties. This will be secured by a landscaping condition.

The no-dig construction of the vehicular access into the site would ensure that the health and future growth potential of the trees within the tree belt that flanks immediately onto the eastern boundary of the site would not be compromised.

Planning Obligation Requirements

In accordance with the requirements of Policy IMP1 of the Peterborough Local Plan (First Replacement) there will be a requirement for infrastructure contributions from the development. These are to be secured in keeping with the guidance in the Council approved Planning Obligations Implementation Strategy. The applicant has confirmed that such contributions will be adhered to if planning permission is resolved to be approved.

This/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:

- The design of the flats is compatible with the general appearance of the existing residential development near to the site in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely impact upon the amenities of the nearby residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- The development would not adversely affect the health of the trees to be retained within the site and those alongside the eastern boundary of the site in accordance with policy LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)
- The required vehicle to vehicle visibility splays from the junction of the access to the site and Oxney Road can be achieved and the necessary vehicle turning and parking provisions within the site are satisfied in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)

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 infrastructure needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 **No development shall take place until details of all materials to be used in the external surfaces of the flats have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C 3 **The flats hereby approved shall not be occupied until the areas for the parking of vehicles (drawing no. 96909/100-03B refers) have been implemented and those areas shall not thereafter be used for any purpose other than for the parking of vehicles in connection with the residential use of the development.**
Reason: In the interests of highway safety in accordance with policies T1 and T10 of the Peterborough Local Plan (First Replacement)
- C 4 **No flat shall be occupied until space has been laid out within the site (drawing no. 96909/100-03B refers) for vehicles to turn so that they may enter and leave the site in a forward gear and that area shall not thereafter be used for any purpose other than the turning of vehicles.**
Reason: In the Interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C 5 **Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**
Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).
- C 6 **None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies U1 and U2 of the Peterborough Local Plan (First Replacement).

- C 7 **Prior to the occupation of the flats hereby approved details of the surface water drainage system for the development including provisions for mitigating against the volume of surface water draining into the Padholme Surface Water Catchment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area and to ensure that the Padholme Surface Water Catchment is able to accommodate the surface water draining from the development. In accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control) and Policies U1, U2, U3 and U9 of the Peterborough Local Plan (First Replacement).

- C 8 **No construction/excavation/clearance works shall be carried out on the site between 1 April and 31 August inclusive in any year unless otherwise approved in writing by the Local Planning Authority.**

Reason: To protect features of nature conservation importance in accordance with policies LNE11, LNE13, LNE17 and LNE19 of the Peterborough Local Plan (First Replacement)

- C 9 **The entire length of the access road, including the parking spaces within the site shall be of a 'no-dig' construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the health of the of the trees adjoining the road in the interests of the visual amenities of the area in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

- C10 **Notwithstanding the submitted information the first 10m length of the access road into the site, measured from the back edge of the pavement, shall be aligned level with the adjoining pavement in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved access design shall be implemented prior to the commencement of the construction of the flats.**

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

- C11 **The first 10m length of the access road shall have a width of 5m and thereafter the access road shall have a width of at least 4.5m. The flats hereby approved shall not be occupied until the access road within the site has been constructed.**

Reason: In the interests of highway safety in accordance with policy DA1 of the Peterborough Local Plan (First Replacement)

- C12 **Before the vehicular access is brought into use, visibility splays, dimensioned 1.5m x 1.5m shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 1.5m x 1.5m measured from and along respectively the back edge of the pavement.**

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

- C13 **Before the commencement of the development/site clearance works visibility splays of dimensions 2.4m x 80m to the west of the vehicular access and 2.4m x 73.5m to the east of the vehicular access shall be implemented and shall thereafter be maintained free of obstruction over a height of 600mm within those visibility splays measured from and along respectively the back edge of the pavement.**

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

- C14 **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian**

access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C15 **No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

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

- C16 **The plans and particulars submitted in accordance with condition 13 above shall include details of the size, species, and position or density of all trees and shrubs to be planted, and the proposed timing of planting.**

Reason: To ensure that the City Council is satisfied with the landscaping schemes, in accordance with Policy LNE10 of the Adopted Peterborough Local Plan (First Replacement).

- C17 **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the flats are occupied. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

- C18 **Details of existing and proposed site levels, including finished floor levels of both the dwellings, together with their associated garden areas, and garages hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site. The development shall be carried out fully in accordance with those approved details.**

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

- C19 **The space for refuse bins indicated on the approved plans shall be provided prior to first occupation of the dwellings and thereafter shall be retained to be used solely for the storage of the refuse bins.**

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C20 **No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority: any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.**

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).

