

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 7 SEPTEMBER 2010
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>27 August 2010</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 Gemma George on 01733 452268.

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MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor N North (Chairman), Councillor Y Lowndes (Vice-Chairman), Councillor C Burton, Councillor P Hiller, Councillor L Serluca, Councillor P Thacker, Councillor M Todd, Councillor C Ash, Councillor S Lane and Councillor D Harrington

Subs: Councillors: P Winslade and C W Swift

CASE OFFICERS

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

Minerals and Waste: VACANT

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

NOTES:

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

Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 27 July 2010

Members Present:

Councillors – Lowndes (Vice Chair), Burton, Hiller, Thacker, Todd, Ash, Winslade and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager
Julie Smith, Acting Highway Control Team Manager
Ruth Lea, Lawyer (Growth Team)
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor North (Chairman), Councillor Serluca and Councillor Lane.

Councillor Winslade attended as substitute and Councillor Swift wished for it to be noted that he was unable to attend as substitute.

2. Declarations of Interest

5.4 Councillor Hiller declared that he had a prejudicial interest in the item and he would leave the meeting for the duration of the item.

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

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

4. Minutes of the Meeting held on 6 July 2010

The minutes of the meeting held on 6 July 2010 were approved as a true and accurate record.

The Committee was advised that since the application for Bushfield Academy which had been presented at the previous meeting for approval, there had been changes to the wording of the agreed conditions. These changes were required to be approved by the Committee prior to officers being given delegated authority to deal with the application. Members were advised that the changes did not materially alter the application in any way they were simply to delete repetitions and to add clarity. The changes were highlighted as follows:

C3 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all boundary walls/fences, external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development,

and thereafter shall be maintained to the satisfaction of the Local Planning Authority. **Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highways.**

Reason: In the interests of community safety **and to avoid glare/dazzle which could lead to danger to highway users in accordance with policies T1 and DA11** of the Peterborough Local Plan (First Replacement).

C4 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- (a) A phasing scheme and schedule of the proposed works;
- (b) Provisions to control construction noise and vibration emanating from the site;
- (c) A scheme for the control of dust arising from building works and site works;
- (d) **A scheme of chassis and wheel cleaning for construction and demolition vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;**
- (e) A scheme of working hours for construction, **demolition** and other site works
- (f) **A scheme for construction access and demolition access from the Parkway system, including measures to ensure that all construction or demolition vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to park, turn, load and unload clear of the public highway and details of any haul routes across the site;**
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.
- h) A scheme for parking of contractors vehicles;**
- i) A scheme for access and deliveries including hours.**

The development shall be carried out in accordance with the approved construction management plan.

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

C10 & C15 Delete

C20 **Unless otherwise agreed in writing by the Local Planning Authority** the visibility splays as shown on the approved plan (SK1022) at the junction of the access roads with the public highway shall be provided **before first use of the new access.**

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C26 **Unless otherwise agreed in writing by the Local Planning Authority prior to construction of the 3G All-Weather** details of the design, technical specification and layout of the proposed 3G All-Weather Pitch, which shall comply with the Football Association's Technical Design Guidance Note 'The FA Guide to Artificial Grass Pitches' (January 2010), where possible and, if applicable, RFU requirements relating to 3G pitches, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The facility shall then be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable and to accord with policy LT10 of the Adopted Peterborough Local Plan (First Replacement).

C27 Unless otherwise agreed in writing by the Local Planning Authority prior to construction of the 3G All-Weather Pitch a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with policy LT10 of the Adopted Peterborough Local Plan (First Replacement).

C30 Unless otherwise agreed in writing by the Local Planning Authority no development in respect of the relocation of trees or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (As per section 7.2 BS5837-2005) had been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

The feasibility of moving the 6 trees as per Plan C414D115 Rev "A" utilising an appropriate "Tree Spade" method.

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

C31 Unless otherwise agreed in writing by the Local Planning no development shall take place in respect of the relocation of trees until a schedule of landscape maintenance for the above trees covering a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

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

Members commented that going forward officers should be more diligent when bringing items to the Planning Committee for consideration. Members were advised that there had been a very tight timescale on the turnaround for Bushfield.

The Legal Officer addressed the Committee and requested that a formal decision be taken on the amendments prior to the issue of permission.

After brief debate, it was unanimously agreed by the Committee to accept the amendments prior to the issue of permission, subject to a notice being sent to Ward Councillors and Group Representatives seeking their approval.

5. Development Control and Enforcement Matters

The Committee agreed to vary the order of the agenda and to allow agenda item 5.4, Church Street, Northborough, to be the next item of business.

Councillor Hiller left the meeting.

5.4 10/00508/FUL – Construction of 3 x two-storey 5 bed detached dwellings and associated garages at Church Farm, 7 Church Street, Northborough, Peterborough

The application sought permission for the erection of three 5-bed two storey detached dwellings and associated garages, in a paddock associated with Church Farm. The application was a resubmission of a previously approved scheme (ref. 05/01772/FUL) and was identical in siting, layout and scale. House C had a two storey element fronting the west of the site with single storey wings running west to east and attached double garage to the west. House D also had a two storey element fronting to the west with a single storey element to the east and detached double garage to the side/rear (east). House E had a two storey element fronting north with a single storey element to the east and attached double garage to the west. Changes were proposed to the materials to that of the previous scheme which now proposed reconstituted stone to the principle two storey elements and the number of windows within the elevations fronting the conservation area had been reduced. The site was accessed via a private gravelled driveway off Church Street which currently served Church Farmhouse and the Barnhouse (formerly used as an office), with extant consent for conversion to dwelling. A gravelled yard was provided to the front of the dwellings as a turning area.

The site area was approximately 0.35 ha, currently an area of paddock associated with Church Farm, located within the village settlement boundary of Northborough and just outside the Northborough Conservation Area Boundary to the west. The site was part of the curtilage of the listed building and adjacent to the site to the north-west is Church Farmhouse a Grade II Listed Building with a stone built double garage and to the south west was a curtilage listed barn formerly used as an office with extant planning consent for conversion to a dwelling and consent for the erection of a stone built garage (05/00468/LBC and 05/00469/FUL) which abutted the application site. The surrounding area was predominantly residential in character with a two storey modern development abutting the site to the north, Northborough Primary School was located directly to the south, school playing fields to the east and there was a Public Right of Way to the east and south of the site. The site was bounded to the north with a 1.8m close boarded fence and to the east and in part to the south by post and rail fencing the remainder of the southern boundary formed by 1.8m fencing beyond which was a stone wall with pantile edging. The site was accessed via a private drive approximately 4m in width leading from Church Street adjacent to St Andrews Church which was enclosed by a 1.6m high wall stone wall.

The Planning Officer addressed the Committee and stated that since the approval of the previous development, numerous improvements to the design had been secured, including a reduction in the number of windows included in the development and the building materials that were proposed to be used.

Members' attention was drawn to additional information contained within the update report. Objections had been received from Councillor Hiller, Ward Councillor, and his main concerns were that the development would have an overbearing impact visually and on the amenity of the dwellings at Church View and also on Church Farm. The proposal did not preserve or enhance the character of the Conservation Area and it was detrimental to the setting of the listed building, that being Church Farm House. The proposal would also subdivide the grounds/garden of the listed building.

One neighbour had submitted an objection supporting Councillor Hillers' concerns and the Church had confirmed that it had concerns regarding highway safety in the vicinity and further concerns at the prospect of bins being left out on the triangle after bin collections, thus being detrimental to the conservation area.

There had been a further objection received from a neighbour following the re-consultation of the amended plans. The main concerns highlighted in the objection were that the only changes to the front elevation of house C were very limited, and only the top three windows within the stair case were proposed to be obscure glazed which would look odd therefore all of the window should be obscured glazed. The Planning Officer advised Members that this could be conditioned if the Committee were minded to approve the application and to agree

to the condition. Further concerns were that the proposal would impact on the views of houses in Church Close, it would affect the character of the area, put additional pressures on services, devalue surrounding properties, it would create traffic problems particularly when there was a church service, it would be detrimental to the setting of the listed building and the sub division of the garden was contrary to CBE7. Planning of the site could also have been more imaginative than it was.

