

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 17 MARCH 2009
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Martin Whelan Telephone: 01733 452323 e-mail address martin.whelan@peterborough.gov.uk
<i>Despatch date:</i>	<i>Monday 9 March 2009</i>

AGENDA

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

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MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

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

Subs: Councillors: F Benton and K Sharp

NOTES:

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

Minutes of a meeting of the Planning and Environmental Protection Committee held at the
Bourges/Viersen Room - Town Hall
on 3 March 2009

MEMBERS PRESENT:

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

OFFICERS PRESENT:

Dale Barker, Principal Planning Officer
Ruth Lea, Planning Lawyer
Martin Whelan, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Cllr Cereste and Cllr Lane.

2. Declarations of Interest

Cllr Burton declared that he knew the residents of Sycamore farm (agenda item 5) but that this would not affect his decision.

Cllr Thacker declared that she knew the Ward Councillors but that this would not affect his decision.

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

N/A

4. Development Control and Enforcement Matters

4.1 08/01433/FUL - Retention of Smoking Shelter at the Phoenix, Townsend Road, Wittering

The committee received a retrospective application for a smoking shelter for consideration. The shelter is of timber construction, with a slightly pitched roof and open areas along the upper part of the sides forming "windows". These are glazed with Perspex which can be removed in hot weather. The timber roof is attached to the main building but there is an unroofed area between building and shelter.

The applicant responded to questions from members of the committee.

Resolved: (8 for, 0 against, 1 did not vote) to authorise the Head of Planning Services to grant planning permission.

Reason for decision

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 shelter is unobtrusive and has no detrimental impact on the amenity of the area or the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policy DA2 of the Peterborough Local Plan 2005 (First Replacement).

5. 06/01051/FUL & 07/01411/FUL Erection of Wind Turbines at Wrydecroft and Nuts Grove Farms, Thorney, Peterborough*

The committee received a report in relation to two items considered by the committee on 21st October 2008. The report sought authority from members to offer no evidence in relation to reason two for refusal (cumulative effect on the landscape).

The committee considered the advice offered by officers, and resolved with reluctance to offer no evidence in relation to reason 2 by a majority of 8 to 1.

CHAIRMAN
1.30 - 1.59 pm



LOCATION PLAN 08/01138/OUT

Land Rear of 16-20 Broadway, Yaxley

Scale 1:2500 Name MKB Department Planning Services

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08/01138/OUT: RESIDENTIAL DEVELOPMENT FOR 27 DWELLINGS (OUTLINE) LAND TO REAR OF 12-16 BROADWAY, YAXLEY, HUNTINGDONSHIRE
VALID: 10 SEPTEMBER 2008
APPLICANT: CAMVIL DEVELOPMENTS LTD
AGENT: ANDREW CAMPBELL ASSOC. LTD
REFERRED BY: HEAD OF PLANNING
REASON: THE PROPOSAL IS A DEPARTURE FROM THE LOCAL PLAN
DEPARTURE: YES

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:

- The principle of residential development
- The impact of the proposal upon the character and appearance of the immediate area
- The impact of the proposal on residential amenity
- The impact of the proposal on highway safety
- Accessibility of the site to the services of the village
- Crime
- Wildlife implications
- Planning Obligation implications

The proposal represents a departure from the development plan and as such the Committee cannot formally determine the application. The determination of the application will have to be made by the Government Office for the East of England (GOEAST) having first been made aware of the decision that the Local Planning Authority would have made were it possible for it to determine the application.

The Head of Planning Services recommends to the Committee to **Resolve to Approve** the application subject to a prior completion of a Section 106 obligation relating to infrastructure needs resulting from the development to include – Contributions towards Educational, Waste Management, off site open space needs, a contribution towards the construction of a cycleway/footpath link between Yaxley and Farcet and Travel Choice requirements.

As this proposal represents a departure from the development plan if Members resolve to approve the application it will be referred to GO-EAST for confirmation that the local planning authority may proceed to determine the application. Alternatively, the matter may be called in by GOEAST for determination by the Secretary of State.

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.

Regional Policy

The East of England Regional Plan (2008) requires that such residential developments are to secure 35% of the dwellings as affordable housing.

The Peterborough Local Plan (First Replacement)

The Local Plan defines a residential development of 30 dwellings or less as a Small Housing Estate.

- H4 Hampton Township Development Area** – Residential development within this area will take place in accordance with the approved master plan and neighbourhood briefs unless variations are approved.
- H8 Village Envelopes** – Land outside of village envelopes shall be defined as open countryside.
- H13 Housing in the Open Countryside** – Planning permission will only be granted for residential development in the open countryside where there is an overriding need.
- 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.
- H21 Affordable Housing** – An element equivalent to 30% of all dwellings will be sought on sites on any site proposed for 25 dwellings or more or with an area of 1 hectare or more.
- H22 Rural Exception Sites** – Small areas of land may be released adjacent to village envelopes for the provision of affordable housing if a specific local need can be demonstrated, the affordable housing meets the identified need and the site lies adjacent Rural Growth or Limited Rural Growth Settlement.
- 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.
- LT2 Off – Site Contributions Towards the Provision of Open Space for New Residential Development** – For residential developments of 9 or more dwellings the developer may enter into a planning obligation to contribute towards meeting the open space needs of the proposed residential development off-site. If taking into account the accessibility of existing open space facilities and the circumstances of the surrounding area the open space needs of the proposed residential development can be met more appropriately by providing either new or enhanced facilities off-site. This contribution should be commensurate with the scale of provision which would otherwise have resulted from the application of policy LT1.
- LT6 Access to Open Space** – Development that adversely affects the accessibility to open spaces or to sites safeguarded for use as open space will not be granted. Proposals that would improve accessibility to open spaces will generally receive favourable consideration.
- LT8 Hampton Country Park** – Development that is considered appropriate to the proposed use of the area of the country park and would contribute to its character will be granted.
- 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.
- DA3 Materials** – The external finish of a development are to harmonise with the established building materials of the locality.
- DA6 Tandem, Backland and Piecemeal Development** – Such development will only be permitted if the site can accommodate the development in terms of density and scale, the character of the area would not be unacceptably harmed, the amenities of the occupiers of nearby properties would not be adversely affected, the site can be satisfactorily accessed from the public highway and it would not prejudice the comprehensive development of a larger area.
- DA11 Design for Security** – Vulnerability of a development to crime shall be addressed in development proposals.
- LNE1 Development in the Countryside** – Development in the countryside is to be restricted to that which is demonstrably essential to the effective operation of local agricultural, horticulture, forestry, outdoor recreation or public utility services.
- LNE4 Layout and Design to Safeguard Landscape Character** – Development in or adjoining the countryside shall be of a high standard of layout and design to assimilate development and enhance the overall landscape character.
- LNE6 Buffer Zones for Development Bordering the Countryside** – Development that is to border the countryside or other landscape setting and that land does not have planning permission or is not allocated for development the proposed development will e required to have a buffer zone with appropriate landscape treatment to assimilate the development into the landscape.

- 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

The application site lies outside both the urban boundary of the city and village envelopes as defined in the Peterborough Local Plan (First Replacement). However the site does not fall within that area to be secured for the expansion of the Hampton Country Park that is to have its southernmost boundary abutting the application site. Further it is not allocated for any purpose.

3 DESCRIPTION OF PROPOSAL

The proposal is an outline application for a 27 dwellings. Only the access details are committed at this stage. The vehicular and pedestrian accesses to the site are to be served off the recently part completed housing development to the west of the site known as Thistle Drive. The proposal is for 35% of the dwellings to be occupied as affordable housing. It is to be expected that the north and east boundaries of the development are to be tree/shrub lined. The applicant has sought approval of the vehicular access to the development. However, the information submitted is not considered sufficient and thus negotiations are continuing on this aspect of the application. Members will be updated at the meeting. However, there is effectively only one way that the development could be accessed and this is directly off the end of Thistle Drive.

The application site lies wholly within Peterborough's district. However the site does share its south and western boundaries with Huntingdonshire District Council.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located to the north of established residential development in Broadway, Yaxley. It is in a totally overgrown appearance with a scattering of builders materials and cabin and a rough short tarmac access from Thistle Drive. This southern boundary abuts the rear curtilages of 3 residential properties in Broadway where the dwellings are all at least approximately 26m from the site boundary. The northernmost boundaries of these dwellings comprise, a 1.5m high wall to the rear of which are garden outbuildings with trees and shrubs (No.12), a low brick wall with a mix of established tree/shrub planting, (no.14), with views possible into the rear garden of this dwelling from the site and a 1.8m high fence with established tree/shrub planting immediately behind, (no.16). To the west is a partly completed residential development, of principally 2 storey dwellings. This boundary is demarcated by a lower wire mesh style fence. An area of public open space for the adjacent residential development lies to the south of its dwellings to abut the south west boundary of the application site. A footpath also partly abuts the application site along its western boundary that would link the site towards Broadway and its services.

The completed dwellings of the residential development to the west of the site are served by roads that are effectively at base course level. To the north and east of the site lies farmland identified in the Local Plan as an extension to the Hampton Country Park.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
02/01291/FUL	Residential development comprising 168 dwellings, garages, car parking, roads, access, landscaping and public open space	01.08.03	WITHDRAWN
05/01757/OUT	Residential development and access	10/1.06	REFUSED

Comment – The 02 application proposed all of the dwellings within Huntingdonshire District Council's boundary with only an area of public open space on the same site area as that now proposed for residential accommodation.

The 2005 application was submitted for outline permission for a residential development at a density of 30 dwellings to the hectare. Permission was refused on the grounds that the site is within an open countryside location, outside the village envelope of the Yaxley and was not required for the effective operation of local agriculture, forestry, outdoor recreation or public utility services thereby being contrary to policies H13 and LNE1 of the Peterborough Local Plan (First Replacement). There was also concern that the site would have no connection with a made up road.

6 CONSULTATIONS/REPRESENTATIONS

Internal

Building Control - Building Regulations approval will be required and Part M applies. The development will not be affected by a public sewer.

Archaeological Officer – The site is expected to contain important archaeological features dating from prehistoric and Roman ages that were found during archaeological investigations undertaken in advance of the development of the adjoining residential sites. The standard PPG16 archaeological investigation condition should be applied if planning permission is granted.

Strategic Policy – Support the proposal although it is technically a departure. The site has been suggested as a residential allocation in the Site Allocations DPD.

Head of Transport and Engineering – No objections to the proposal subject to conditions to include road geometry details, lighting, visibility splays, road and footway connections, a construction management plan containing wheel cleaning facilities, site compound locations, parking, turning and loading arrangements for construction vehicles.

The principle of the access to the development site has been established when an appeal was allowed for the extension of the adjoining housing estate road. This being the case the Highway Authority could not raise objections to the access for which permission is being sought by this proposal. However, this does not necessarily imply that the Highway Authority would be willing to adopt road/internal roads unless they conform to the requirements of the Manual for Streets and PCC have undergone the appropriate quality audits. These will be matters to be considered at the reserved matters stage should outline planning permission be granted.

Children's Services – There are no current pupil spaces available at Stanground College which will require a financial contribution from the development.

Private Sector Housing – No objections

Housing – In accordance with the Regional Spatial Strategy 35% of the dwellings must be affordable housing. Such housing is to accord with the Peterborough Strategic Housing Market Assessment mix of accommodation with at least 70% of the units being for social rented and 30% intermediate tenure. The Council is to decide the tenure for each affordable unit type. All affordable housing is to meet Level 3 (minimum) of the Code for Sustainable Homes.