- C21 **The trees nearest to the north elevation of the flats shall be retained and be adequately fenced, as described below, before any development begins on site, and shall continue to be so protected during the period of construction. The fencing shall be erected outside the outermost spread of the tree canopy and shall consist of robust wooden stakes**

connected by robust wooden cross members to a height of not less than 1.1m (three feet six inches). The fencing shall be inspected by the Local Planning Authority prior to the commencement of development, and development shall not commence until the Authority is satisfied that the trees are adequately protected. No work shall take place, and the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority. No materials shall be stored within the fenced areas at any time.

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

C22 Notwithstanding the submitted information the first floor rear facing bathroom window of the northernmost flat shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the obscure glazing shall be retained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

C23 Replacement tree or trees of sizes and species to be agreed in writing with the Local Planning Authority shall be planted in the first planting season (December to February inclusive for deciduous trees and October to March for evergreen trees) following removal of the tree(s) the subject of this application.

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

If the S106 has not been completed within 3 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 infrastructure contributions resulting from the occupation of the development. 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 Collins, Goldspink, Todd

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LOCATION PLAN 10/00129/FUL

38 Elm Street, Woodston, Peterborough

Scale	1:1250	Date	1/4/2010	Name	MKB	Department	Planning Services
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PCC GIS



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10/00129/FUL: CONSTRUCTION OF 4 X 1 BED AND 6 X 2 BED FLATS IN 3 STOREY
BLOCK AT 38 ELM STREET WOODSTON PE2 9BL
VALID: 1 MARCH 2010
APPLICANT: MR R FASULO
AGENT: JOHN DICKIE ASSOCIATES
REFERRED BY: CLLR LEE
REASON: OVERDEVELOPMENT; ACCESS; LACK OF GREEN SPACE; PARKING
DEPARTURE: NO

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of residential development
- The impact on the amenity of occupiers of neighbouring dwellings
- Amenity of future occupiers of the proposed flats
- Design and character of the area
- Parking, access and highway safety
- S106

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

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

H7 – Within the Urban Area residential development on any unallocated site will be permitted subject to criteria including efficient use of land, local character, living conditions and highway safety.

H16 – Seeks to ensure an adequate level of residential amenity in terms of light, privacy, noise attenuation and private amenity space

T1 – Permission will only be granted if a safe and convenient access is provided and there is no unacceptable impact on the highway network.

T9 – Requires cycle parking in line with adopted standards

T10 – Requires car parking in line with adopted standards

DA2 – Development should be in keeping with the area and have no detrimental impact on neighbour amenity

DA6 – Infill development should be to an appropriate scale for the site and be in keeping with the character of the area; have no detrimental impact on neighbouring occupiers; and have a suitable highway access

Emerging Core Strategy Policies (note these can be given little weight at this stage)

CS6 – Meeting Housing Needs – Encourages residential development

Material Planning Considerations

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

PPS1 refers to the importance of high quality design and sustainable development

PPS3 refers to the importance of high quality housing

From 6 April 2010 it will be unlawful for a planning obligation to be taken into account when determining a planning application for a development, or any part of a development, that is capable of being charged CIL, whether there is a local CIL in operation or not, if the obligation does not meet all of the following tests:

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

In addition 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

It is proposed to construct a single block containing ten flats over three floors. The block, although on the site of 38 Elm Street (now demolished), would face onto and read as part of Silver Street. The block is designed to pick up on some of the features of neighbouring buildings, and follows the existing building line along Silver Street.

The block would have a ground floor elevation incorporating some bay windows, a plain first floor with windows and the second floor would be mostly within the roof space, lit by dormer windows.

The vehicular and personal access would be from Elm Street. This would be functionally the “front” of the building, although the more detailed elevation would be on the Silver Street side, where there would be a row of small private gardens, the same depth as neighbouring front gardens, separating the building from the street. The car parking area would be on Elm Street, and the amenity space directly behind (or in front of) the block.

4 DESCRIPTION OF SITE AND SURROUNDINGS

This area is characterised on the Silver Street side by Victorian terraced housing with a strong, regular 2-storey ridgeline. On Elm Street there is some terraced housing, leading to later semi-detached housing. There are larger houses facing onto London Road to the east of the site.