Members were advised that the Parish Council had withdrawn its objection to the application, this was with the proviso that the Committee accepted the latest version of the plans which showed changes to the fenestration and the implementation of the condition to deal with bins etc.

In respect of the footpath, the proposal which had been put forward by the Planning Department and had been accepted by the applicant was that instead of having a close bordered fence, because of it being too enclosed, the applicant had agreed to set the fence back half a metre or so to give it a more open feel and also where the footpath turned a corner there would be section opened up into a bit of a visibility splay for pedestrians to make it feel a bit safer.

Mrs Hazel Potter, an objector and local resident, addressed the Committee on behalf of the residents of the neighbouring properties and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The neighbouring properties all had small gardens abutting the paddock, if planning permission was granted for the development the houses would only be 6 metres away from the rear fences of the gardens
- The houses would be visually overbearing and would lead to noise and disturbance
- The development was contrary to policy DA1 of the Peterborough Local Plan in that the properties would create an adverse visual impact
- The development was contrary to policy DA2 of the Peterborough Local Plan in that the amenities of surrounding properties would be affected
- Were more houses required in Northborough? There were numerous houses for sale in the village of varying size and price and some of those houses had been up for sale for over a year
- Although previous permission had been given for the site, surely with the changes towards environmental issues the permission should be re-considered? Peterborough was proud of being an environmental city and the protection of existing green land should be a priority
- The Parish Council had been seeking suitable land for allotments, the land would be ideal for this use. The land would be preserved as green land

Members commented that there had been no information received regarding drainage and water run off and in response the Planning Officer stated that it appeared that a surface water drainage condition had not been included in the list of conditions. This therefore would be required to be added. Surface water was unlikely to be a problem at the site and the development could be accommodated by a normal soak away system. Anglian Water had failed to comment on the application, but had they had any major concerns, these would have been highlighted.

Members questioned whether the proposed driveway was adequate for use and whether vehicles would be able to reverse easily. The Highways Officer addressed the Committee and stated that the Highways Authority had commented that the driveways on some of the properties were quite long therefore cars would need to reverse either in or out of the garages and the parking spaces. Although this was not an issue for the Highways Authority as it was a private access road, it was felt that the comment needed to be made. Members further questioned the safety of the access to the site as the turning was blind. The

Highways Officer further commented that the entrance was substandard but it was a private driveway therefore did not fall within the remit of the Highways Authority.

After debate and further questions to the Planning Officer regarding minimum distance requirements between properties, the fencing along the pathway, the responsibility for the upkeep of the grass verge between the fencing and the footpath and refuse collections, a motion was put forward and seconded to approve the application subject to the imposition of an additional condition in relation to a foul and surface water scheme, the revision to the condition in relation to the obscure glazing in the staircase window and an additional note to state that the area of land in between the public right of way and the boundary fence would remain the responsibility of the landowner to maintain. The motion was carried by 4 votes with 3 voting against.

RESOLVED: (4 for, 3 against) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the development needs of the area
2. The conditions numbered C1 to C14 as detailed in the committee report
3. The amended condition number C15 to read - Notwithstanding the submitted details, the staircase window to House C that faces towards the dwellings on Church View shall be entirely obscure glazed and fixed and shall thereafter remain in that form. Reason: To give the window a uniform appearance and to avoid the potential for overlooking of the properties on Church View if additional windows were to be inserted under normal permitted development rights and to accord with Policy DA2 in the Peterborough Local Plan (First Replacement) 2005
4. An additional condition stating that the development shall be served (from the date of first occupation) by a foul and surface water scheme that shall be submitted to and approved by the local planning authority. Reason: In the interest of amenity, flood risk and pollution prevention in accordance with Policies U1 and U2 in the Peterborough Local Plan (First Replacement) 2005
5. The informatives numbered 1 to 4 as detailed in the committee report
6. The addition of a note stating 'Please note that the area of land between the public right of way and the boundary fence will remain the responsibility of the landowner to maintain'

Reasons for the decision:

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

- the principle of residential development on this site had already been supported under the previous planning consent.
- the site lay within the settlement boundary of Northborough where the principle of windfall sites was supported
- the density, scale, layout, design and use of materials would be in keeping with the adjacent listed buildings and would not harm the character and appearance of the Northborough Conservation Area
- the proposal would not result in an unacceptable impact on the amenity of occupiers of neighbouring dwellings
- given previous use of the site the access was acceptable and would not result in any adverse impact on the adjoining highway.

Hence the proposal accorded with policies CBE3, CBE7, DA1, DA2, DA6, H10, H16, T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

Councillor Hiller re-joined the meeting

5.1 10/00328/FUL – Construction of 14 no. self contained apartments consisting of 8 x 2-bed flats and 6 x 1-bed flats in 3 no. blocks with on site parking at 157 – 161 Fletton Avenue, Fletton, Peterborough, PE2 8DB

The Committee was advised that the item had been withdrawn from the agenda by the Head of Planning Services and would be brought back to the Committee for consideration in September 2010.

5.2 10/00385/FUL – Construction of two bed dwelling at land adjacent to Southcroft, Main Street, Barnack

Permission was sought for the construction of one, two bedroom dwelling on land between Southcroft and Pasque Cottage. The proposal was one and a half storeys in height and incorporated a dormer window to Main Street with a single storey wing to the rear.

The application site was located to the core of the Barnack Conservation Area on a parcel of land between Pasque Cottage and Southcroft, Main Street. All the buildings to this part of the street were listed with the exception of Southcroft. The application site previously formed part of Southcroft's garden area. The land was presently overgrown and flanked by a brick wall of approximately 1.4m high.

The Planning Officer addressed the Committee and stated that the application was an improvement on a previously approved scheme which had lapsed in February 2009. The previously approved scheme had a slightly higher ridge and eaves height, the current application therefore represented a significant improvement with regards to the proposal tying in to the adjacent terraced buildings.

Members' attention was drawn to additional information contained within the update report. Additional comments had been received from Councillor Over, one of the key points raised was in relation to the S106 obligation and he questioned how it would be allocated in order to be of benefit to the locality. Members were advised that it would be allocated in accordance with the Planning Obligations Implementation Scheme SPD which was established on Neighbourhood boundaries.

There were no speakers on the item and after debate and questions to the Planning Officer regarding bin storage, the dividing wall between the proposed property and the current property and further questions to the Highways Officer regarding parking, a motion was put forward and seconded to approve the application. The motion was carried unanimously.

RESOLVED: (unanimously) to approve the application, as per officer recommendation subject to:

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the development needs of the area
2. The conditions numbered C1 to C8 as detailed in the committee report
3. The informatives numbered 1 to 8 as detailed in the committee report
4. If the S106 had not been completed within 6 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason R1 as detailed in the committee report
5. The addition of a note stating 'Prior to the implementation of this permission please make yourself aware of the provisions of the Party Wall Act'

Reasons for the decision:

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

- The principle of the development has been established under planning applications 99/00479/FUL and 03/01839/FUL.
- The amended design results in an improved composition that is appropriate in scale and form and will reinforce the enclosed character of Main Street. The proposal will not therefore result in a significantly detrimental impact on the character or appearance of the Barnack Conservation Area.
- The proposal by reason of its design, scale and height will not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development is consistent with the character of the area and will provide adequate living conditions for residents.
- The proposal will not result in a detrimental impact on Highway Safety.

The proposal was therefore in accordance with Policies DA1, DA2, DA6, CBE3, H16 and T1 of the Peterborough Local Plan (First Replacement).

5.3 10/00412/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan at land opposite 3 Hurn Road, Werrington, Peterborough

The Committee was advised that the item had been withdrawn from the agenda by the agent.