External

Middle Level Commissioners – There is an existing surface water sewer system that discharges to the Commissioners drainage system. The Commissioners watercourse into which the sewer discharges is close to capacity during high rainfall events. Therefore the restriction of surface water discharge from this site to the Greenfield rate will be required. Details of the methods to be employed in securing the necessary flow reduction should be secured.

Huntingdonshire District Council – No objections in principle. A contribution will be required towards a cycle/footpath link upgrade that is part of a District/Cambs County Council adopted policy/scheme to connect Yaxley and Farcet. Further details should be secured with regards to the design of the footway provision to the existing adjacent residential development. The comments of the Yaxley Parish Council should be sought. The number of dwellings may not be achievable on the site. Policy R7 of the Huntingdonshire Local Plan 1995 requires provision for children's casual and equipped play space on the site or an off-site area could be considered. It is uncertain whether Huntingdonshire District Council would be likely to accept responsibility for managing the landscape areas, refuse collection and the roads/footways. The Parish Council, District Council and the County Council may have to be party to a sec106 obligation depending on the items secured in this regard. The original indicative layout is not considered acceptable due to poor arrangements of dwellings and their relationships to each other and the off-site development, the dominance of car parking, some fronts of dwellings facing the backs of others, poor streetscene and the poor relationship of buildings to open spaces for example. New development is particularly dense to the southern boundary and therefore out of keeping with the established residential development.

The Environment Agency – The mitigation measures as set out in the submitted flood risk assessment has been accepted. This includes on site water storage facilities and a restricted flow of drainage water into the nearby ditches.

Cambridgeshire Fire and Rescue – Fire Hydrants are to be secured on site.

Yaxley Parish Council – Objection is raised. The Parish Council understand that a green belt area is to be retained between Yaxley and Peterborough and that no further development to the north of Yaxley would be undertaken. The houses would fall into the Peterborough area and is outside of the Yaxley village boundary which should not be extended any further.

Secure By Design – In principle there is no objection to a development of the size proposed on this site on Crime and Safety grounds. However the indicative residential layout submitted with the application will not be acceptable particularly in relation to the vulnerability of crime to the rear of the dwellings through garden boundaries being exposed to the risk of climbing together with large parking courts which are not securely gated.

The Environment Agency

There are no flood risk issues from the development

COUNCILLORS

None received.

Representations from the General Public

16 local residents have submitted representations objecting to the development on the following grounds:-

- There is only one vehicular access to the development which is not of a standard to accommodate the traffic that can be expected to be generated by the new housing. Residents of the existing dwellings frequently have to park on the highways which are narrow.
- This can restrict the passage of refuse and delivery vehicles as well as the vehicles of the existing residents. Existing vehicles have inadequate space to turn. Larger vehicles often have to reverse out of Thistle Close. Damage is likely to the vehicles of the existing residents. The highway that will serve the new development is a cul-de-sac and not to be constructed to an estate road standard. Residents bought their houses in Thistle Close on the understanding that it would remain a cul-de-sac development.
- The developer of the recently completed housing adjacent to the application site have a further unimplemented residential planning permission to the west of the application site that will, once those dwellings become occupied lead to more traffic congestion and on road parking and permission for flatted accommodation at the entrance to Thistle Close the occupation of which will cause similar problems.
- There is no provision within the existing residential development to accommodate visitor parking other than on the public highway.
- Pollution and noise from increased traffic generation.
- The approved block paving of Thistle Close would not withstand increased vehicle movements resulting from the proposed housing.
- The path to the front of the existing dwellings is narrow and is not of sufficient width to accommodate a refuse bin, push chair or wheel chair such that residents have to walk within the road. This will be more hazardous with more traffic generated by the proposed development.
- Residents of the proposed development can be expected to walk through existing parking areas to the village which would be hazardous
- The increased number of cars would threaten the safety of children who play in Thistle Close and various pets of the existing residents
- The existing dwellings have suffered from many incidents of crime to outbuildings, vehicles, gardens and attempted entry into the dwellings. More dwellings could worsen this problem.
- Reduced property values
- There is already sufficient affordable housing in the locality. The existing housing is a family community and there is concern that the locality is not suitable for transient people who would have no interest in the welfare of the community who may have a 'miscreant' background.
- The application site is not a Brownfield site and it has not been used as a builders compound until the owner extend the road into the site and left a builders type prefab and other items of equipment.
- The site is a field that would have a much better use of being attached to the country park and should be protected and preserved accordingly.
- The submitted housing layout does would not complement the existing residential development.
- Loss of view from the front windows of dwellings in Thistle Close.
- Adverse impact upon wildlife. The site is home to Canada Geese which Yaxley is famous for and they frequently fly over the site to Hampton Lakes
- Loss of light to dwellings
- Noise and disturbance during the construction of the dwellings.
- It will be irresponsible of Peterborough City Council to permit development that wholly impacts upon Yaxley within an adjoining District Council.
- There are enough other areas within Yaxley that have development potential rather than use an open previously undeveloped site as proposed.
- The local school has no further capacity and the local doctors list is full.

(i) The principle of residential development

The fact that the site has been left to scrubland vegetation is not in itself sufficient reason for permitting the proposal nor is the fact that the Peterborough Local Plan does not give a clear designation for the use of the site. The site is outside both village and the urban boundary and if the site formed a part of the proposed Hampton Country Park the recommendation would have to be one of refusal.

Members will note that a similar proposal for the residential development of the site was refused just 3 year ago in keeping with Peterborough Local Plan advice that seeks to restrict new development in the open countryside.

There has been a change in the material circumstances since the previous decision because adjoining land has been developed with dwellings. As such the proposal would relate well to the built form of Yaxley, represents a rounding off of development and does not set a precedent for further development in the open countryside because of the Country Park allocation. This combination of circumstances does not exist elsewhere and thus no precedent would be set.

The proposed development would have a convenient road linkage directly from the existing recent residential development to the west. The approved development to the west has a hard boundary to the Country Park. The proposal can be expected to give an improved relationship to the adjoining countryside by significant boundary tree planting.

Initially the applicant was proposing that the site be considered as a Rural Exception Site under policy H22 of the Peterborough Local Plan (First Replacement) for the provision of a wholly affordable housing development. If a need was established then such development could be acceptable in rural areas outside of a village envelope. However, no demonstrable need for such a proposal could be justified by the Housing Department although the proposed 35% affordable housing is supported.

The proposed residential development of the site would now be a logical extension of the residential development to the west of the site and despite the sites open countryside location there is merit in allowing the residential development of the site as a departure to the development plan. The circumstances of the proposal and the location of the site are such that it is not anticipated that the development would set an undesirable precedent to encourage pressures for residential development of this proposed scale within other open countryside locations.

(ii) The impact of the development upon the character of the area

The layout of the development can be expected to be in keeping with the recent adjoining residential development to the west of the site in terms of its general character and layout. The north and east boundaries of the site are to comprise buffer tree planting for a softer impact of the housing on the Hampton Country Park thus making a net improvement to the character of the Country Park.

(iii) The impact of the development upon the amenities of adjoining residential properties

The applicant has demonstrated that the site can accommodate 27 dwellings although the submitted layout details are not for consideration at this stage and are not acceptable in detail. The site is considered to be of a suitable size to ensure that an acceptable layout could be achieved. Separation distances could be in keeping with the Peterborough Residential Design Guide requirements.

(iv) Highway issues of the proposed development

No objections have been raised by the Head of Transport and Engineering Services subject to the imposition of conditions. Residents in Thistle Close have commented that the estate roads leading to the site are too narrow resulting in restrictions to the free flow of larger service vehicles that are hampered as a result of the street parking of the occupiers of the existing dwellings.

The widths of these roads have been measured and are mainly 5m wide which will enable the larger service vehicles and cars to pass one another. Currently Thistle Road ends at the access to the application site in what could technically be a cul-de-sac. Permission has been granted at appeal for highway of Thistle Close to extend to the boundary of the application site. The finished surface to Thistle Road will be block paved and the road to the proposed development is to be a shared surface.

Residents have expressed fears that the vehicles generated by the occupation of the proposed development would endanger their safety e.g. from walking back/to their vehicles parked in the adjacent garage court, when putting out waste bins and the safety of the children who play within the road at present. This situation is not unusual but such fears must be considered. In this instance, it is considered appropriate to add some control over the speeds of vehicles entering and exiting the proposed development and traffic calming close to the entrance, within the site is appropriate. There is also the potential for children from the existing close by housing to make use of the open space area to the south west of the application site.

(v) Accessibility of the site to the services of the village

There have been concerns from the residents of the housing development to the west of the site that the residents of the proposed dwellings would have to walk through the parking/garage court areas of their development to get to Broadway and the general village amenities. Although possible, this would not be the most logical route from the development, there is a footpath commencing at the access to the site that would afford a safe and more direct access for the residents without having to use Thistle Close.

(vi) Crime implications of the development

The immediate area would appear from the comments of a number of the existing residents to be vulnerable to crime. Whilst the impact of the occupation of the proposed dwellings on crime levels cannot be prejudged, measures can be put in place through a thoughtful design of the layout of the dwellings to minimise the potential for crime. Residents concern that the affordable housing will attract a transient population that could lead to an increase in the number of miscreants is not supported by evidence and is not a planning matter.

(vii) The wildlife value of the site

A number of residents have advised that the site is an attraction for wildlife, particularly Canadian Geese. However the site is considered to have limited wildlife value other than a potential for use by ground nesting birds. An informative is proposed to advise the developer of the protection afforded to nesting birds under the Wildlife and Countryside Act.

(viii) Section 106 obligation requirements

The application was submitted prior to the approval of the Authorities Planning Obligation Implementation Strategy and the infrastructure requirements of the development have therefore been calculated in accordance with policy IMP1 of the Peterborough Local Plan.

Contributions towards:

Secondary education at Stanground College, (there has been no requests from Huntingdonshire District Council for contributions to be secured for the benefit of junior schools in Yaxley village),

Affordable homes (35%),

Waste Management provisions,

Off-site open space contributions for improved facilities at Hampton Country Park,

A contribution towards a cycleway/footway link between Yaxley and Farcet and

Travelchoice needs, to promote the use of sustainable transport measures by the future residents of the development,

have all been agreed.

These requirements accord with both national and local policy and in your officer's opinion comply with the 5 tests and the principles set out in ODPM Circular 05/2005 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 is considered an acceptable departure from the development plan by way of its proximity of the site to the village of Yaxley and existing and approved residential development that has in part been occupied.
- The vehicle access to the development can be achieved directly off Thistle Drive in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- The occupation of the development would not cause harm to the amenities of the occupiers of the existing nearby residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)
- The layout of the housing can satisfactorily ensure that the occupiers of the dwellings would have sufficient amenities in accordance with policy H16 of the Peterborough Local Plan (First Replacement)
- The development can be laid out in a manner, by way of significant boundary planting, that can relate well to the future extent of the Hampton Country Park in accordance with policy LT8 of the Peterborough Local Plan (First Replacement)
- The development will provide for a satisfactory provision of infrastructure needs to be generated in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services informs GOEAST that, under the departure requirements, the Committee has **Resolved to Approve** the application subject to the following conditions, informatives and prior completion of a Section 106 Obligation relating to infrastructure needs resulting from the development.

- C1 Approval of the details of the layout, scale and appearance of the buildings; the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
Reason: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).
- C2 Plans and particulars of the reserved matters referred to in condition 01 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.**
Reason: To ensure that Peterborough City Council is satisfied with the approved reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- C4 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy

Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).