There is notable on-street congestion, as few of the dwellings on Silver Street have off-street parking, but those immediately adjacent to the application site have access to parking at the ends of their gardens, accessed from Elm Street.

On Elm Street and the adjacent residential streets there is more available off street parking, but not every house is so provided.

There is a large tree adjacent to the south east corner of the site, the crown of which overhangs the site.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00852/FUL	Construction of eight two-bed dwellings with associated external works and landscaping	28/1/2009	Refusal (subsequently dismissed at appeal)

INTERNAL

Head of Transport and Engineering – [Members should note that the following comments were in response to a plan which has been superseded. Comments on the revised plan will be reported in the update report.]

- Visibility splays are not shown and could not be achieved.
- A separate pedestrian access should be provided from Elm Street.
- Access must be a dropped kerb, not a bellmouth.
- Parking bays should be allocated.
- Cycle parking details required.

Waste Management – Applicant states refuse collection will be private. How will recyclable waste be collected? Bin store needs to accommodate 4 x 1100 litre Taylor bins [shared 1100 litre bins]. Recycling must be incorporated into collections by 31 December as required by the Household Waste Recycling Act 2003.

Heritage Access Officer – site is located immediately to the east of a considerable Anglo-Saxon settlement. Archaeological remains may extend into the development site. A condition requiring Archaeological investigation should be applied.

EXTERNAL

Senior Architectural Liaison Officer – [Members should note that the following comments were in response to a plan which has been superseded. Comments on the revised plan will be reported in the update report.]

- Parking courts should be gated. If deliveries and visitors are coming to the site via the parking area this will be almost impossible.
- Parking spaces will be provided with a reasonable amount of surveillance from some of the occupied rooms. Half of the occupants would not be provided with a view of their vehicles.
- Column mounted lighting should be provided to the court.
- Cycle lockers should be secure.
- Main access door to Flat 1 is vulnerable to crime.
- No mention of access control measures for the rear communal door, or how mail deliveries will take place. Ideally meters and secure mail boxes should be located externally.

NEIGHBOURS

Letters of objection have been received from 8 local residents raising the following issues:

- There are already local car parking problems
- Not enough parking spaces – likely to be more than 20 [cars]
- Could be up to 32 cars if flats are fully occupied by people with cars
- Car parking has not been given enough thought in an already busy and crowded street
- Extra vehicles will create further chaos on London Road and Elm Street
- Top of Elm Street should be opened up to allow the traffic in on a one way system
- Recently the emergency services could not get to an emergency on the corner of Hunting Avenue and Park St due to cars being parked on both sides of the street and on the corners of each of the junctions
- Elm Street is not wide enough to accommodate the turning of vehicles from a housing development and currently two cars can barely pass side by side during evenings or weekends
- Elm Street is not an appropriate access route
- Storage unit for the refuse is insufficient
- Bin storage of this nature would attract vermin and bad smells, increase in noise due to residents all emptying their refuse into the area
- Concerns with the capabilities of the utilities such as the sewerage network

- Former property was only two stories
- Three storey development is out of character and would be an eyesore
- Proposal is overdevelopment creating a high density area which may seem overcrowded
- Plans are too ambitious, too many buildings in such a small place
- Many local Houses of Multiple Occupation
- Many rental properties
- Will this be affordable first time housing or more rented accommodation
- Area is overpopulated leading to lack of community feeling and anti social behaviour
- Why is the application for Elm Street when the properties will be on Silver Street
- Overlooking (to properties opposite on Silver Street, and to the rear of properties on London Road)
- Lack of green space

Some neighbours have commented that they are in favour of development in principle, but:

- Within the character of the area
- With all concerns taken into account
- Four houses would be suitable
- Suggest pocket park, playground or allotments

COUNCILLORS

Cllr Lee referred the application to Committee on behalf of the three ward Councillors. He expressed concern about bin storage, parking allocation and security, congestion on local streets, that the development might constitute overdevelopment, and the limited amount of amenity space.

7 REASONING

a) Introduction

This application has been submitted following a previous refusal and dismissal of a scheme for eight houses on the site. The Planning Inspector who decided the appeal concluded that the design, which incorporated dormers, was acceptable. The appeal was dismissed on the grounds of amenity/living conditions of existing and future residents.

b) Policy issues and Principle of development

Members will be aware that there is a need for significant numbers of new housing units, both nationally and locally. This must be balanced with the overall impact of the development on the character of the area, amenity and other issues.