6. Peterborough Planning Performance Agreement (PPA) Charter

A report was submitted to the Committee which highlighted the draft Peterborough Planning Performance (PPA) Charter.

Members were advised that the Planning Service had established a protocol and charging system for dealing with pre-application enquires and this had been running since January 2010. The methods and timescales for dealing with such enquires was set out on the website and the response time for applications for proposals which fell within the 'major' category was within 30 days.

The current approach was appropriate for the majority of pre-application enquiries but for those projects which were very large scale or complete, a more detailed project management approach was required. The Government advocated that Planning Performance Agreements were an effective tool for enabling collaborative working between local authority planners, other services and developers and ensured that proposals were progressed in a timely manner. The PPA Charter set out how the Planning Service would wish to see this work. It all re-emphasised the importance of early developer engagement with the local community and complimented the Statement of Community Involvement in this regard.

The Charter was produced by the working group, which had been set up earlier in 2010 and included officers from the main services mostly involved in discussions/consultations on planning applications. Members from each main political group were also invited to attend. Informal consultation had been carried out with neighbouring authorities, internal and external consultees and house builders. Few responses had come in but where possible they had been incorporated.

Members' endorsement of using the PPA Charter and planning performance agreements generally as a project management tool to enable partnership working on large and complex proposals was sought.

After discussion, Members positively commented on and endorsed the report and it was noted that the changes would lead to a more efficient and user friendly service.

RESOLVED: to endorse the PPA Charter as the Council's preferred procedural mechanism for dealing with large/complex planning applications.

1.30pm – 2.45pm
Chairman

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LOCATION PLAN 10/00328/FUL

157 - 161 Fletton Avenue, Fletton, Peterborough

Scale 1:1250 Date 15/7/2010 Name MKB Department Planning Services

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PCC GIS



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10/00328/FUL: CONSTRUCTION OF 14 NO. SELF CONTAINED APARTMENTS
CONSISTING OF 8 X 2-BED FLATS AND 6 X 1-BED FLATS IN 3 NO.
BLOCKS WITH ON SITE PARKING AT 157 - 161 FLETTON AVENUE,
FLETTON, PETERBOROUGH, PE2 8DB

VALID: 21 APRIL 2010

APPLICANT: HERITAGE HOMES

AGENT: HA ARCHITECTURAL

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: MEMBERS INVOLVEMENT IN PREVIOUS PLANNING APPLICATIONS

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the development on the street scene
- The impact of the proposal upon the residential amenities of adjoining occupiers
- Outline planning permission was granted under 05/0149/OUT for 14 flats with siting and access approved. A reserved matters was approved in 2009 under 08/01504/REM but a successful legal challenge was made on the basis that the siting of the blocks in the reserved matters submission was different to that approved under the outline planning permission. The last application 09/01155/FUL was refused due to the positioning of Block A forward of the building line, which was considered detrimental to the appearance of the streetscene. This current application now shows Block A to be in line with the adjacent building.

The Head of Planning Services recommends that the application be APPROVED subject to a S106 legal agreement.

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- DA1** Development should be compatible with its surroundings, with no adverse visual impact.
- DA2** Development should have no adverse impact on the amenities of occupiers of nearby properties.
- H7** Residential development on sites not allocated for housing should make efficient use of the site in terms of density and layout and respect the character and layout of the surrounding area
- H15** New residential development should be undertaken at the highest net density that is compatible with the surrounding area
- H16** Residential development should provide satisfactory levels of amenity for future residents
- T1** New development should provide safe and convenient access to and from the site
- T9** High quality off-street cycle parking should be provided
- T10** Maximum car parking standards
- LNE9** Development should make adequate provision for landscaping of the site

- LT1** Open space should be provided for new residential development either on site or by way of off-site contribution to existing open space in the locality.
- LT2** Planning obligations should be sought to secure financial contributions for off site open space to meet the needs of the development.
- IMP1** Provision should be secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.

Material Planning Considerations

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

1. PPS 3 Housing - Advises that good design is fundamental to the development of high quality new housing. (Reiterates advice also set out in PPS 1). (The National PPS3 indicative minimum density of 30 dwellings per hectare was been deleted, 15.06.2010)
2. PPG 13 - Transport
3. ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:
 - i) relevant to planning;
 - ii) necessary to make the proposed development acceptable in planning terms;
 - iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
 - iv) fairly and reasonably related in scale and kind to the proposed development;
 - v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

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

4. Planning history – see Section 5 below

3 DESCRIPTION OF PROPOSAL

The proposal is for the provision of 14 apartments. 10 to be provided in the two blocks of two and a half storey high buildings positioned at the frontage of the site facing on to Fletton Avenue. 4 to be provided in a two storey high block positioned to the rear of these. Access to the site would be via a central access point from Fletton Avenue to a central courtyard containing 14 car parking spaces, bin storage areas, cycle parking and small areas of grass landscaping. Eight of the apartments would have two bedrooms, and six one bedroom.

4 DESCRIPTION OF SITE AND SURROUNDINGS

Building works have commenced on site, but have now stopped in view of the successful legal challenge to the approval of reserved matters issued under 08/01504/REM, and the refusal of planning permission 09/01155/FUL. The site was previously vacant and before that used as a second hand car sales garage with parking. The area surrounding the site is predominately two storey high residential housing.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/01155/FUL	Construction of 10 two-bed and 4 one-bed apartments in three blocks (part retrospective)	16.12.2009	Refused
08/01504/REM	Construction of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	19.06.2009	Permitted (quashed-legal challenge)
08/00892/REM	Erection of 4 one-bed and 10 two-bed apartments in two blocks (amended elevations rec'd 8/9/2008)	02.10.2008	Refused
08/00070/REM	Erection of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks	27.05.2008	Withdrawn
05/01449/OUT	Residential development revised scheme comprising of 14 flats in 3 blocks with associated parking, communal open space including access and sitting	21.02.2006	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

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

Archaeology Services – No objection - The proposed development site was evaluated in 2009. No further archaeological work is deemed necessary.

Landscape Officer – No objection - The site has not changed from the 2009 application and as such I have no objections. The only trees are in the SW corner of the site and they are not worthy of a TPO. The site landscaping could be dealt with by way of condition if required.

Drainage Engineer – No objection - The applicant details the use of soakaways as a means of surface water discharge. Therefore, please ensure Building Control give approval for the use of soakaways at this location prior to installation.

EXTERNAL

None received

NEIGHBOURS

At the time of writing the report the neighbour consultation period in respect of the amended plans received was still ongoing. Any additional comments received will be reported to Members at the Committee meeting.

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

- Too close to existing properties
- Loss of privacy and light to the adjoining neighbours
- Agent did not carry out pre-application consultation with community
- The boundary wall to Garrick wall will not provide sufficient security for existing residents
- Overdevelopment of the site – too dense when compared to existing development
- The rooms in the apartments are too cramped
- Insufficient car parking provision
- The development would result in on street parking causing more congestion and road safety issues
- Planning history of refused and quashed planning permissions so this should not be allowed

- Noise pollution
- Buildings too high, overbearing impact
- The development is out of character with the area
- The bay windows project forward of the building line and are too close to the pavement and may cause a hazard
- Insufficient on site amenity space proposed for residents, to allow for clothes drying areas and recreational areas
- Vehicles using the car parking spaces could hit the buildings/obstruct escape windows
- Refuse areas not practical due to their distance from the apartments and as they could block parking spaces and vice versa and could result in problems of smell, vermin and blocking the footpath
- 4 semi-detached houses would be more appropriate than flats
- Loss of open view
- Contrary to planning policies and guidance
- Application 08/00892/REM was refused on grounds of the height and design, harmfully impacting on the streetscene, this proposals footprint is larger so it should be refused.

COUNCILLORS

None received

7 REASONING

a) Introduction

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

b) Planning History

Outline planning permission was granted in 2006 for 14 flats. The siting of the flats and access also formed part of that approval. There followed the withdrawal and refusal of subsequent reserved matters applications in 2008.