- C5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling houses hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C6 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all 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 T1 of the Peterborough Local Plan (First Replacement).
- C7 Development shall not begin until drainage works have been carried out 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).
- C8 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).
- C9 The vehicular access road to the dwellings hereby approved shall be traffic calmed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the traffic calming measures shall be implemented in accordance with the approved details and to an agreed timescale with the Local Planning Authority.**
Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)
- C10 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**
Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development or the occupation of any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C12 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed**

or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C13 The landscaping of the site is to include a tree and shrub planting areas alongside the north and eastern boundaries of the site to provide for a buffer zone between the application site and the open countryside in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The buffer zone planting shall be implemented in accordance with the approved details and in accordance with a time scale to be agreed in writing with the Local Planning Authority.**

Reason: In the interests of the visual amenities of the locality in accordance with policy LNE6 of the Peterborough Local Plan (First Replacement)

- C14 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.**

Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C15 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 in accordance with a timescale to be agreed in writing with the Local Planning Authority. 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).

- C16 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. 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).

- C17 An enclosed space for refuse bins shall be provided prior to first occupation of the dwellings in accordance with details to be agreed with the Local Planning Authority before development commences.**

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

- C18 Notwithstanding the submitted information space shall be retained within the housing development to permit a pedestrian access through the site to link the development to the land designated to form a part of the Hampton Country Park that is to flank onto the north and east boundaries of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of promoting an improved access to a future area of public open space in accordance with policy LT6 of the Peterborough Local Plan (First Replacement)

- C19 The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and mitigation measures to limit the surface water run-off from the**

site to Greenfield rates i.e. 3.2litres per second and providing for 194 cubic metres of storage on site.

Reason: To reduce the risk of flooding to the proposed development, its future occupants and land to the east of the site in accordance with policy U6 of the Peterborough Local Plan (First Replacement).

C20 Notwithstanding the submitted information no development shall commence until details of the road geometry, street lighting, road and footway connections and a construction management plan have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord to the approved details.

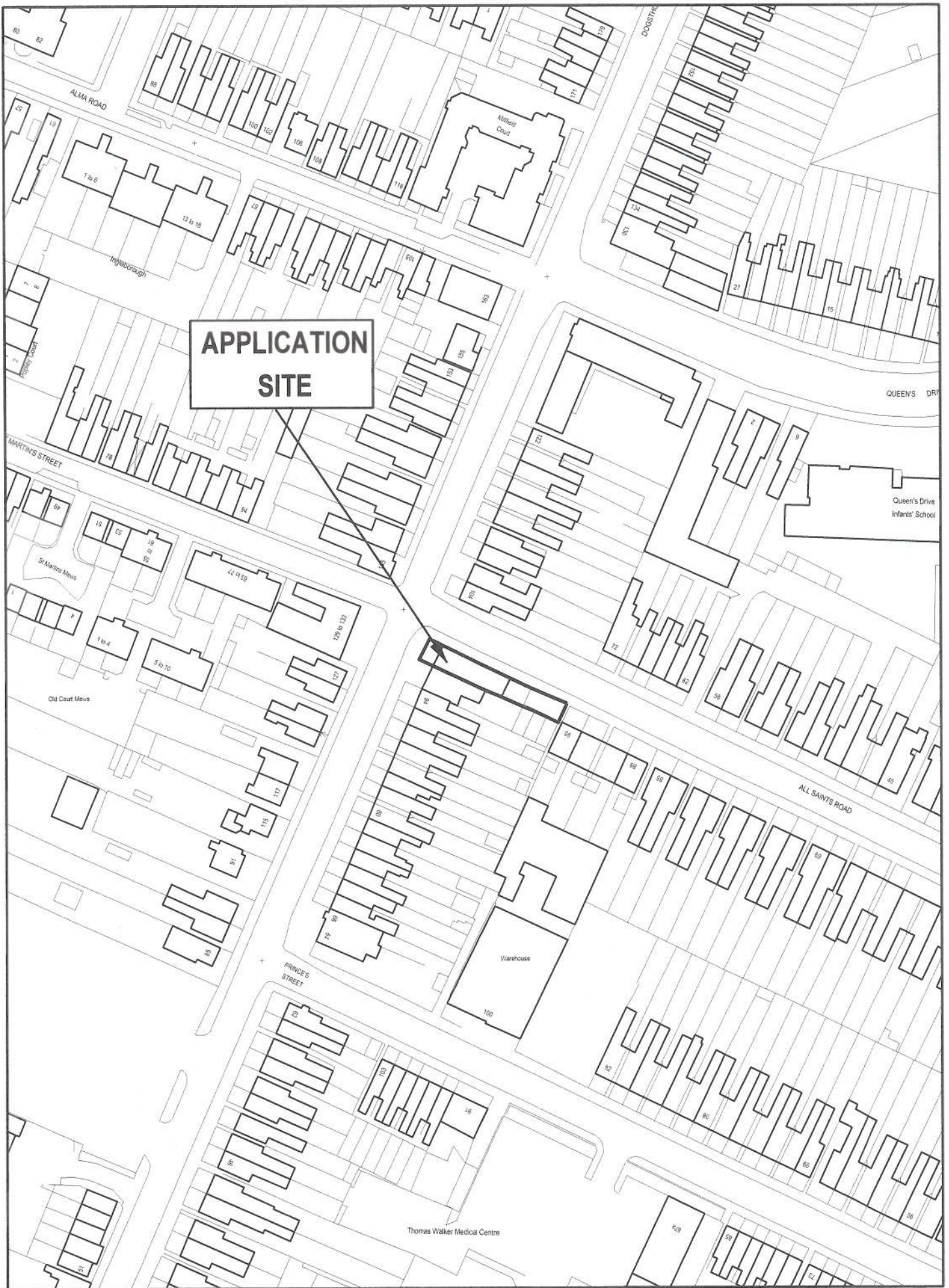
Reason: In the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement)

Notes Relating to this Decision

- 1 The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.
- 2 The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. The road between the cleansing equipment and the public highway shall be surfaced either in concrete or blacktop and maintained free of mud, slurry and any other form of contamination whilst in use.
- 3 Pursuant to the requirements of condition 13 of the permission the Local Planning Authority will expect the depth of the buffer zone planting to be at least 8m.

Copy to Councillors North, Scott, Seaton

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**APPLICATION
SITE**

LOCATION PLAN 08/01443/FUL

98 Dogsthorpe Road, Peterborough

Scale 1:1250 Name MKB Department Planning Services

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08/01443/FUL: REPLACEMENT SHOP CANOPY AT 98 DOGSTHORPE ROAD, PETERBOROUGH
VALID: 20 NOVEMBER 2008
APPLICANT: MR F TAMER, ALJENAT FOOD STORE
AGENT: GOOD-DESIGN-ING LTD
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: TO ALLOW MEMBERS TO CONSIDER A DESIGN OF CANOPY WHICH HAS BEEN THE RESULT OF DISCUSSIONS BETWEEN OFFICERS, LOCAL SHOP-KEEPERS AND AGENTS FOLLOWING THE ERECTION OF UNAUTHORISED SHOP CANOPIES
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:

- The impact of the proposed canopy upon the character and appearance of the area
- The impact of the proposed canopy upon residential amenities
- The impact of the proposed canopy upon highway safety

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)

- DA1** Planning permission will only be granted for development if it:
- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
 - (b) creates or reinforces a sense of place; and
 - (c) does not create an adverse visual impact
- DA2** Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:
- (a) can be satisfactorily accommodated on the site itself; and
 - (b) would not adversely affect the character of the area; and
 - (c) would have no adverse impact on the amenities of occupiers of nearby properties.
- DA21** Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.
- T1** Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and
- (b) it will not result in unacceptable impact on any element of the transportation network.

3 DESCRIPTION OF PROPOSAL

The proposal is for the erection of a canopy to the front of a retail shop. It is to replace an existing unauthorised smaller canvas style canopy that has been refused planning permission. The proposed canopy is to front towards Dogsthorpe Road. It was originally proposed to cover the majority of the area of hardstanding to the front of the shop to a width of 5.48m and a forward projection from the shop front of 4.26m. The roof was proposed to be of a shallow sloping mono-pitch design with the highest end being 2.76m, fixed to the building, and the lower end 2.16m. The scale of the canopy has since been revised to a forward projection from the shop front of 3.5m. The width is to remain at 5.48m. The frontage of the canopy would be set back approximately 1.6m from the back edge of the pavement.

The canopy is to have a glazed roof to be supported by a dark green painted metal framework of Edwardian design to comprise of 12 metal columns with a larger column base section with simple detailing. The canopy would be open on three sides. The character and features of the building will remain unaffected by the canopy addition.

The existing unauthorised canopy is used for the display and sale of fruit and vegetables to the front of the shop.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The established retail unit is located within a predominantly residential area comprising terraced, semi detached and detached properties with strong building lines to the north and south. The application property is located at the crossroads junction of Dogsthorpe Road, All Saints Road and St. Martins Street. There are commercial units on three of the corners of the junction with a residential property at the north-east corner. The building has a strong character and appearance. A travel shop adjoins the application property. There is an existing unauthorised lightweight canvas top canopy currently erected to the front of the shop front measuring 5.8m wide with a projection of 2.5m. It is used to display fruit and vegetables.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00756/FUL	Erection of front canopy - retrospective	30/10/08	REFUSED

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The location and height of the canopy would not have a detrimental impact on public safety or endanger the safety of users of the adjacent highway.

COUNCILLORS

Cllr Peach has raised concerns over the erection of canopies in Central Ward.

REPRESENTATIONS:

One letter of objection has been received from a contributor who also objected to an application for a canopy at Nos. 64-66 Dogsthorpe Road on grounds that there was never a canopy at the application property.

7 REASONING

Background:

Over the last decade the retail community, particularly in Central Ward, has been targeted by firms proposing to extend shop premises at the front by installing shutters on canopies to effectively create a front extension and therefore more retail floor area.

Many grocers and green grocers have put up canopies to the front of their premises, a number of which have received permission, some have been refused on appeal and others have never been applied for.

Since 2006 planning enforcement has sought the removal of large numbers of unacceptable canopies. Each case has to be treated on its own merits.

Notwithstanding the above, Planning Officers recognise the contribution that these businesses make to the local community (as places of employment and the provision of local services). For this reason Officers have been working with local businesses to find a solution. The result of these discussions is the canopy that is the subject of this application.

The design of the canopy currently being applied for has been arrived at through consultation with Planning Officers and is one of a number of similar proposals currently being considered. The use of quality materials with a simple design was encouraged and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged.

Residential Amenities.

It is considered that the open nature of the canopy and its glazed roof added to the position of the ground floor openings within the neighbouring property is such that the proposal would not unduly harm the residential amenities of close by dwellings to the application property.

Impact on the character and appearance of the area:

The application property is at a road junction that has long been characterised by commercial properties at all four corners of the junction and commercial properties are a common feature to the general character of Dogsthorpe Road. It is clear that in the demanding retail climate where the small retailer faces stronger competition from the major superstore operators the smaller retailer is finding it difficult to survive. The loss of small retailers results in unemployment, a shop unit that may stay vacant for a considerable time offering no value to the city economy, ultimately pressures for other commercial uses but also the loss of a valued service to the local community where opening hours are lengthy. A canopy addition could assist in maintaining the vitality of such small shop units, including that proposed.

Whilst there are no similar canopies within the immediate street scene, it is considered that the attractive light and open design that has been carefully chosen would avoid the creation of an incongruous feature within the streetscene despite its projection beyond the building line. In addition the retail unit could use the land for the display of goods at this time without the need for a planning application.