Local Plan policy requires that housing development on unallocated sites (such as this, which is not allocated for any use in the Local Plan) has to meet certain criteria. In this case the relevant criteria of Saved Policy H7 relate to efficient use of land, parking, character of the area, access and amenity.

c) Neighbour amenity

The proposed block of flats would be built in line with the existing dwellings on Silver Street. Impact on nearby residents in terms of overshadowing would not be significant.

Overlooking from front or rear facing windows would also not be significant, as the windows would be in the same planes as existing windows on the Silver Street properties. Neighbours living on the opposite side of Silver Street have raised this as a concern, as the separation distance is about 15m, but this front-to-front distance is the same as for the rest of the street. In the case of the new flats there would be living rooms on the first and second floor. This front-to-front relationship is common where houses have been converted into flats, and Officers consider that the relationship is acceptable.

Windows are proposed in the side elevations of the block, facing east towards the rear gardens of properties on London Road, and west across the amenity area for the block, and towards the rear garden of No 1 Silver Street.

The windows facing towards the rear of the London Road properties serve kitchens and studies, and include a secondary lounge window. These can all be obscure glazed and fixed shut without unacceptable impact on living conditions within the flats. A Condition is proposed to control this.

The windows facing west would be about 16m from the boundary with No 1 Silver Street and about 20m from a ground floor window. This separation distance is considered adequate. Some views would be possible into the rear garden of No 1 Silver Street but similar views are likely to exist already from the rear upper windows of No 3 Silver Street.

Overall Officers consider that, subject to Conditions, the amenity of neighbours can be suitably protected and the proposal is therefore in accordance with Saved Policy DA2.

d) **Residential amenity**

The ten flats would each have windows to habitable rooms, and in most cases also to the kitchen. The upper floor flats would have reasonable privacy. Two of the ground floor flats would also have reasonable privacy to the main rooms, as units 2 and 3 would have a small garden to the Silver Street elevation. Unit 3 has a shared access running alongside, which would give views into the kitchen and study. As these are secondary rooms it is considered that the occupants can decide how to deal with possible looking in by fitting blinds or choosing to have an obscure glazed window. Flat 1 however has the shared amenity space extending up to the living room window, which would not secure adequate privacy in this primary habitable room. Officers consider that part of the amenity space could be fenced off to provide a small private garden for this unit, separating the living room window from the public area. A condition to this effect is proposed.

Residents and visitors to the block, including delivery persons, would have to get to the front door through the car park and amenity space. This area would normally be expected to be kept private – and in this case, having the only access off Elm Street, when the block reads as part of Silver Street, could be confusing for visitors. The ground floor flats have external doors and “front” gardens on the Silver Street elevation; this could be confusing as the block cannot have two street addresses – it must be either Elm Street or Silver Street. Therefore signage will be required on the Silver Street side to ensure that all visitors and deliveries are directed to the Elm Street access. This can be secured by Condition.

The agent for the application has advised that suitable security measures will be put in place, such as electronic gates and an entryphone. Post delivery persons and meter readers would have to have a code for the gate; letter boxes and meter boxes would have to be externally accessible. Details of these can be agreed by Condition. Other deliveries would not be able to be left if the recipient was out.

The suggested boundary treatments to Elm Street and Silver Street comprise a 0.5m wall with 0.6m railings. It is considered that this does not provide sufficient security for the Elm Street side, as it would not be well overlooked. The boundary treatment to the car parking area should be 1.8-2m tall in order to discourage persons from climbing over it. Some suitable defensive planting on the inside could also be considered but none is proposed. It is considered that a low wall with railings, designed to avoid giving convenient handholds, would be sufficient and this could be secured by Condition.

The amenity space is limited, comprising about 160sq m, and north facing. If Members accept the Condition requiring some division to provide privacy for flat 1, there would be about 100 sq m of shared amenity space, not including the small “front” gardens for the ground floor flats. In the absence of any adopted standard relating to the provision of amenity space, and bearing in mind that it is a matter of choice for future occupants, the provision is considered acceptable.

e) **Design and character of the area**

The proposed block would have dormer windows on the main elevations. Dormers are not currently a feature of Silver Street, however the block is considered large enough to create, to an extent, its own character. The height of the block is slightly greater than that of the adjacent houses, but not sufficient to overpower the existing terrace. The front building line of the block is in line with the adjacent houses, and there are bay windows proposed at ground floor to continue the existing pattern.