There is a discrepancy between the decision notice planning application 08/00892/REM and the minute of the Committee meeting at which the application was decided, 23 September 2008.

Decision Notice:

The development by virtue of the design and height of the proposed buildings would impact harmfully upon the street scene, character of the area and the amenities of the occupiers of neighbouring properties. Furthermore, the layout of the car parking and bin storage areas would create a cramped and awkward environment harmful to the residential amenity of future occupiers.

Hence the proposal is contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan (first Replacement)."

Minutes:

The committee rejected the application on the basis of the submitted proposals and in particular the lack of detailed regarding survey and as a result (It is thought that this should perhaps have been worded 'lack of a detailed survey to show the resulting') height and relationship to adjoining dwellings in the street scene the Local Planning authority are unconvinced that the dwellings can be developed without causing harm to that street scene and the character of the area.

The committee agreed to add a note to the application requesting that future applications should be based on single bedroom dwellings."

The difference between the minute and the decision notice is of considerable concern however, the minute has been agreed and the decision notice has been issued and as such there is no remedy to

amend the two separate documents and both are now beyond the period for legal challenge, with no challenge being made. With regard to the note not being added to the bottom of the decision notice, it is commented that such notes are for information purposes only and cannot prejudice the full and proper consideration of alternative development proposals and that the term 'single family dwellings' could be interpreted in a number of ways.

A third application for the reserved matters, planning reference 08/01504/REM, was approved by Planning Committee in 2009. This decision was challenged by way of an application for leave to have the decision judicially reviewed and this leave was granted. The Council has accepted the grounds for legal challenge put forward and the outcome of this has had the effect of quashing this planning permission.

A full planning application 09/01155/FUL, which was very similar in nature to the previous reserved matters application reference 08/01504/REM, and was based upon similar footprints to those approved at the outline application, was refused by Members in December 2009. The reason for refusal was as follows;

The proposal stands significantly forward of the building line set by adjacent dwellings on Fletton Avenue to the extent that it would be harmful to the appearance of the street scene. The proposal is therefore contrary to Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) Adopted 2005 which state:

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

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

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

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

This current full application similar to the previous application 09/01155/FUL "stands alone" and the Local Planning Authority (LPA) are entitled to consider matters afresh. This being said, the previous reason for refusal for 09/01155/FUL in December 2009 and the granting of the outline planning permission in February 2006 with siting and access being approved are significant material considerations to the determination of this application and the LPA should consider what material differences may have occurred with regard to the proposal, planning policy and the physical site and surroundings since these previous decisions. Given the short time since the refusal of 09/01155/FUL and the reason for refusal as set out above, it is reasonable to suggest that should the issue about the positioning of the front blocks be overcome by the new scheme, it should be considered favourably.

c) Design and layout

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

Design

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

The design and visual appearance of these two blocks in the street scene would be similar to a pair of semi-detached properties rather than flat blocks, which is characteristic of the surrounding area. Amendments have been made to this proposal to address the previous reason for refusal of planning application 09/01155/FUL, that the proposal was positioned significantly further forward of the adjacent properties building line, which would be harmful to the appearance of the streetscene. It is now proposed that Block A would be reduced in size, so that its principal wall moves further into the site so that it aligns with the principal wall of No.156 Fletton Avenue and that its bay window aligns with the single storey front element of No.156. The reduced footprint of Block A has the effect of giving it a

slightly steeper pitch compared to Block B. The difference in pitches between Block A and Block B will not be so significant so as to be visually detrimental to the street scene. Block B has been amended so that its principal wall aligns with the principal wall of the adjacent property No.163 Fletton Avenue, and its bay window projecting beyond that, therefore it is not considered that this block would now be considered as being significantly forward of the adjacent property or visually harmful to the appearance of the streetscene.

Bay window detailing has been introduced, the shape of the bay in Block A has been changed under this application to be rectangular in shape, the differing shapes of the bays in blocks A and B are not considered to be visually unacceptable and bay windows are a feature of some of the surrounding properties. The heights of these frontage Blocks would be around 0.4m and 0.8m higher than the adjacent two storey residential properties. The design and appearance of these two blocks of accommodation was improved during the three previous reserved matters applications, to make them more in keeping with the character of the surrounding area. The additional height of these new buildings and the proposed velux windows are not characteristic of the surrounding area. However, on balance, these differences are not in this instance considered to be sufficiently harmful to justify refusal of the proposal. Chimney detailing has been introduced on the two front blocks of accommodation, the visual impact of this is considered to be acceptable with no adverse impact on the character of the surrounding area.

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

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

Car and cycle Parking

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

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

Open Space

Small areas of grass are to be provided on site for the use of residents. These areas could be used by residents to sit outside in summer or to hang their washing outside. As only one and two bedroom apartments are proposed on site, the small provision of on site amenity space is not considered to be unacceptable, as it is unlikely to be required to serve the needs of families. It is recognised that the areas of open space are not sufficient in themselves to meet the open space needs generated by this development. Additionally, some of this space will be taken by the provision of cycle stands. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision in order to meet the needs of future residents.

d) Residential Amenity

This application proposes the same number of residential units, contained within the same general configuration of three blocks of accommodation on site, as the previously approved outline and reserved matter applications. The change in this proposal from the previously refused application 09/01155/FUL

is that 8 of the apartments are now 2 bedrooled, whereas previously there were 10, and 6 of the apartments are now 1 bedrooled, whereas previously there were 4.

Impact on light levels

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

Block C is to be two storey in height, approximately 0.2m higher than the properties on Garrick Walk. This block would be positioned to the north of the properties on Garrick Walk, therefore there would be no harmful overshadowing impact or unacceptable impact on their sunlight levels. There will be some limited shadowing to the bottom of neighbouring gardens of 155 and 163 Fletton Avenue for a short period after sunrise and before sunset. This is not significant enough to warrant refusal of the application.

The distance between the opposing blocks is less than ideal to achieve optimum solar gain. The distance between the blocks being approximately 16 metres. To achieve the optimum solar gain to block C in the winter, this separation distance should be greater however achieving maximise daylight and sunlight levels, should not be at the exclusion of other planning considerations e.g. achieving the best layout in terms of street scene and the relationship of the buildings to neighbouring properties. In this instance therefore, it is considered that the separation distance between the proposed blocks is acceptable.

Where possible, living room windows of new developments should face south or near to south. The living room windows in the proposed blocks face north. However, as this helps to preserve privacy to neighbouring properties as living room windows facing south would result in potentially greater overlooking to neighbouring gardens, it is considered to be acceptable.

Privacy

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

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

The window to window distances between the front and rear blocks on site, is 16 metres. This is less than would generally be permissible in developments where the relationship is one of rear gardens to housing backing on to the rear garden of other housing i.e. a back to back relationship. This proposal however involves habitable windows facing each other, so there is no issue of overlooking into private garden as the internal facing windows overlook the parking and communal areas. It is accepted that flatted development usually cannot provide the same levels of privacy where internal relationship is concerned as can "traditional" housing development. Increasing the window to window distances would result in the loss of the proposed front garden areas and the moving the two front blocks closer to the road. This would not be desirable and would have a negative visual impact on the street scene.

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

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

Noise disturbance

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

Bin storage

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

e) **S106**

It is recognised that the areas of open space proposed on site are not sufficient to meet the open space needs generated by this development. Therefore as per the previous outline permission, a S106 contribution would be sought to spend on enhancing nearby open space provision to meet the needs of future residents. The amount will be £30,114 which is the same as the amount agreed to in the previous outline. As this amount has been sought previously and would have been sought had 09/01155/FUL been permitted, the LPA are of the opinion that it would be unreasonable to seek additional contributions. This is in accordance with Policies LT1 and LT2 of the Local Plan.

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

f) **Miscellaneous**

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

- The bay windows are located sufficiently set back from the public highway so as not to cause any hazard. The Local Highway Authority (LHA) has not raised objections in this regard.
- The history of the site has been taken account of when considering the application.
- Loss of open view is expressly not a material planning consideration.
- Carrying out public consultation on a scheme of this size prior to submission of an application is desirable but not mandatory.
- Minimum internal room sizes are not a matter to be controlled through the planning system.