Highways:

The Highways Authority has raised no objections to the proposal.

It is therefore considered that the proposal would comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

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 canopy with the use of quality materials would complement the existing shop front and it is considered that the proposal would not harm the character and appearance of the area, the amenities of the occupiers of the nearby residential properties or highways safety. The proposal is therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement).

9 **RECOMMENDATION**

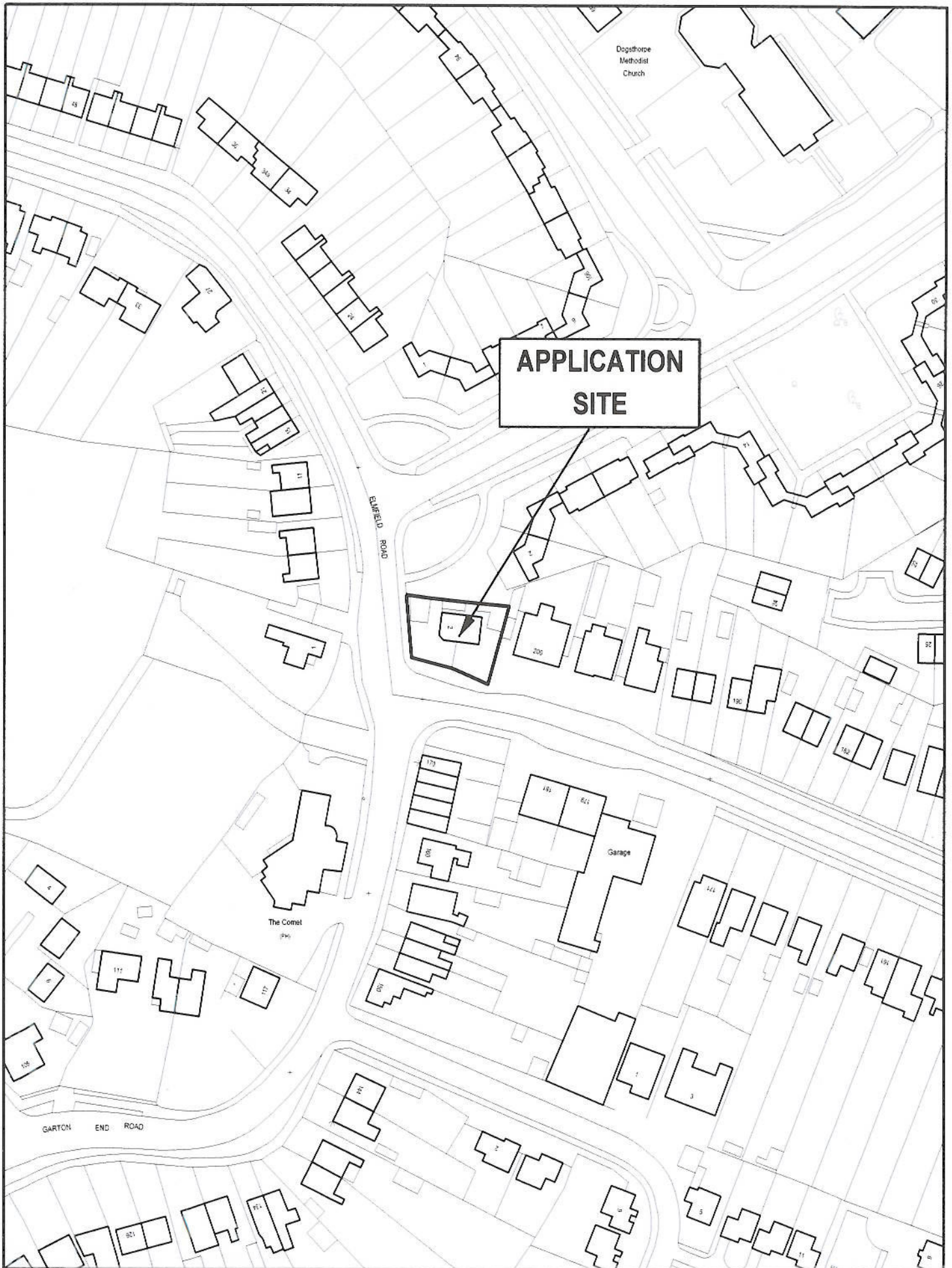
The Head of Planning Services recommends that subject to the receipt of suitable amended plans showing the reduced projection, this application is APPROVED subject to the following conditions and informatives:

- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re enacting that Order with or without modification), the sides and front of the canopy shall not be enclosed either permanently or temporarily but shall be left open as shown on the approved plans.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Prior to first use, the canopy shall be coloured Olive Green, (BS12B27) and thereafter retained in that colour.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Notes Relating to this Decision

- 1 Your attention is drawn to the relevant provisions of the Party Wall etc Act 1996 which may require notification of the works hereby permitted to all affected neighbours. More detailed information of the provisions of 'The Act' can be obtained from <http://www.peterborough.gov.uk/page-102>, or alternatively by telephoning 01733 453422 or email buildingcontrol@peterborough.gov.uk.
- 2 The applicant's attention is drawn to the need to adequately control the disposal of rubbish from the fruit, vegetable and/or other containers that will be displayed within the canopy.

Copy to Councillors Kreling, Lowndes, Peach



LOCATION PLAN 08/01472/FUL

2 Elmfield Road, Peterborough

Scale 1:1250 Name MKB Department Planning Services

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PETERBOROUGH



CITY COUNCIL

PCC GIS

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08/01472/FUL: CANOPY AND ROLLER SHUTTERS AT 2 ELMFIELD ROAD,
PETERBOROUGH
VALID: 5 JANUARY 2009
APPLICANT: MR S AHMAIDI
AGENT: GOOD-DESIGN-ING LTD
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: TO ALLOW MEMBERS TO ASSESS THE IMPACT OF THE DOUBLE
FRONTED CANOPY AND SHUTTERS.
DEPARTURE: NO

CASE OFFICER: ANDY CUNDY
TELEPHONE: 01733 453425
E-MAIL: andrew.cundy@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the proposal on the character and appearance of the area
- Impact of the proposal on the residential amenities of neighbouring properties
- Implications for Highways Safety

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

2 PLANNING POLICY

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

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

DA1 Planning permission will only be granted for development if it:

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

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

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

DA21 Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.

T1 Planning permission will only be granted for development if:

- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and**
- (b) it will not result in unacceptable impact on any element of the transportation network.**

3 DESCRIPTION OF PROPOSAL

The application proposes the erection of a canopy on an A1 retail unit. The canopy would wrap around two elevations of the property forward of the two display windows in each elevation. It would have a projection of 3.5m, a height of 2.77m and comprise of a half hexagonal shape with sides of 4.39m, 4.14m and 4.32m. It would be constructed of a metal framework and glazed roofing which would give the canopy a lightweight appearance. The canopy would allow the covered display of retail goods.

The application also proposes to place roller shutters around the perimeter which would allow it to be enclosed. No details of the shutters have been submitted with the application.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site lies at the junction of Newark Avenue and Elmfield Road, where traffic movements and noise from traffic are a significant feature of the setting. An open grassed landscaped strip lies to the north beyond which are predominantly residential properties. The area has a mixed character comprising of residential, retail, employment uses and adjacent school. The site is on the western edge of the local centre which extends further to the east. The shop is set back from the highway within a generous frontage on which goods are currently displayed. It is positioned on the junction of Newark Avenue and Elmfield Road.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
06/01457/FUL	Two storey and single storey rear extensions	22.11.2006	Granted
07/01436/FUL	Ground floor rear extension	29.10.2007	Refused

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering –

The proposal does not affect the public highway or the access and parking arrangements for the property.

NEIGHBOURS

Letters of objection have been received from 7 residents objecting to the proposal on the following grounds –

- The proposal would create a blind spot and a blockage
- Unsafe for students
- Would appear untidy
- Vehicles travelling to the shop make it unsafe for pedestrians – vehicles park on the pavement
- Grass verge is untidy – delivery vehicles park on verge
- More traffic
- Would put customers off driving down Elmfield Road.
- How will tripling the size of the current floor area benefit the residents, proprietors or customers in the area?
- Similar stores close by.
- Would affect profitability of similar retailers.

- Will not increase the appeal of the area.
- Driveways of surrounding properties are already being blocked due to customer and delivery parking.
- Area of proposed structure is currently used for car parking by delivery vehicles and residents above the shop. Loss of parking area would create a further problem for access to surrounding properties.
- Visitors use the bus stop for parking which is dangerous for bus users and school children – loss of parking will further add to this problem.
- The junction is dangerous and there have been a number of accidents.
- Disturbance and litter already caused by people hanging around the shop drinking alcohol
- Existing canopy has a bright halogen light which causes disturbance – concern that new canopy will make this worse.
- Would reduce the value of surrounding properties.
- Current shop exceeds its permitted trading hours
- Would affect view of neighbouring properties when leaving driveway.
- Out of keeping with the building and surroundings.
- Shutters unattractive feature in area and will be prone to graffiti.

7 REASONING

The design of the canopy currently being applied for has been arrived at through consultation with Planning Officers and is one of a number of similar proposals currently being considered. The use of quality materials with a simple design was suggested and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged. In this instance, the canopy projects 3.5m from the building which makes the proportions slightly awkward. This projection is considered to be the maximum limit that is acceptable on this site. In addition to the canopy the application proposes the installation of security shutters and the impact of this element also needs consideration.

Canopies are an economical way to allow shops to provide a wider range of goods and thus improve the service they provide to local communities and thus play an important part in the local economy, however, it is important to ensure that the design and materials are appropriate for the individual building and location.

Residential Amenity:

It is considered that the open nature of the canopy and its glazed roof in relation to the position of the surrounding properties is such that the proposal would avoid unduly harming the amenities of the neighbouring properties. The closest dwellings directly adjacent to the canopy are approximately 30 metres away. To the north of the site is an open grassed strip, to the south and west is the highway and east is a separated neighbouring retail unit.

Impact on the character and amenity of the area:

It is considered that the attractive light and open design would, on its own, avoid the creation of an incongruous feature despite its projection beyond the building line. In addition, the retail unit currently uses the land, which is part of its forecourt, for the display of goods at this time without the need for a planning application. It would provide protection for produce and customers and help this support this local business. A canopy is considered to be a reasonable addition to a use of this type.

The proposed roller shutters would allow the enclosure of the canopy and, when closed, would result in a blank and unattractive appearance, both incongruous and obtrusive in the street scene. This element of the proposal is considered to be unacceptable. It would detract from the light and open design of the canopy and would not be in accordance with the principle behind the discussed canopies which is to provide an attractive but minimal covered external display area for goods being sold from the retail unit.

Highways:

The Highway Authority has raised no objection to the proposal.

8 CONCLUSIONS

It is considered that the unattractive and enclosed appearance of the proposed canopy and roller shutters would create a blank and obtrusive feature in the street scene. The proposal therefore conflicts with Policies DA21, DA1 and DA2 of the Peterborough Local Plan First Replacement and is unacceptable.

9 RECOMMENDATION

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

R1 It is considered that the unattractive and enclosed appearance of the proposed canopy and roller shutters would create an incongruous, blank and obtrusive feature within the street scene. The shutters would detract from the light and open design of the canopy itself and conflict with Policies DA21, DA1 and DA2 of the Peterborough Local Plan (First Replacement) which state:

DA1 Planning permission will only be granted for development if it:

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

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

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

DA21 Planning permission for the installation of a fixed canopy will only be granted on the ground floor of a shop, cafe, restaurant or public house, but only if it can be installed without detracting from the character of the building or surrounding area.