There are two doors proposed on the Silver Street frontage, which would give access to flats 2 and 3; flat 1 has a gate and small garden on the Silver Street side, with a door on the side elevation. The doors to flats 2 and 3 throw the appearance of the front elevation slightly out of balance, but they would be partially screened behind the front boundary treatment.

Elm Street is less uniform in appearance than is Silver Street, with varying design and sizes of dwelling. The elevation to Elm Street would be set back from the street, with the parking area to the front.

The chimneys do not appear to serve any purpose however they are in keeping with the pastiche “Victorian” style of the building.

Overall the design is considered acceptable.

f) **Parking, access and highway safety**

Each flat would have a secure cycle locker within a shared store large enough to accommodate one cycle comfortably, or two with care. There is no adopted cycle parking standard for dwellings; the emerging standard is one space per bedroom. The agent for the application has advised that the door to the cycle store would be lockable, with automatic lighting. There would also be provision for visitor cycle parking outside in the car parking area. Overall the provision for cycles is considered acceptable.

The proposed site layout shows 10 car parking spaces. The parking area would be reached via Elm Street, which is itself reached via Park Street and Woodbine Street. The connection via Park Street to London Road also serves Hunting Avenue.

Several of the neighbours have objected to the application on the grounds of congestion. Many of the properties in the area have off street parking, and concerns have been raised that one parking space per flat will not be sufficient, however the provision is in accordance with the adopted standard.

The access to the highway would be 5m wide with electronically operated gates.

The plan has been revised following initial comments from the Highway Authority, and comments on the revisions will be reported on the Update Sheet.

g) **Refuse bin storage and collections**

The revised plan shows a bin store large enough to accommodate three Taylor bins. The agent for the application has advised that all collections will be by a private company, and has not explained how recyclable waste will be separated, stored or collected. While it would clearly be preferable for the arrangements to be in line with PCC standards, so that refuse can form part of the separated/recycled waste stream handled by PCC, there is no Planning Policy in place requiring this.

There are however legislative requirements which are not part of planning law, which empower Local Authorities in their role as Waste Collection Authority to require suitable facilities for recyclables to be put in place. In this case, although the proposed arrangements are not suitable for PCC refuse collection, there is sufficient space to accommodate the additional bins if the Waste Collection Authority so required, and therefore Officers consider that the proposed arrangements are acceptable.

h) **Other matters**

The following comments have also been raised by neighbours:

Capacity of services/utilities

This is a matter between the developer and the utility companies.

High number of local rental/HMO properties

Whether neighbouring properties are rented or owner-occupied is not relevant to the determination of the application. Licensing of HMOs is undertaken by the Housing team; those that require planning permission would be dealt with appropriately when an application was received.

Why is the application for Elm Street when the properties will be on Silver Street

The plot is known as 38 Elm Street. There was previously a house on the plot, closer to Elm Street than Silver Street. The application shows that the flats will be accessed from Elm Street.

Lack of green space

There is currently no adopted standard for the provision of amenity space.

Suggested alternative uses

There is no Planning reason to require any alternative use. This site is in a residential area and residential use is appropriate.

i) **S106**

The applicant has agreed to enter into a planning agreement to meet the infrastructure needs arising from the development.

This/these requirements accord with both national and local policy and in your Officer's opinion complies with the 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:

- the proposal will contribute towards meeting a local and national housing need
- the proposal is for residential development in a residential area
- adequate parking and access can be provided
- the proposal would not have any unacceptable impact on the amenities of occupiers of neighbouring properties
- satisfactory levels of amenity would be provided for future residents
- the design of the proposed building is appropriate to the area
- the applicant has agreed to make a contribution to the infrastructure needs arising from the development
- the proposal is therefore in accordance with Saved Policies H7, H16, T1, T9, T10, DA2, DA11 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of a planning 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 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 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 Statement 5 (Planning for the Historic Environment), and Saved Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).
- C3 No development shall take place (unless otherwise agreed in writing by the Local Planning Authority) until samples (or a manufacturer's specification if agreed by the Local Planning Authority) of the following materials to be used in the construction of the external surfaces of the buildings 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.**
Roofing materials
External bricks
Windows and doors
Cills and lintels
Treatment of dormer cheeks
Chimney caps and pots