- Vehicles in any development could accidentally hit buildings or restrict the use of escape windows - the space on site for vehicles is considered to be acceptable and is not dissimilar to many housing developments.
- The reason for refusal of 08/00892/REM has been considered and it not concluded that as a result of that decision this proposal is also unacceptable.

8 CONCLUSIONS

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

The 14 apartments are considered to be compatible with their surroundings with no significant adverse impact on the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policies DA1, DA2, LNE9, T1, T9, T10 and LNE9 of the Peterborough Local Plan 2005 (First Replacement). There is some conflict with policies H7, H15 and H16 in that the density of the development is higher than the immediate surrounding residential densities. However, this is considered acceptable because the application provides for a front elevation design to Fletton Avenue that is in keeping with the character of nearby properties and the density of the development does not significantly adversely affect neighbouring residents with regard to loss of sunlight, daylight and privacy. Additionally, the Local Planning Authority has taken into account the fact that outline planning permission was granted for 14 flats in 2006. There is some conflict with policy H16 in that the amount of private amenity space is substandard but this is being off set by provision of a contribution via a Section 106 agreement towards off site provision. The alterations to Block A, to bring its building lines in line with the building lines of the adjacent residential property, overcomes the previous reason for refusal of 09/01155/FUL, so that the development can now be considered to be in keeping with the appearance of the streetscene.

The Local Planning Authority considers that taking all material considerations into account and by the imposition of conditions where necessary, the proposal as a whole is acceptable. Despite the deletion of the national indicative minimum density of 30 dwellings per hectare of PPS3 (June 2010), the density proposed is still considered to be acceptable.

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the open space needs of the development, and there being no new material planning issues raised as a result of the current consultation which expires 30th July 2010, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for a scheme of remediation measures. This scheme of remediation must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).

- C3 No apartment shall be occupied until full details of all proposed tree and shrub planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C4 Prior to the occupation of the first apartment, or within other such period as may be agreed in writing with the Local Planning Authority, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. These lights shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.**
Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).
- C5 The apartments shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.**
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C6 The vehicular access hereby approved shall be ungated.**
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C7 Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.**
Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C8 Notwithstanding the details shown on the approved plans, prior to the commencement of construction of the car parking areas, detail of the proposed parking arrangements (including the spaces for the 6 'blue badge' bays) shall be submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied until the parking and turning areas have been drained and surfaced or other steps as may be specified in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles, in connection with the use of the apartments. The blue badge bays shall be allocated to the accessible dwellings and shall be marked out as blue badge bays by the management company as they become required.**
Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement).
- C9 The access road/driveway shall be of a minimum width of 5m for a distance of 10m from the edge of the existing carriageway.**
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C10 The height of any front boundary enclosure shall not exceed 600mm above existing footway level.**
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- C11 Prior to the access being brought into use, the vehicle visibility splays of the following dimensions 2.4m x 90m shall be provided at the junction of the access road with the public highway in accordance with the approved plans.**
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).

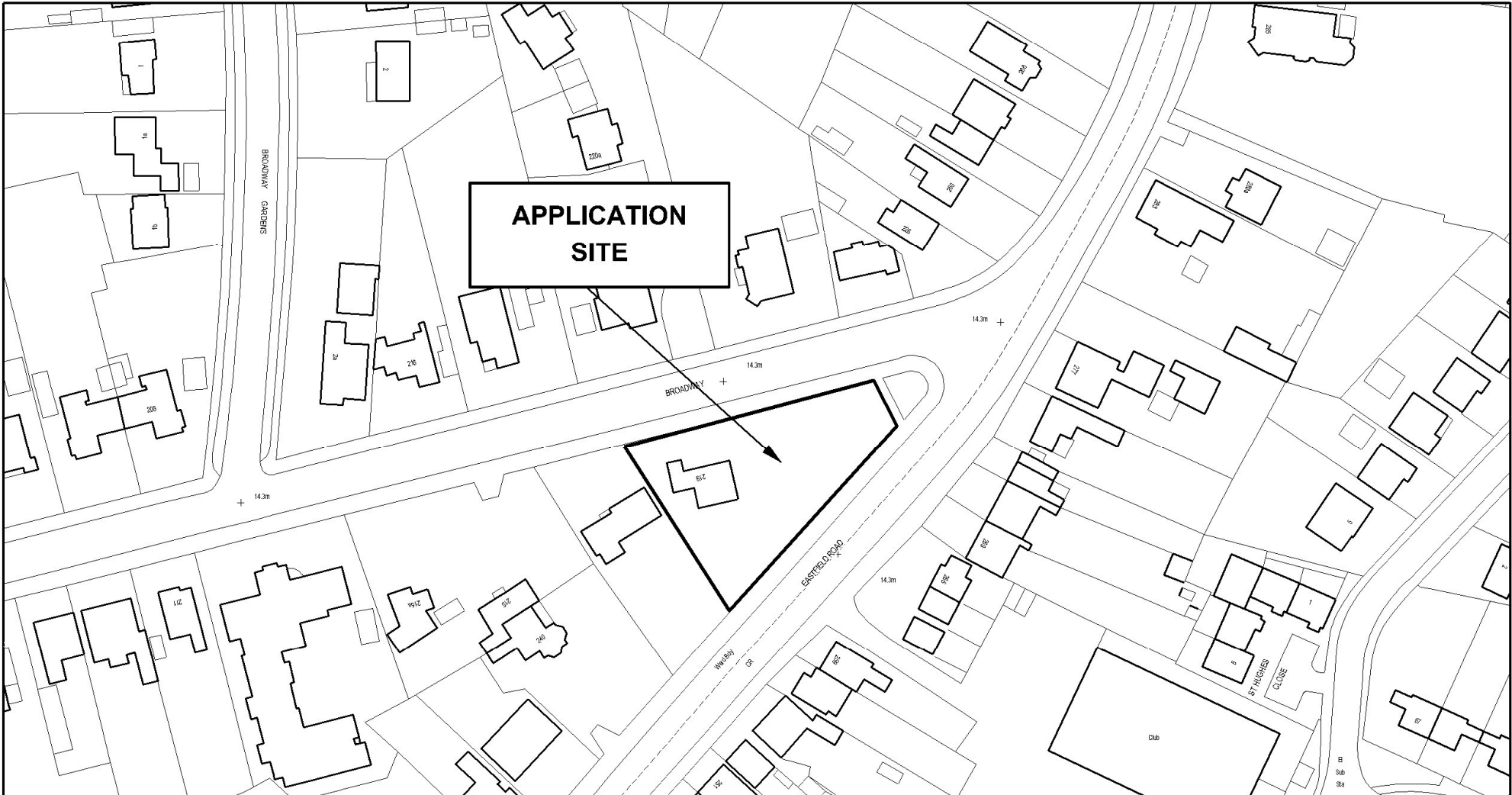
- C12** Before the new access is brought into use, pedestrian visibility splays shall be provided on both sides of the access in accordance with approved plan (439:4H) and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the footway.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C13** No apartment shall be occupied until space has been laid out within the site for a minimum of 14 bicycle to be parked, and that area shall not thereafter be used for any purpose other than the parking of cycles.
Reason: In order to protect and safeguard the amenity of local residents or occupiers in accordance with Policy T9 of the Peterborough Local Plan (First Replacement).
- C14** Prior to the occupation of any of the flats a scheme to provide communal access for each flat to satellite and/or television reception will be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in full and retained as such thereafter.
Reason: In order to prevent a proliferation of such equipment to the detriment of the visual appearance of the development, in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
- C15** The dwellings shall not be occupied until the turning area shown on plan 489:4H has been drained and surfaced, and that area shall not thereafter be used for any purpose other than the turning of vehicles, in connection with the use of the dwellings.
Reason: In the interest of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).
- C16** Prior to the construction of the roofs, details of the roofing materials to be used in the external roof surfaces of the apartments shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C17** Temporary facilities shall be provided clear of the public highway for the parking, 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 adopted Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