Copy to Councillors Ash, Miners, Saltmarsh

Planning and Environmental Protection Committee 17 March 2009

CONSULTATION WITH RELEVANT STAKEHOLDERS ON THE CONTENTS OF LOCAL REQUIREMENTS LISTS FOR VALIDATION OF PLANNING AND RELATED APPLICATIONS

REFERRED BY: HEAD OF PLANNING SERVICES
REASON: RECOMMENDED BY THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT
CASE OFFICER: Ms Theresa Nicholl
TELEPHONE: 01733 453410
EMAIL: Theresa.nicholl@peterborough.gov.uk

1 DESCRIPTION

Recent changes in legislation allow Local Planning Authorities to set their own standards (Local Lists) for information to accompany applications. The legislation also allowed Local Planning authorities to review their lists and if they are proposing to make amendments (other than minor amendments) should re-consult and adopt new lists.

On 16 December 2008 Committee resolved to consult on a proposed addition the local list that arose from the Planning Obligations Implementation Scheme (POIS), namely: That prior to validation of any planning application to which the (POIS) applies, applicants will submit either proposed Heads of Terms in respect of any S106 agreement, or a Unilateral Undertaking, dealing in full with any issues arising out of the (POIS).** The Committee report of 16 December 2008 is attached at Annex A.

2 SUMMARY

Comments received as a result of the consultation are attached at Annex B

The Head of Planning Services recommends that the addition to the local lists is adopted for the purposes of validation of planning applications.

3 BACKGROUND

The Town and Country (General Development Procedure) Order 1995 (as amended)

The Government amended the Town and Country (General Development Procedure) Order 1995 to introduce a mandatory standard application form (1App) and associated information requirements for validation of applications, from 6 April 2008.

The associated information requirements comprise a National Core List that applies to all Local Planning Authorities and additional items that may be specified locally.

Best Practice Guidance

The Lists are outlined in the Department for Communities and Local Government's White Paper, 'The Validation of Planning Applications Guidance for Local Planning Authorities'. Planning Obligations are included in the recommended national list of local requirements that may be adopted locally.

The paper advises on the recommended best practice process for determining the content of the Local Lists. They recommend:

- The relevant committee authorises consultation on the content of the proposed local lists for planning and related applications
- Minimum period for consultation with relevant stakeholders should be 6 weeks
- Formal review of comments and report back for formal resolution and adoption of the Local Lists by the relevant committee
- Publication of the adopted Local Lists on the Local Authorities website (and made available through the Planning Portal) in addition to paper copies being made available at planning reception or on request.

The White Paper goes on to advise that where a Local Planning Authority has consulted and adopted Local Lists in accordance with the procedures outlined above, they can be used as the local requirements when validating applications under the amended Town and Country (General Development Procedure) Order.

4 HISTORY

- **Prior to 2006**

Validation requirements were in the form of notes on the application forms and advice given by Planning Officers and Technical staff.

- **2006 to April 2008**

Encouraged by Central Government, more extensive Validation Checklists were introduced and published on the council website in addition to hard copies being provided with application forms in the reception and on request at Bridge House.

- **April 2008 to Present**

Adoption of the Local Lists as agreed by committee and published as required.

5 CONSULTATIONS/REPRESENTATIONS

The White Paper advises that the minimum period for consultation with relevant stakeholders should be 6 weeks.

Relevant stakeholders are defined as:

- **Statutory consultees**
The Environment Agency, Natural England, English Heritage, Network Rail, the Strategic Health Authority, the Highway Authority, the Regional Development Agency and statutory undertakers.
- **Parish and Town Councils**
- **Relevant Voluntary and Community Groups**
Residents Groups/amenity societies
- **Agents/applicants forums or representative group of agents**

6 REASONING

The following is based on the main considerations identified in Section 2 of this report.

The (POIS), once adopted, will apply to many applications submitted. This could involve a considerable amount of new work for the department. In order that the additional work does not prejudice the performance targets and as such our customer focus, the (POIS) foresees that the best way of dealing with S106 issues is to start, and in some cases finish, the process at the earliest possible date. Bearing in mind that many of the more simple S106 issues are relatively straightforward, then the best way is to 'front load' the process, ensuring that delays do not occur during the life of the application.

The inclusion of this item in the Local Lists will help planning applicants to understand, from the outset, the type and extent of information that will be required of them

The inclusion of this item in the Local Lists will enable Peterborough City Council to have all the information it needs in order to determine most applications and draft the decision notice including any planning conditions required

This will allow officers and Members to make decisions based on robust information and should reduce the need for officers to request information during the evaluation of the application. Whilst this will impose an obligation on developers to consult on development proposals prior to submission, it should provide them with greater certainty and speed up the decision making process, and thus assist the commencement of development.

The Local Lists will improve ability to achieve performance targets.

7 CONCLUSIONS

The proposed amendment to the content of the Local List is considered essential to the effective delivery of The Planning obligation Scheme.

The Head of Planning Services recommends that;

Members agree to the suggested amendment to the local list for validation of planning applications.

**For information the source:

The Validation of Planning applications – Guidance for local planning authorities

Planning obligations (or “section 106 agreements”) are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or “developer”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Where Development Plan Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application.

COMMENTS RECEIVED ON CONSULTATION FOR VALIDATION REQUIREMENTS

Consultee	Comments	Action
David Lock Associates	<p>No objection to the inclusion of the S106 Planning Obligations Implementation Scheme within the in the Local Lists once the SPD has been adopted but as further work is proposed on the draft POIS prior to its adoption as a SPD, the extent and nature of the work should be publicised and undergo public consultation.</p>	<p>There is an existing policy requirement for certain developments to make contributions via planning obligations.</p>
David Lock Associates	<p>As the aim of the POIS is to ensure that new and replacement infrastructure is to compliment the city's growth they suggest that the Council considers the inclusion of a further information on the Lists for applications for residential-led development. This should be the submission of design details in addition or as part of the Design and Access Statement which currently for Full and Reserved Matters Applications is often a written document only. Detail suggested as follows:</p> <p>in addition to a site layout plan, we consider that the following information should be submitted:</p> <p>(a) scaled plan showing layout of surrounding development (to provide urban design context for the proposed application layout) and allow assessment of how the layout connects with its immediate surroundings;</p> <p>(b) street elevations for all key frontages (to allow the</p>	<p>There are mechanisms in place under existing regulations for local authorities to require additional information if they consider that the level of detail contained within a submission is not adequate to enable proper consideration of the proposal</p>

	<p>planning officer to assess the urban design composition and visual appearance of the street scene) – as homes are never viewed singularly (as often presented as ‘house type x’ by developers at REM stage), always as part of a street scene; (c) building heights plan (to indicate the consideration of the positioning of individual buildings within the site layout in relation to context).</p>	
Theatres Trust	<p>Replied with no comment on the inclusion of requirements for the Local List</p>	
Natural England	<p>Supports the inclusion on the Local List which should have an important role to play in minimising impacts on wildlife interests and maximising biodiversity gain.</p>	
Peterborough and Stamford NHS Trust	<p>Confirm they welcome the opportunity to be involved with reference to the Local Lists and part of the POIS.</p>	
East of England Development Agency	<p>Makes no specific comment on inclusion of the POIS scheme on the Local List but would expect an economic statement to be included. They suggest using more specific wording on the Local List for Economic Statements rather than the detail in DCLG’s guidance ‘The Validation of Planning Applications’ to refer to wider economic growth. There is also a need to be more specific in ensuring applications demonstrate how they will beneficially <u>impact</u> on the implementation of the RES and sub regional /local strategies.</p> <p>Suggest wording as follows:</p> <p>Applications should be accompanied by a supporting statement of any economic growth / regeneration benefits from the proposed development including:</p>	<p>There are mechanisms in place under existing regulations for local authorities to require additional information if they consider that the level of detail contained within a submission is not adequate to enable proper consideration of the proposal</p>

	<p>details of any new jobs that might be created or supported; the relative floor space totals for each proposed use; and any community benefits. Applications should demonstrate how they will contribute to the implementation of the goals of the Regional Economic Strategy, relevant sub-regional objectives and any local economic/regeneration strategies.</p>	
Accent and Wilkinson (Steve Pawson)	<p>Suggest that the requirement of submission of Heads of Terms/Unilateral Undertaking may work if there are standard forms available for use by applicants in order that they submit the correct material.</p>	Agree
Netherton Neighbourhood Association	<p>Advised they were not clear on the subject matter of our letter</p>	The document was referred to in the letter and a link to the web site was provided
Wansford Parish Council	<p>Advised they were not clear on the subject matter of our letter</p>	The document was referred to in the letter and a link to the web site was provided

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AMENDMENT TO LOCAL LIST FOR VALIDATION OF PLANNING APPLICATIONS

REFERRED BY: HEAD OF PLANNING SERVICES
 REASON: NEED FOR AGREEMENT BY COMMITTEE AND AUTHORISATION FOR CONSULTATION
 CASE OFFICER: Mr D Loveday
 TELEPHONE: 01733453456
 E-MAIL: david.loveday@peterborough.gov.uk

1 DESCRIPTION

In April 2008 changes in legislation allowed Local Planning Authorities to set their own standards (local lists) for information to accompany applications. The legislation also allowed Local Planning authorities to review their lists and if they are proposing to make amendments (other than minor amendments) should re-consult and adopt new lists.

The purpose of this report is to secure Member agreement to consult on a proposed addition to the local lists that arises from the Planning Obligations Implementation Scheme (POIS), namely; That prior to validation of any planning application to which the (POIS) applies, applicants will submit either proposed Heads of Terms in respect of any S1 06 agreement, or a Unilateral Undertaking, dealing in full with any issues arising out of the (POIS). **

2 SUMMARY/OUTLINE OF THE ISSUE

The main considerations are:

The addition to the local list will:

- Help planning applicants to understand, from the outset, the type and extent of information that will be required of them in relation to the (POIS) and Policy IMP1 of the Peterborough Local Plan
- Enable Peterborough City Council to have all the information it needs in order to determine the application and draft the decision notice including any planning conditions required
- Improve ability to achieve performance targets

The Head of Planning Services recommends that consultation is carried out on the basis of the Planning Obligations Implementation Scheme.

3 BACKGROUNDThe Town and Country (General Development Procedure) Order 1995 (as amended)

The Government amended the Town and Country (General Development Procedure) Order 1995 to introduce a mandatory standard application form (1App) and associated information requirements for validation of applications, from 6 April 2008.

The associated information requirements comprise a National Core List that applies to all Local Planning Authorities and additional items that may be specified locally.

Best Practice Guidance

The Lists are outlined in the Department for Communities and Local Government's White Paper, 'The Validation of Planning Applications Guidance for Local Planning Authorities'. Planning Obligations are included in the recommended national list of local requirements that may be adopted locally.

The paper advises on the recommended best practice process for determining the content of the Local Lists. Planning Obligations is included in the Planning obligations- draft heads of terms

They recommend that:

- The relevant committee authorises consultation on the content of the local lists and on additions to those lists for planning and related applications
- Minimum period for consultation with relevant stakeholders should be 6 weeks
- Formal review of comments and report back for formal resolution and adoption of the addition to Local Lists by the relevant committee
- Publication of the adopted Local Lists on the Local Authorities website (and made available through the Planning Portal) in addition to paper copies being made available at planning reception or on request.