Rainwater goods

Paving for parking and amenity areas

Wall and railings to Silver Street boundary.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C4 The development shall not commence until details of the boundary treatment and gates to the Elm Street boundary have been submitted to and approved in writing by the Local Planning Authority. The gates to the parking area shall be remote controlled electric gates. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.**
Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C5 Prior to the commencement of development details of the security features intended to control unauthorised access to the development shall be submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the dwellings and shall be thereafter retained in working order.**
Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C6 Prior to the commencement of development details of the post delivery boxes and utility meter boxes shall be submitted to and agreed in writing by the Local Planning Authority. The approved boxes shall be designed so that post can be delivered and meters read from outside the buildings. The approved facilities shall be implemented prior to first occupation of the dwellings and shall be thereafter retained.**
Reason: In order to protect and safeguard the privacy and security of the occupiers, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C7 The first and second floor east facing windows shall be fitted with obscured glazing, details of which shall be agreed in writing with the Local Planning Authority, before the development hereby permitted is first occupied, and apart from any top hung fan lights shall be incapable of being opened, and shall subsequently be maintained as such.**
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).
- C8 Prior to the first occupation of the dwellings a section of the amenity space shall be separated off to form a private garden for Flat 1, and this shall be laid out so as to protect the privacy of occupants by preventing other users of the shared amenity space from having views into Flat 1. The details shall be agreed in writing with the Local Planning Authority and the private area shall be thereafter retained.**
Reason: In order to provide a reasonable level of privacy for occupants, in accordance with Saved Policy H16 of the Peterborough Local Plan (First Replacement).
- C9 The dwellings shall not be occupied until the approved cycle parking lockers and visitor cycle parking have been provided and secured, and those areas shall not thereafter be used for any purpose other than the parking of cycles in connection with the occupation of the dwellings.**
Reason: In the interests of provided facilities for cyclists and encouraging travel by sustainable modes, in accordance with Policy T9 of the Peterborough Local Plan (First Replacement).
- C10 The dwellings shall not be occupied until the area shown on the approved plan for the parking and turning of vehicles has been provided and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the occupation of the dwellings.**
Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).

- C11 The garden area within the curtilage of the site shall be laid out as an amenity for the occupants of the dwellings before occupation commences.**
Reason: In order to provide adequate amenity for the occupiers, in accordance with Policy H16 of the Peterborough Local Plan (First Replacement).
- C12 The dwellings shall not be occupied until signage has been erected, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, on the Silver Street elevation, directing visitors and deliveries to the Elm Street access. The signage shall thereafter be retained.**
Reason: In order to protect the amenities of the area and to ensure convenient access for visitors in accordance with Saved Policies DA2 and T3 of the Peterborough Local Plan (First Replacement).
- C13 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority of, a Method Statement detailing how the unsuspected contamination shall be dealt with. The Method Statement shall be implemented as approved.**
Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).

If the S106 has not been completed by the 31 May 2010 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 a contribution towards the infrastructure requirements arising from the development however no S106 Obligation has been completed. The proposal is therefore considered to be contrary to Saved Policy IMP1 of the Peterborough Local Plan 2005 (First Replacement).

Copy to Councillors Benton, Croft, Lee

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
27 APRIL 2010	PUBLIC REPORT

Cabinet Members responsible:	Lead Members: - Councillor Piers Croft - Cabinet Member for Strategic Planning, Growth and Human Resources Councillor Peter Hiller - Cabinet Member for Neighbourhood, Housing & Community Development	
Contact Officers:	Simon Machen (Head of Planning Services)	Tel. 384530
Reporting Officer:	Nick Harding (Planning Delivery Manager)	Tel. 454441

PRE-APPLICATION ADVICE SERVICE – REVISIONS TO FEES

R E C O M M E N D A T I O N S	
FROM : Head of Planning Services	Deadline date : 27 April 2010
That Committee are consulted on the revisions to the pre-application advice fees which shall be implemented from 18 th May 2010 and endorses the principle of giving up to 30 mins of free face to face advice in respect of the principle of development proposals.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report is submitted to Committee as revisions to the fees payable for the pre-application advice service previously consulted on by the PEP Committee require changing. Committee are being consulted on this matter for information as it has implications for the delivery of the planning service.