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

Copy to Councillors: Cereste, Rush and Walsh

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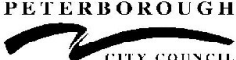


LOCATION PLAN 10/00673/FUL

219 Broadway, Peterborough

Scale	1:1250	Date	25/8/2010	Name	MKB	Department	Planning Services
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PCC GIS



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10/00673/FUL: CONSTRUCTION OF 2 STOREY 3 BED DWELLING AT 219 BROADWAY,
PETERBOROUGH.
VALID: 10 JUNE 2010
APPLICANT: MR AND MRS HOOTON
AGENT: ACCENT AND WILKINSON ARCHITECTS
REFERRED BY: CLLR PEACH
REASON: DETRIMENTAL IMPACT ON THE CONSERVATION AREA
DEPARTURE: NO

CASE OFFICER: MR A P CUNDY
TELEPHONE: 01733 - 453470
E-MAIL: andrew.cundy@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

Brief Outline of Development

Construction of a single two storey 3 bedroom dwelling in the garden of 219 Broadway.

Main Issues

- Design and impact on the character and appearance of the Conservation Area
- Impact on trees
- Impact of the development on neighbour amenity
- Highway implications

Recommendation

The Head of Planning Services recommends that the application is Approved subject to conditions and prior completion of a Section 106 obligation relating to a financial contribution to comply with POIS.

2 PLANNING POLICY

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

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- CBE3: Development affecting conservation areas** - Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.
- DA1: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

- DA6: Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- H16: Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1: Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.
- T10: Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.
- LNE9: Landscape Implications of Development Proposals** – Planning permission will not be granted for development unless it makes adequate provision for retention and protection of trees and unless there is adequate provision for landscaping of the site.
- IMP1 Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development**

Material Planning Considerations

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

National Planning Policy Statements

Planning Policy Statement (PPS) 5 ‘Planning of the Historic Environment’ March 2010

Planning Policy Guidance (PPG) 13 ‘Transport’ April 2011

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

Planning permission is sought to put a single 2 storey 3 bed dwelling in the garden of 219 Broadway. All three bedrooms are to be sited on the first floor. The ground floor will contain a lounge, kitchen, dining room and study. Access to the site will continue from Broadway and is to be widened from 3 to 5 metres. Car parking on site will be provided for 4 cars.

4 DESCRIPTION OF SITE AND SURROUNDINGS

219 Broadway contains a relatively large, two storey, brick built detached house. The 4 bedroom dwelling was built in the 1960's and is located in a residential area on a generally level triangular shaped plot of land at the junction of Broadway and Eastfield Road. The site is within the Central Park Conservation Area (although previously on the edge of the Conservation Area, the subject property has only recently become absorbed, being approved in February 2007 by the City Council). The character and appearance of the area is typified by Victorian villa type properties sited some distance back from the highway and often within substantial grounds with significant trees lining the road.

The house faces northwards and is accessed by tarmac covered driveway off Broadway. A single garage is attached to the western side of the house and a large open car-port is positioned to the west of the garage.

There are a substantial number of trees and shrubs on this site, the majority of the large trees are growing along the boundary edges of Broadway and Eastfield Road. The heavily treed frontages to Broadway and Eastfield Road make a positive contribution to the character and appearance of the conservation area.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/01400/FUL	Construction of four bed dwelling	10.02.2010	Withdrawn

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Conservation Officer – Recommend approval subject to conditions

Head of Transport and Engineering – No objections to the proposals subject to a series of conditions

Environmental Health – No observations

Landscape Officer – No objection

Archaeology – **No objection** – The proposed development site contains no known archaeological remains

NEIGHBOURS

Letters of objection have been received from 6 local residents raising the following issues:

- the scheme is detrimental to the character of the Park Conservation Area - we need to preserve it not alter it further
- contrary to the Park Conservation Area Appraisal Report and Management Plan, Section 5.9 which states that there will be a presumption against development in gardens

- removal of most trees from this prominently sited garden would have a major effect on the vistas of this prominent entrance to the Conservation Area – Section 5.13 refers to the Broadway/Eastfield Road junction as a “Gateway to the Conservation Area”
- most of the trees do not appear to be in the very poor condition implied in the assessment which gives the impression that few if any of the trees are worth retaining
- It is noted in the method statement for arboriculture work that the developer states that the conflict between canopies of retained trees and scaffolding will be dealt with by reduction of canopies
- It is unreasonable and inappropriate for the Council to rely upon a report on tree condition which is some three years old
- the design of the proposed house is a standard estate-type modern house with little attempt to blend in with the houses in the conservation area – the fact that 219 is a typical 1960s house is not an excuse for adding another that now be considered inappropriate for the Conservation Area
- there is no need to destroy such a garden
- Insufficient garden space available for both the new build and existing house.
- 1.8 metre high fence would be an eyesore and a magnet for graffiti and vandalism
- Would significantly degrade our amenity by replacing views of trees with views of a modern house
- will add to traffic at the junction of Eastfield Road/Broadway and create more traffic problems generally

BROADWAY RESIDENTS ASSOCIATION

The residents association object and argue that the current proposal would be highly detrimental to the character of the conservation area and would have a markedly adverse effect on neighbours. Specifically the proposal is contrary to Section 5.7 and 5.9 of the Park Conservation Area Appraisal Report and Management Plan; that further development of the residential garden area would result in a significant loss of residential amenity to immediate neighbours; that a grant of planning permission would lead to a domino effect with applications for further intensive development; that multiple trees will be lost to facilitate this development.

COUNCILLORS

Councillor Peach objects and argues, that the proposal would have a detrimental impact on the Park Conservation Area due to loss of tree and replacement with a modern house at a prominent and attractive entrance to the conservation area; that the proposal is contrary to planning guidance in relation to the Park Conservation Area; that it is contrary to the governments new directive removing gardens from the definition of brownfield sites and that there have been precedent of several appeal decisions relating to proposals in the conservation area which support refusal of this application.

7 REASONING

Background

Planning Application Ref: 09/01400/FUL for construction of a four bed dwelling was withdrawn on the 10th February 2010. In progressing the application officers had major highway safety, arboriculture and design concerns. In response the applicant has made the following changes:

- deleted the second access
- widened new shared access to 5 metres
- incorporated turning areas within the site so that cars can now leave in forward gear
- re-sited dwelling away from Taxus Baccata (conifer) and a Pinus Sylvestris (pine) tree
- reduced size of dwelling from 4 bed to 3 bed
- improved design of dwelling specifically the elevation fronting Broadway

Assessment of the Planning Issues

- a) **The impact of the development on the Conservation Area (The duty placed on decision makers to consider whether or not any proposal would serve to preserve or enhance the character or appearance of the area – 4 tests)**

The site lies within the Park Conservation Area, therefore in accordance with PPS5, the proposal needs to be assessed in terms of whether the proposed development would preserve or enhance the character and appearance of the Park Conservation Area.

A starting point is to consider the character of the area. The Park Conservation Area Appraisal was adopted in February 2007 and provides important planning guidance. The character of the Park Conservation Area is broadly that of large Victorian villa style properties set within large plots with frontage trees. Indeed the present heavily treed frontages to Broadway and Eastfield Road make a positive contribution to the character and appearance of the Park Conservation Area.

It is accepted that the proposed development is uncharacteristic of the building character in this part of the Conservation Area, which is typically large single detached dwellings set in landscaped plots. The Conservation officers advise that the form and massing of the dwelling is acceptable and that the quality of the build can be enhanced significantly by the use of good quality windows, red bricks together with plain tiles or natural slate. These are all materials which are typical in this part of the conservation area.

b) Impact on trees

It is acknowledged that the development would result in significant loss of trees. The trees presently provide screening to No. 219 and provide a positive landscape 'gateway' as one passes the site into Broadway and gives an advance signal of the character of the conservation area to come. It is accepted that the loss of up to 15 perimeter trees, some with substantial spread, will harm the character and appearance of the conservation area by diminishing its strong Arcadian character.