The White Paper goes on to advise that where a Local Planning Authority has consulted and adopted Local Lists in accordance with the procedures outlined above, they can be used as the local requirements when validating applications under the amended Town and Country (General Development Procedure) Order.

4 HISTORY

- **Prior to 2006**

Validation requirements were in the form of notes on the application forms and advice given by Planning Officers and Technical staff.

- **2006 to April 2008**

Encouraged by Central Government, more extensive Validation Checklists were introduced and published on the council website in addition to hard copies being provided with application forms in the reception and on request at Bridge House.

- **April 2008 to Present**

Adoption of the Local Lists as agreed by committee and published as required.

5 CONSULTATIONS/REPRESENTATIONS

The White paper advised that the minimum period for consultation with relevant stakeholders should be 6 weeks.

Relevant stakeholders are defined as:

- **Statutory consultees**

The Environment Agency, Natural England, English Heritage, Network Rail, the Strategic Health Authority, the Highway Authority, the Regional Development Agency and statutory undertakers.

- **Parish and Town Councils**

- **Relevant Voluntary and Community Groups**

Residents Groups/amenity societies

- **Agents/developers/applicants forums or representative group of agents**

6 REASONING

The following is based on the main considerations identified in Section 2 of this report.

The (POIS), once adopted, will apply to many applications submitted. This could involve a considerable amount of new work for the department. In order that the additional work does not prejudice the performance targets and as such our customer focus, the (POIS) foresees that the best way of dealing with S106 issues is to start, and in some cases finish, the process at the earliest possible date. Bearing in mind that many of the more simple S1 06 issues are relatively straightforward, then the best way is to 'front load' the process, ensuring that delays do not occur during the life of the application.

The inclusion of this item in the Local Lists will help planning applicants to understand, from the outset, the type and extent of information that will be required of them

The inclusion of this item in the Local Lists will enable Peterborough City Council to have all the information it needs in order to determine most applications and draft the decision notice including any planning conditions required

This will allow officers and Members to make decisions based on robust information and should reduce the need for officers to request information during the evaluation of the application. Whilst this will impose an obligation on developers to consult on development proposals prior to submission, it should provide them with greater certainty and speed up the decision making process, and thus assist the commencement of development.

The Local Lists will improve ability to achieve performance targets.

7 CONCLUSIONS

The proposed amendment to the content of the Local List is considered essential to the effective delivery of the (POIS) and as such there is a need to consult relevant stakeholders.

8 RECOMMENDATION

The Head of Planning Services recommends that;

- a) Members agree to the suggested amendment to the local list for validation of planning applications, and
- b) relevant stakeholders be consulted on the amendment to the content of the Local Lists in the 6 week period from 18 December 2008 to 29 January 2009.

The outcome of the consultation process will be reported back to Members at the February 2009 meeting.

**For information the source:

The Validation of Planning applications - Guidance for local planning authorities

Planning obligations (or "section 106 agreements") are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or "developer"), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Where Development Plan Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application.

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No.
17 MARCH 2009	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr W. Fitzgerald - Cabinet Member for Environment	
Contact Officer(s):	Barry Fagg Interim Head of Planning Services Jim Daley - Planning Services	Tel: 01733 453475 Tel. 01733 453522

THE GLINTON CONSERVATION AREA APPRAISAL

RECOMMENDATIONS	
FROM : Jim Daley - Planning Services	Deadline date :
That Committee:	
<ol style="list-style-type: none"> 1. notes the outcome of the public consultation on the Ginton Conservation Area Appraisal 2. recommends that the Cabinet Member for Environment considers and approves the proposed boundary changes (Appendix 1) 3. supports the adoption of the Ginton Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Ginton Conservation Area 	

1 ORIGIN OF REPORT

- 1.1 A review of the Ginton Conservation Area was carried out in 2008 as part of the Council's on-going review of all 29 of Peterborough's designated Conservation Areas. A detailed Appraisal has been prepared for the Area and, following public consultation and subsequent amendment, it is now proposed that the Ginton Conservation Area Appraisal is formally adopted as the Council's planning guidance and strategy for the Area.

2 PURPOSE AND REASON FOR REPORT

- 2.1 This report is submitted to the Committee for approval of the Ginton Conservation Area Appraisal and Management Plan, as appended. The report provides an update on the outcome of the public consultation on the Draft Ginton Conservation Area Appraisal and Management Plan and proposes amendments to the Conservation Area boundary.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.6.1.5 to be consulted by and comment on the Executive's draft plans which will form part of the Development Plan proposals at each formal stage in preparation.

3 TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4 BACKGROUND

- 4.1 The draft Appraisal commenced public consultation on 28th November 2008 and the consultation period concluded on 19th January 2009. A copy of the document was published on the Council's website, and copies were provided to Ward members, English Heritage and Go-East. A letter and summary leaflet was sent to nearly all properties in the village and other interested parties, including planning agents and Peterborough Civic Society.
- 4.2 7 representations were received and these are summarised together with the Conservation Officer's response in Appendix 2. Replies have been sent to all who made representations. The Appraisal has been revised to take account of various representations received and the approved version will be available on the Council's web site.

5 ANTICIPATED OUTCOMES

The Glington Conservation Area Appraisal fulfils the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to 'draw up and publish proposals for the preservation and enhancement of conservation areas. The Appraisal identifies the special character of the Glington Conservation Area and confirms that it merits designation as a conservation area. It also includes a Management Plan (as required by regulations) which identifies works and actions to secure the preservation and enhancement of the conservation area.

The adoption of Conservation Area Appraisals and Management Plans for all Conservation Areas are Best Value Performance Indicators (BVPI 219b & 219c). Adoption of the Glington Conservation Area Appraisal and Management Plan will ensure that the Council meets its target for these BVPI's

6. REASONS FOR RECOMMENDATIONS

Adoption of the Glington Conservation Area Appraisal as the Council's planning guidance and strategy for the Area will:

- fulfil the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to prepare and publish proposals for the preservation and enhancement of Conservation Areas.
- provide specific Conservation Area advice which will be used as local design guidance and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.
- have a significant impact on the enhancement of the Conservation Area by ensuring that new development in the historic environment is both appropriate to its context and of demonstrable quality.

7 ALTERNATIVE OPTIONS CONSIDERED

- Do nothing – this would be contrary to Government guidance (Planning (Listed Buildings & Conservation Areas) Act 1990) and the requirements of BVPI 219b & 219c would not be met.

8 IMPLICATIONS

- 8.1 There are no specific financial implications for the City Council identified in this report.
- 8.2 The Appraisal and Management Plan identify works to conserve and enhance the Conservation Area. The implementation of some of these works will however require the involvement of the City Council, specifically in relation to future works to the public realm. This may have cost implications but these cannot be quantified at this time. Works will also involve co-ordination across Service Departments of the Council

- 8.3 Potential public sector funding partners may emerge for some works, depending on the grant regimes and other opportunities that may exist in the future. Other works, such as the replacement of non-original features, may be carried out entirely by private owners without public funding.
- 8.4 The City Council will seek to attract additional resources in partnership with other interested parties and funding bodies to help implement works identified in the Conservation Area Appraisal and Management Plan.

9 BACKGROUND DOCUMENTS

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

Glington Village Design Statement 2001

Guidance on Conservation Area Appraisals, English Heritage 2005

Guidance on the Management of Conservation Areas, English Heritage 2005

APPENDIX 2

SUMMARY OF COMMENTS ON GLINTON CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

- English Heritage
 - 1 Support presentation of Appraisal information
 - 2 General comments on additions to text and content.
 - 3 Proposed boundary changes will bring 20th c. buildings into the conservation area which are of no archaeological or historic interest. Question the justification and benefit arising of including such properties. Further consideration might be given to proposed new boundary.

Response

- 1 Comments noted
- 2 The appraisal has been amended to incorporate this advice
- 3 Noted. Proposal to include properties to Lincoln Road and Peakirk Road (north) in conservation area has been re-considered and is not justified. Additional restriction placed on householders is considered not to be outweighed by any benefits arising to conservation area.

- Glington Parish Council

1. Support the Appraisal and Management Plan.
2. Support extension of Conservation area.
3. Corrections and amendments to text advised.

Response

1. Comments noted
2. Comments noted. Following meeting with Glington Parish Council (17.2.2009) it is proposed to additionally include the field to the village school (extending to Lincoln Road) and No. 7 Rectory Lane in the conservation area. Also to amend (10.1 The Conservation Area Boundary – Draft Management Plan) to “discuss with local interests (Landowners, Parish Council) and English Heritage the most appropriate conservation area boundary designation to protect historic built landscape and archaeological resources, in particular the pre-nineteenth century enclosure field systems north of the village and Brook Drain”. Proposed extension to include properties to Lincoln Road and Peakirk Road (north) to be deleted.
3. Noted and text amended and corrections made.

- Peterborough Civic Society

- 1 Welcome the Appraisal.
- 2 More linkage between physical environment and social history – linking Enclosure map with named farms within village.
- 3 Make reference to high levels of vehicular, cycle and pedestrian movement at cross roads at school start and finish times.

Response

- 1 Noted.
- 2 Noted and text revised.
- 3 Noted and text revised.

- Richard Hillier Peterborough Library

Suggested detail and commentary to text.

Response

The appraisal has been amended to incorporate this information.

- Resident

- 1 Support an extension of conservation area to include land north to Brook Drain. Historic landscape survives and views of church spire unchanged. Land shows traces of ‘ridge and furrow’ landscape.
- 2 Corrections and amendments to text advised.

Response

1. Noted. See comments under Glington Parish Council.
2. Noted and text amended and corrections made.

- Resident

1. Support an extension of conservation area to include land north to Brook Drain. Historic landscape survives. This land has not been intensively farmed, traces of 'ridge and furrow' landscape.
2. Why is no. 7 Rectory Lane excluded from conservation area?