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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3. MAIN BODY OF REPORT

- 3.1 Committee were consulted on the principle and scale of pre-application charges in a report presented on 14 April 2009. This report set out the background to making such charges. The Local Planning Authority is entitled to charge for the service under Section 93 of the Local Government Act 2003. The Service commenced charging in line with the recommendations set out in this previous report in January 2010.
- 3.2 Since the pre-application scheme has been in operation, it has become apparent that:
- A nominal charge should be made for all small scale pre-application advice including from householders and small businesses.
 - The fees set for changes of use are excessive and exceed the planning application fee e.g. for telecoms, advert and smaller commercial proposals
- 3.3 For those categories of development where the pre-application fee has been found to be excessive, there has been little incentive for prospective applicants to participate in the pre-application process contrary to the recommendations of the Killian Pretty Review.

- 3.4 The need to introduce a nominal charge in respect of small scale pre-application advice above arises from the fact that:
- These applications account for a significant proportion of pre-application advice requests and therefore there is the need for some of the costs incurred by the Council to be met by the applicants
 - New permitted development rules have been introduced that mean more time has to be spent on handling pre-application enquiries from shops and businesses etc.
 - The Planning Service, like many other areas of the Council, is having to make significant financial savings for the 2010/11 financial year and the alternative would be to reduce the scope of the pre-application service

3.5 The proposed revised fees are as follows:

a) Householder - £60 (currently no charge)

b) Development relating to shops, offices, B1, B2 or B8 or other commercial business property:

0 - 75 sq m = £80 (currently no charge up to 250 sq m)

76 - 150 sq m = £150

151 – 500 sq m = £300 (current charge £750 for proposals between 250 & 999sqm)

501 – 700 sq m = £400

701 – 850 sq m = £500

851 – 999 sq m = £600

c) Changes of use - £150 (currently free up to £250 sq m, £750 thereafter)

d) Telecoms - £80 (currently £750)

e) Adverts - £60 (currently no charge other than £750 for large scale adverts)

These fees have been calculated using the hourly rate per grade of officer likely to respond to the complexity of the enquiry together with on-costs such as administrative/technical support, paper and printing overheads, ICT etc. The fees for business premises have been split as set out above to reflect the likely complexity of the proposal and the time needed to respond to the enquiry. As per the existing scheme, we will continue to negotiate fees, possibly via a Planning Performance Agreement for the very large/complex schemes.

3.6 We recognise that particularly for larger complex schemes or those on “sensitive” sites (e.g. city centre, where there are several site constraints), it would prove costly for the potential applicant to draw up detailed plans, only to discover that there is an “in principle” conflict with planning policy that could have been raised at the outset. Therefore, where schemes raise issues of the principle of the development (usually larger schemes, outline applications) we have put in place a fee free half hour meeting with an officer to address the “in principle” issue prior to the applicant going through the formal pre-application process. The suitability of the scheme for such a meeting is at the discretion of the officer and potential applicants will need to contact the Service and speak with the relevant area officer to discuss the value of having such a meeting/arrange a suitable time and date. This will involve a discussion around the principle of the development and not consideration of detailed plans.

4. CONSULTATION

4.1 No external consultations have been undertaken or proposed in connection with this report

4.2 Internal consultations with Legal and Finance have been undertaken and comments received have been incorporated in to this report.

5. ANTICIPATED OUTCOMES

- 5.1 That the fee changes will be implemented and that the pre-application service will become self financing to a greater degree and that the fee structure is more equitable.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The changes in the fees will have the following benefits:
- The cost to the service of providing the service will be self financing to a greater degree
 - The fees proposed for householders and small businesses is set at a nominal level that would not put people off from using the service
 - The fees proposed for Telecom proposals and changes of use are disproportionate and discourage participation in the pre-application process
 - The purpose and terms of offering an initial half hour meeting (max) are clarified.

7. ALTERNATIVE OPTIONS CONSIDERED

Make no changes to the fee structure. This is not recommended as the fee structure will remain unbalanced as indicated in section 1 of the report

8. IMPLICATIONS

Legal Implications – There is the requirement (that has been complied with) for the fees to be reasonable to the extent that the Council does not profit from them.

Financial Implications – As the pre-application service has only been operational since January 2010 it is not possible (with any degree of accuracy) to determine the financial impact of the proposed fee changes. Nevertheless it should be noted that it is proposed to introduce fees in areas where the service has been free and reduce fees in areas where applicants have been put off using the service due to the disproportionate fees.

Human Rights Act – No implications

Human Resources – Can be delivered within existing resources

ICT – No implications

Property – No implications

Contract Services – No implications

9. BACKGROUND DOCUMENTS

1. Report to Planning & Environmental Protection Committee 14 April 2009

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