Notwithstanding the above, the applicant has submitted an arboriculture report; the report concludes that:

- there are numerous, mainly poor quality trees growing within the grounds of the property;
- the growth of many of the trees and shrubs has been adversely affected by competition for light from adjacent plants;
- many of the individual plants are deteriorating and have short life expectancy;
- the poor quality trees and shrubs should not be used to adversely affect the development of the site;
- a detailed landscape scheme should form part of the planning proposal

The Council's tree officer has raised no objection to these conclusions. Officers consider that a detailed landscaping scheme, to tidy/thin the overgrown vegetation and to replace the mainly poor quality trees, with healthy mature species will enhance this gateway site and preserve and enhance the character and appearance of the Conservation Area.

c) Residential amenity

The proposal results in a small dwelling that is consistent with the scale and form of the neighbouring property. A small area of private rear amenity space can be provided.

The proposal aligns with the footprint of the adjacent dwelling and is well set in from the common boundary. A secondary window to bedroom 2 is proposed to the side gable. It is recommended that conditions are imposed on the decision to secure the details of suitable boundary treatments and to require that the side gable window be obscurely glazed.

Taking into account the position of the dwelling within the plot, the site orientation, arrangement of fenestration and separation distances the proposal will not result in any significant harm to the amenities of the occupiers of any nearby neighbouring dwellings.

The proposal is therefore in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

d) Highway implications

Following negotiations the applicant has deleted the second access, widened new shared access to 5 metres and incorporated turning areas within the site so that cars can now leave in forward gear. Access

to the site will continue from Broadway and Car parking on site will be provided for 4 cars (2 for 219 Broadway and 2 for the new). The Local Highway Authority does not object to the proposal. The proposal is therefore considered compliant with Policy T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

e) Planning Obligation

It should be noted that a S106 contribution of £6000 plus monitoring fee is required for the development in accordance with the Planning Obligation Implementation Strategy (POIS). The applicant has agreed to enter into S106 Obligation and the process is currently ongoing.

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 amended design results in an improved composition that is appropriate in scale and form and will reinforce the character of the Broadway. The proposal will not therefore result in a significantly detrimental impact on the character or appearance of the Park Conservation Area.
- A detailed landscaping scheme, to tidy/thin the overgrown vegetation and to replace the mainly poor quality trees, with healthy mature species will enhance this gateway site and preserve and enhance the character and appearance of the Conservation Area.
- The proposal by reason of its design, scale and height will not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development is consistent with the character of the area and will provide adequate living conditions for residents.
- The proposal will not result in a detrimental impact on Highway Safety.

The proposal is therefore in accordance with Policies DA1, DA2, DA6, CBE3, H16 and T1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

C3 No development shall commence until details of the type, design and external finish of all windows, external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to safeguard and protect the character and appearance of the Conservation Area in accordance with Policies CBE3 of the Adopted Peterborough Local Plan (First Replacement).

- C4 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), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**
Reason: In order to protect the amenity of the area in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).
- C5 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), no windows shall be inserted into any elevation of the building hereby permitted other than those expressly authorised by this permission.**
Reason: In order to protect the amenity of the area in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).
- C6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant.**
Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- C7 Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.**
Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C8 No works or development shall take place until full details of all proposed tree and shrub planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C9 If within a period of 10 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).
- C10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.**
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);**

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

C11 The new dwelling shall not be occupied until the garage shown on the approved plans has been constructed, in accordance with the details submitted to and approved in writing by the Local Planning Authority. The garage shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the dwelling.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies T1, T9 and T10 of the Adopted Peterborough Local Plan (First Replacement).

C12 The new dwelling shall not be occupied until the areas shown as parking for both 219 Broadway and the new dwelling on plan 85006/500-02 A have been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.

Reason: In the interest of Highway safety, in accordance with Policies T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

C13 The new dwelling shall not be occupied until space has been laid out within the site, in accordance with plan 85006/500-02 A for vehicles to turn so that they may enter and leave the site in forward gear, and that area shall not thereafter be used for any purpose other than the turning of vehicles.

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

C14 The new dwelling shall not be occupied until the vehicular access has been widened to 5m width in accordance with the approved plans.

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

C15 The amended vehicular access hereby approved shall be un gated.

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

C16 Before the new dwelling is occupied, visibility splays as shown on the approved plan 85006/500-02 A shall be provided on both sides of the widened access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C17 The building shall not be occupied until the means of access for pedestrians has been constructed in accordance with the approved plans.

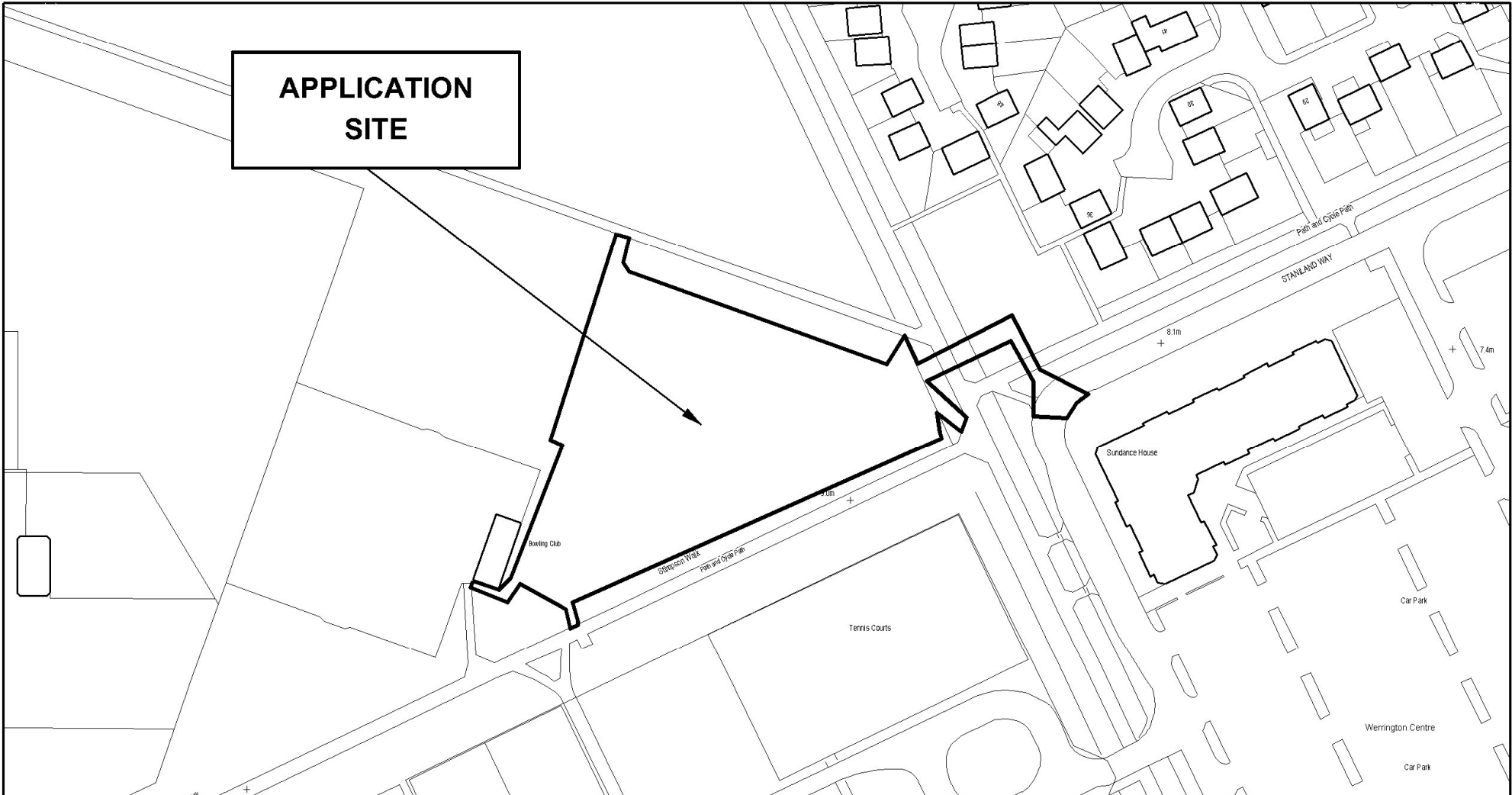
Reason: In the interests of Highway safety, in accordance with Policies T3 and T5 of the Adopted Peterborough Local Plan (First Replacement).