Response

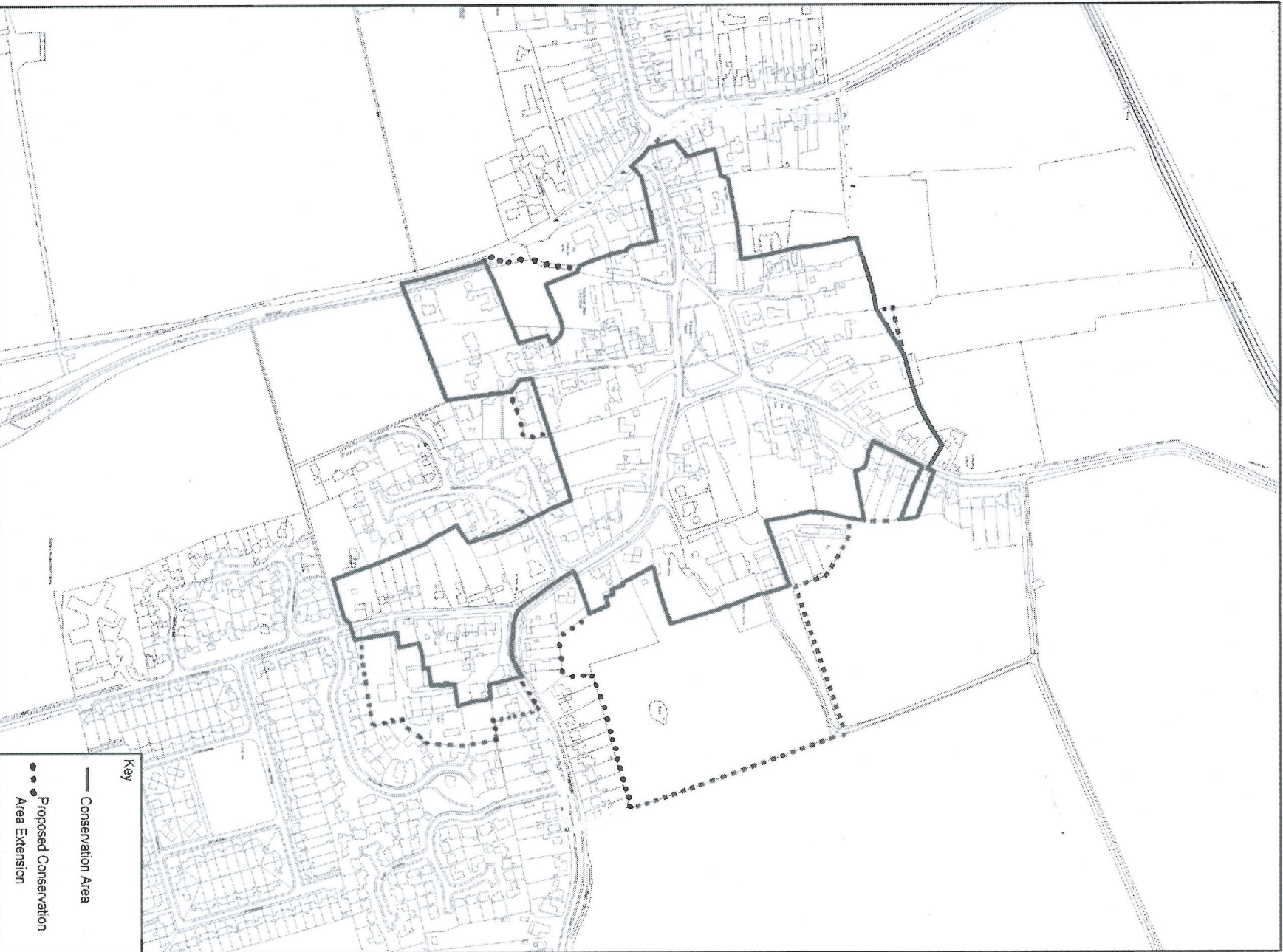
1. Noted. See comments under Glington Parish Council.
2. No. 7 Rectory Lane to be included in conservation area.

- Landowner

Strong reservations relating to proposed inclusion of properties to Lincoln Road in conservation area. No visible historic reference points. Area does not justify conservation area status.

Response

Noted. See comments under E.H.



Title Appendix 1 Conservation Area Boundary and Proposals Map

Department Planning Services

Drg. No. N/A

PCC GIS

Scale 1:5000

Date 7th November 2008

Name LRM



Key
 — Conservation Area
 ••• Proposed Conservation Area Extension

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PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No.
17 MARCH 2009	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr W. Fitzgerald - Cabinet Member for Environment	
Contact Officer(s):	Barry Fagg Interim Head of Planning Services Jim Daley - Planning Services	Tel: 01733 453475 Tel. 01733 453522

THE AILSWORTH CONSERVATION AREA APPRAISAL

R E C O M M E N D A T I O N S	
FROM : Jim Daley - Planning Services	Deadline date :
That Committee:	
<ol style="list-style-type: none"> 1. notes the outcome of the public consultation on the Ailsworth Conservation Area Appraisal 2. recommends that the Cabinet Member for Environment considers and approves the proposed boundary changes (Appendix 1) 3. supports the adoption of the Ailsworth Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Ailsworth Conservation Area 	

1 ORIGIN OF REPORT

- 1.1 A review of the Ailsworth Conservation Area was carried out in 2008 as part of the Council's on-going review of all 29 of Peterborough's designated Conservation Areas. A detailed Appraisal has been prepared for the Area and, following public consultation and subsequent amendment, it is now proposed that the Ailsworth Conservation Area Appraisal is formally adopted as the Council's planning guidance and strategy for the Area.

2 PURPOSE AND REASON FOR REPORT

- 2.1 This report is submitted to the Committee for approval of the Ailsworth Conservation Area Appraisal and Management Plan, as appended. The report provides an update on the outcome of the public consultation on the Draft Ailsworth Conservation Area Appraisal and Management Plan and proposes amendments to the Conservation Area boundary.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.6.1.5 to be consulted by and comment on the Executive's draft plans which will form part of the Development Plan proposals at each formal stage in preparation.

3 TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4 BACKGROUND

- 4.1 The draft Appraisal commenced public consultation on 28th November 2008 and the consultation period concluded on 19th January 2009. A copy of the document was published on the Council's website, and copies were provided to Ward members, English Heritage and Go-East. A letter and summary leaflet was sent to nearly all properties in the village and other interested parties, including planning agents and Peterborough Civic Society.
- 4.2 5 representations were received and these are summarised together with the Conservation Officer's response in Appendix 2. Replies have been sent to all who made representations. The Appraisal has been revised to take account of various representations received and the approved version will be available on the Council's web site.

5 ANTICIPATED OUTCOMES

The Ailsworth Conservation Area Appraisal fulfils the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to 'draw up and publish proposals for the preservation and enhancement of conservation areas. The Appraisal identifies the special character of the Ailsworth Conservation Area and confirms that it merits designation as a conservation area. It also includes a Management Plan (as required by regulations) which identifies works and actions to secure the preservation and enhancement of the conservation area.

The adoption of Conservation Area Appraisals and Management Plans for all Conservation Areas are Best Value Performance Indicators (BVPI 219b & 219c). Adoption of the Ailsworth Conservation Area Appraisal and Management Plan will ensure that the Council meets its target for these BVPI's

6. REASONS FOR RECOMMENDATIONS

Adoption of the Ailsworth Conservation Area Appraisal as the Council's planning guidance and strategy for the Area will:

- fulfil the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to prepare and publish proposals for the preservation and enhancement of Conservation Areas.
- provide specific Conservation Area advice which will be used as local design guidance and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.
- have a significant impact on the enhancement of the Conservation Area by ensuring that new development in the historic environment is both appropriate to its context and of demonstrable quality.

7 ALTERNATIVE OPTIONS CONSIDERED

- Do nothing – this would be contrary to Government guidance (Planning (Listed Buildings & Conservation Areas) Act 1990) and the requirements of BVPI 219b & 219c would not be met.

8 IMPLICATIONS

- 8.1 There are no specific financial implications for the City Council identified in this report.
- 8.2 The Appraisal and Management Plan identify works to conserve and enhance the Conservation Area. The implementation of some of these works will however require the involvement of the City Council, specifically in relation to future works to the public realm.

This may have cost implications but these cannot be quantified at this time. Works will also involve co-ordination across Service Departments of the Council

- 8.3 Potential public sector funding partners may emerge for some works, depending on the grant regimes and other opportunities that may exist in the future. Other works, such as the replacement of non-original features, may be carried out entirely by private owners without public funding.
- 8.4 The City Council will seek to attract additional resources in partnership with other interested parties and funding bodies to help implement works identified in the Conservation Area Appraisal and Management Plan.

9 BACKGROUND DOCUMENTS

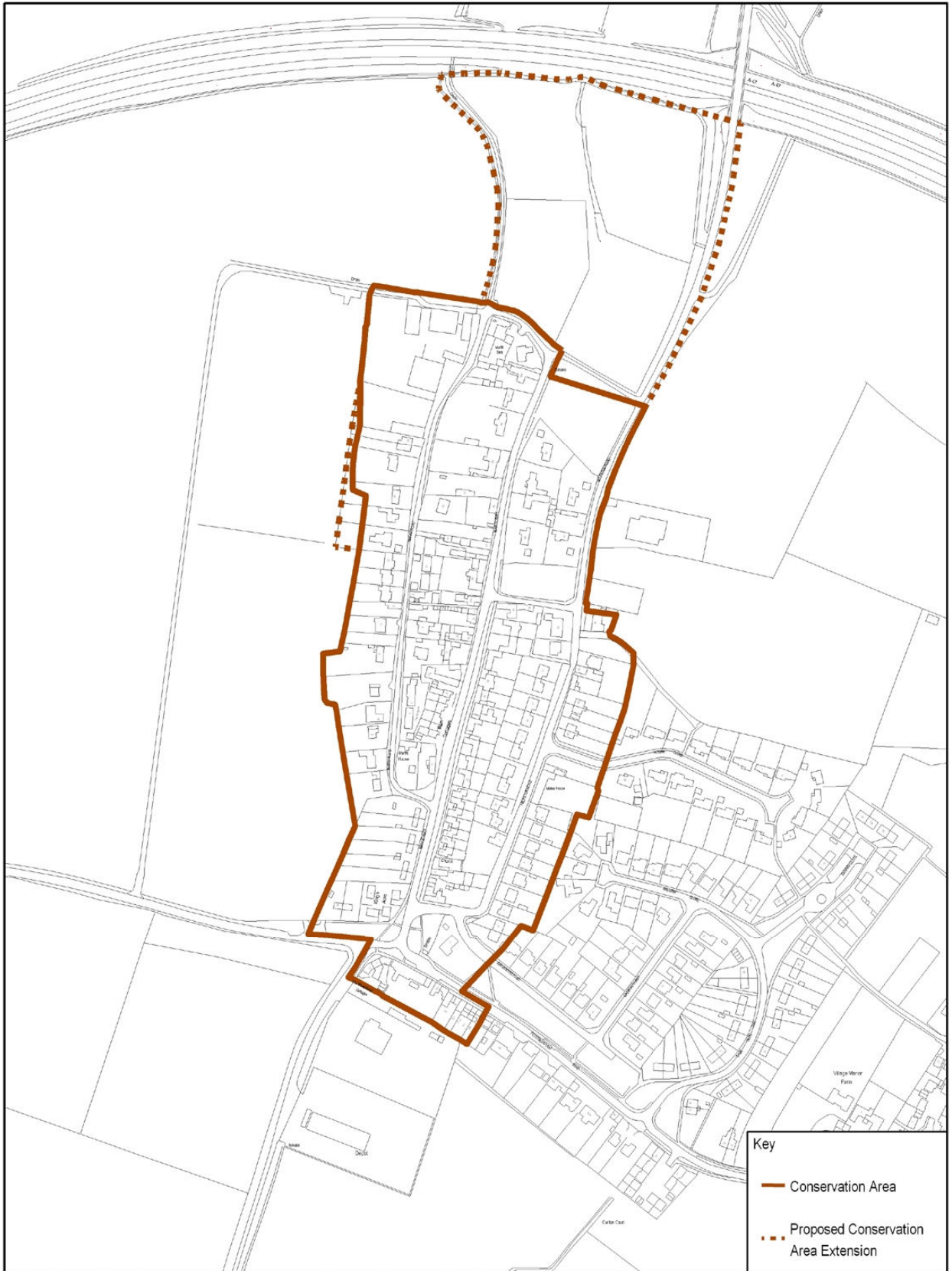
Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Ailsworth Built Environment Audit 2002/2004

Castor and Ailsworth Village Design Statement 2004

Guidance on Conservation Area Appraisals, English Heritage 2005

Guidance on the Management of Conservation Areas, English Heritage 2005



Title Appendix 1 Conservation Area Boundary and Proposals Map

Department Planning Services

Drg. No. N/A

PCC GIS

Scale 1:4000

Date 3rd November 2008

Name LRM



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APPENDIX 2

SUMMARY OF COMMENTS ON AILSWORTH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

- Ailsworth Parish Council

1. Support the Appraisal and Management Plan.
2. Agree with extension of Conservation area
3. Corrections and amendments to text advised

Response

1. Comments noted
2. Comments noted
3. Noted and text amended.

- English Heritage

- 1 Support presentation of Appraisal information
- 2 General comments on additions to text and content.
- 3 No objection to extension of the conservation area. Suggest case for extension is more fully made. Suggest possible extension to include properties to 105 Peterborough Road.

Response

- 1 Comments noted
- 2 The appraisal has been amended to incorporate this advice
- 3 Noted. Extension of the conservation area between 105 and 107 Peterborough Road (including 107a and 107b) has been considered further but is not proposed as nos. 107, 107a and 107b are mid 20th c age and of little architectural or historic value.

- Peterborough Civic Society

- 1 Welcome the Appraisal. Putting into practice proposed policies will be the test of the success of the work. Conservation area boundary extensions supported.
- 2 A case could be made for extension to the east of Helpston Road.

Response

- 1 Comments noted. and text amended / clarified accordingly.
- 2 The extent of any such area is difficult to define – little and limited historic landscape value.

- Richard Hillier Peterborough Library

Suggested detail and commentary to text.

Response

The appraisal has been amended to incorporate this information.

- Resident

1. Support proposed extension north towards A47 by-pass
2. Reservations over practical issues of re-creation of former village pond to The Green. Would support restoration of existing pond located to proposed conservation area extension.

Response

- 1 Noted
- 2 Noted

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PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No.
17 MARCH 2009	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr W. Fitzgerald - Cabinet Member for Environment	
Contact Officer(s):	Barry Fagg Interim Head of Planning Services Jim Daley - Planning Services	Tel: 01733 453475 Tel. 01733 453522

THE UFFORD CONSERVATION AREA APPRAISAL

R E C O M M E N D A T I O N S	
FROM : Jim Daley - Planning Services	Deadline date :
That Committee:	
<ol style="list-style-type: none"> 1. notes the outcome of the public consultation on the Ufford Conservation Area Appraisal 2. recommends that the Cabinet Member for Environment considers and approves the proposed boundary changes (Appendix 1) 3. supports the adoption of the Ufford Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Ufford Conservation Area 	

1 ORIGIN OF REPORT

- 1.1 A review of the Ufford Conservation Area was carried out in 2008 as part of the Council's on-going review of all 29 of Peterborough's designated Conservation Areas. A detailed Appraisal has been prepared for the Area and, following public consultation and subsequent amendment, it is now proposed that the Ufford Conservation Area Appraisal is formally adopted as the Council's planning guidance and strategy for the Area.

2 PURPOSE AND REASON FOR REPORT

- 2.1 This report is submitted to the Committee for approval of the Ufford Conservation Area Appraisal and Management Plan, as appended. The report provides an update on the outcome of the public consultation on the Draft Ufford Conservation Area Appraisal and Management Plan and proposes amendments to the Conservation Area boundary.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.6.1.5 to be consulted by and comment on the Executive's draft plans which will form part of the Development Plan proposals at each formal stage in preparation.

3 TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

4 BACKGROUND

- 4.1 The draft Appraisal commenced public consultation on 28th November 2008 and the consultation period concluded on 19th January 2009. A copy of the document was published on the Council's website, and copies were provided to Ward members, English Heritage and Go-East. A letter and summary leaflet was sent to nearly all properties in the village and other interested parties, including planning agents and Peterborough Civic Society.
- 4.2 7 representations were received and these are summarised together with the Conservation Officer's response in Appendix 2. Replies have been sent to all who made representations. The Appraisal has been revised to take account of various representations received and the approved version will be available on the Council's web site.

5 ANTICIPATED OUTCOMES

The Ufford Conservation Area Appraisal fulfils the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to 'draw up and publish proposals for the preservation and enhancement of conservation areas. The Appraisal identifies the special character of the Ufford Conservation Area and confirms that it merits designation as a conservation area. It also includes a Management Plan (as required by regulations) which identifies works and actions to secure the preservation and enhancement of the conservation area.

The adoption of Conservation Area Appraisals and Management Plans for all Conservation Areas are Best Value Performance Indicators (BVPI 219b & 219c). Adoption of the Ufford Conservation Area Appraisal and Management Plan will ensure that the Council meets its target for these BVPI's

6. REASONS FOR RECOMMENDATIONS

Adoption of the Ufford Conservation Area Appraisal as the Council's planning guidance and strategy for the Area will:

- fulfil the Local Planning Authorities obligations under the Planning (Listed Buildings & Conservation Areas) Act 1990 to prepare and publish proposals for the preservation and enhancement of Conservation Areas.
- provide specific Conservation Area advice which will be used as local design guidance and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service.
- have a significant impact on the enhancement of the Conservation Area by ensuring that new development in the historic environment is both appropriate to its context and of demonstrable quality.

7 ALTERNATIVE OPTIONS CONSIDERED

- Do nothing – this would be contrary to Government guidance (Planning (Listed Buildings & Conservation Areas) Act 1990) and the requirements of BVPI 219b & 219c would not be met.

8 IMPLICATIONS

- 8.1 There are no specific financial implications for the City Council identified in this report.
- 8.2 The Appraisal and Management Plan identify works to conserve and enhance the Conservation Area. The implementation of some of these works will however require the involvement of the City Council, specifically in relation to future works to the public realm.

This may have cost implications but these cannot be quantified at this time. Works will also involve co-ordination across Service Departments of the Council

- 8.3 Potential public sector funding partners may emerge for some works, depending on the grant regimes and other opportunities that may exist in the future. Other works, such as the replacement of non-original features, may be carried out entirely by private owners without public funding.
- 8.4 The City Council will seek to attract additional resources in partnership with other interested parties and funding bodies to help implement works identified in the Conservation Area Appraisal and Management Plan.

9 BACKGROUND DOCUMENTS

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

Ufford Village Design Statement 2002

Guidance on Conservation Area Appraisals, English Heritage 2005

Guidance on the Management of Conservation Areas, English Heritage 2005

APPENDIX 2

SUMMARY OF COMMENTS ON UFFORD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

- English Heritage

- 1 Support presentation of Appraisal information
- 2 General comments on additions to text and content.
- 3 No objection to extension of the conservation area. Question the justification and benefit to include properties to Marholm Road in conservation area.

Response

- 1 Comments noted
- 2 The appraisal has been amended to incorporate this advice
- 3 Noted. Proposal to include properties to Marholm Road in conservation area is not justified.

- Ufford Parish Council

1. Support the Appraisal and Management Plan.
2. Support extension of Conservation area with exception of including 20th century properties to Marholm Road.
3. Corrections and amendments to text advised.

Response

1. Comments noted
2. Comments noted. See E.H. comments above. Extension to Marholm Road to be deleted.
3. Noted and text amended and corrections made.

- Peterborough Civic Society

Welcome the Appraisal. Putting into practice proposed policies will be the test of the success of the work. All conservation area boundary extensions supported.

Response

Noted.

- Richard Hillier Peterborough Library
Suggested detail and commentary to text.

Response

The appraisal has been amended to incorporate this information.

- Cllr Over

Supports appraisal and its objectives. Would support wider extension to cover the whole area. Particular note should be given to local building styles / details. Building materials should follow the guidance in the Ufford Village Design Statement. Replacement signs, highway furniture should be appropriate to the setting.

- Resident

Objection to inclusion of properties on Marholm Road in extended conservation area.

Response

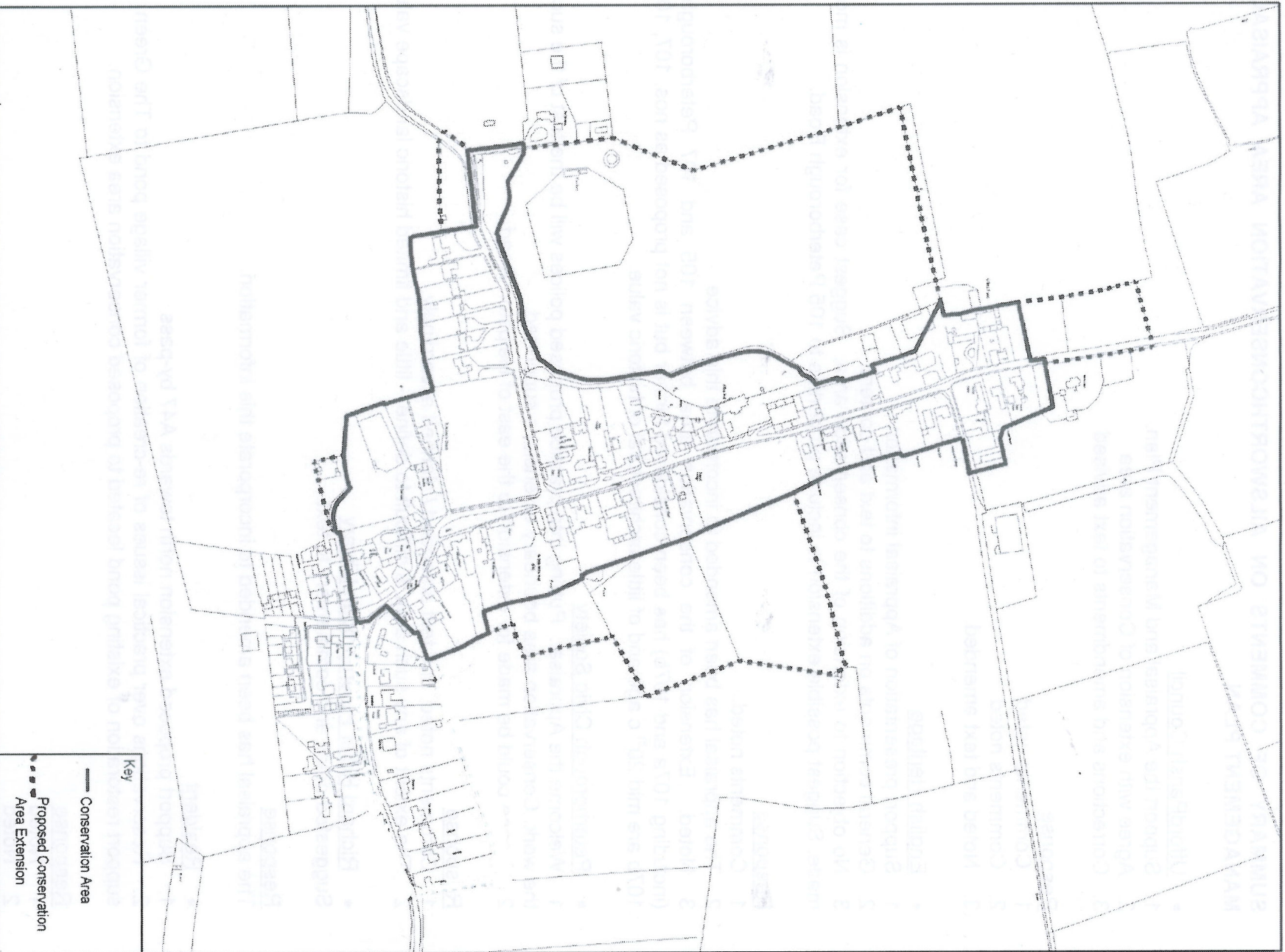
Noted. See E.H. comments above

- Resident

Concern with proposed extension to include properties to Marholm Road. These buildings have no historical or archaeological merit. Imposing restrictions on owners.

Response

Noted. See E.H. comments above.



Key

- Conservation Area
- - - Proposed Conservation Area Extension

Title Appendix 1 Conservation Area Boundary and Proposals Map

Department Planning Services

Drq. No. N/A

PCC GIS

Scale 1:5000

Date 4th November 2008

Name LRM



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