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure a contribution towards the infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: P Kreling, Y Lowndes, J Peach

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LOCATION PLAN **10/00730/R3FUL**
 Land Adjacent to Werrington Bowling Green, Stimpson Walk, Werrington

Scale 1:1250 **Date** 26/8/2010 **Name** MKB **Department** Planning Services

PCC GIS



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10/00730/R3FUL: CONSTRUCTION OF COMMUNITY CAR PARK WITH NEW VEHICULAR ACCESS AT LAND ADJACENT TO WERRINGTON BOWLING GREEN, STIMPSON WALK, WERRINGTON, PETERBOROUGH

VALID: 14TH JUNE 2010

APPLICANT: PETERBOROUGH CITY COUNCIL STRATEGIC PROPERTY

AGENT: PETERBOROUGH CITY COUNCIL PROPERTY DESIGN & MAINTENANCE

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: THE APPLICATION IS OF WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Loss of open space
- The safety of users of the public highway/cycle way network
- Design and visual amenity
- Security implications
- Landscaping Implications

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: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA11: Design for security** - Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.
- LNE9: Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

- LT3: Loss of open space** - Planning permission would not be given if a development would result in a loss of open space that would give rise to a deficiency.
- T1: Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T3: Access to development – Pedestrians and those with mobility difficulties** - Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties.
- T5: Access to developments – Cyclists** - Developments with significant transport implications will only be granted if safe, convenient access for cyclists is provided.
- T8: Connection to the existing Highway network** - Seeks development where 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.
- T20: Car Parks** – planning permission will only be granted for a car park if it would be consistent with the parking and general strategy of the Local Transport Plan.

Material Planning Considerations

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

Draft Open Space Strategy 2005

3 DESCRIPTION OF PROPOSAL

The application seeks permission for a 100 space car park, including 5 disabled parking spaces to be located on land to the east of the Werrington Bowls Club. The site would be accessed via the formation of a new vehicular access off Staniland Way which will cross two cycle routes at right angles. The access will retain priority for users of the cycle ways which run adjacent to Staniland Way and Goodwin Way. This would be achieved by providing a road ramp up to the cycleway at both junctions with rumble strips. The car park has been designed to provide pedestrian access to the adjoining playing fields, the Bowls Club, the two schools and the sports centre. The development would result in the loss of 3 semi mature specimens (2 Field Maple and 1 Lime) and 2 young trees (1 Field Maple and 1 Rowan). A height restriction barrier is proposed on the entrance to the car park. A concurrent application has also been submitted for a Skate Park on land to the north west of the application site (ref 10/00819/R3FUL).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is a triangular piece of land, approximately 0.38 ha, currently designated as open space, which lies to the north west of Werrington Centre. Directly to the west is the Werrington Bowls Club beyond which is William Law Primary School. To the south is the Werrington Sports Centre and Ken Stimpson Community School and to the north east is a residential development known as Long Pasture. The site is bounded on the western side by a 2m high dense hedge, to the north east by an avenue of mature Horse Chestnut trees with adjacent footway, on the south east by a dense hedge, and avenue of semi mature Norway Maples with adjacent footway. The immediate context comprises a verdant soft landscaping character.

5 PLANNING HISTORY

None relevant to this site

08/01471/FUL	- Phase I Redevelopment of Werrington Centre	- Approved 12 th June 2009
09/00713/FUL	- Construction of Community Car Park	- Approved 27 th August 2009
Variation of S106 Agreement	to planning consent 08/01471/FUL	- 26th January 2010

INTERNAL

Head of Transport and Engineering – No objection in principle - However, plans should indicate achievable vehicle to vehicle visibility at the entrance to the site. The drawing should be revised to show a ramp up to the cycleway. The priority at the first cycleway crossing should be altered to give vehicles priority as this will allow vehicles to pull completely off the public highway before giving way at the second cycleway crossing. Pedestrian visibility splays should be provided at both cycle way crossings and vehicle to cycle splays and giveaway marking should be provided at the second. Parking bays should be 2.5m x 5m with 6m aisle widths.

Landscape Comments - No objection - The Tree Survey should have been expanded to include an arboricultural impact assessment and method statement for the protection of existing trees. It is unfortunate that a small selection of existing trees and mature hedging will need to be removed to facilitate this development, however, the extent of landscaping lost is unlikely to have a significant negative impact on the amenity of the area. Objects to position of mounding within root protection area of trees.

Rights of Way Officer – No objection - Application form states 'creation of new public right of way'? Platform crossings have been provided where road crosses the existing cycleways. Consideration should be given to signage warning vehicles of priority to cycles. Signage should also be considered during construction stage. Cycleways to be kept clear.

Vivacity Peterborough Culture and Leisure – Objection - There is no mention of the use of the car park for the Library. The spaces will not be sufficient, given that on an hourly basis the library alone can receive up to 30 visitors. Sports and Library Staff will be especially disadvantaged as they start work earlier and end later than the school. Parking will also be used by Bowlers, and people visiting William Law, which will require further spaces. Concern over safety issues and no indication has been given of what measures or signage will be in place to ensure cycle and pedestrian safety. It is also on a bend in the road which gets very icy in the winter. Security of customers and staff are also of concern. Lighting needs to be more than adequate leading from the Library and Sports Centre to the car park as we have many evening users. Concerned regarding positioning of MUGA. There has been no consultation on this. Its location would compromise security of the campus and should be reconsidered.

Senior Architectural Liaison Officer – No objection - The proposed lighting appears appropriate. As there would be little natural surveillance from residential properties views from the surrounding paths must be maintained. A balance needs to be struck between absorbing cars into the landscape and maintaining views in to the site from footways which is the greatest security feature. I would also agree that the proposed grass mound should be no higher than 60cm. This will enable sufficient views of car door locks to be visible from outside the parking area also tree canopy should be maintained so that the lowest branches are at least 2m above the ground to again open up the views of the parking area. The proposed height barrier will have to be of a 'Robust Design'. Access at boundaries by 'Travellers' should be considered. Cycleway safety does not appear to be an issue. Be mindful of the potential of the 'Boy Racer' showing off to mates on the nearby 'Skate Bowl', when entering and leaving the car park at speed.

Peterborough Local Access Forum – supports the provision of new car parking provision at Werrington as long as the existing cycleway is given priority over the entrance junction, as detailed in the Design & Access survey. This must also apply whilst the facility is being built as this is a much used cycleway especially for students going to the schools.

CCTV - No objections - Recommends one CCTV camera for the car park. This could be relayed back to the CCTV control by a wireless link saving ongoing transmission costs. The cost of this provision would be approximately £14,102 plus a maintenance cost of approximately £500 per annum.

EXTERNAL

WERRINGTON NEIGHBOURHOOD COUNCIL

This site has significant disadvantages to the Option 1 site on the school tennis courts, primarily due to increased distance from the uses it serves. The site is the next best option and benefit to the community outweighs loss of open space. The new entrance is a cause for concern as it crosses two footpaths. The north/south one is particularly busy at the time the use of the new car park will be greatest. All possible measures should therefore be employed to warn and slow drivers. Surfaces at the junction with the existing road and adjacent to the crossings need to be anti skid treated. The use of rolled gravel is welcomed but should not reduce the potential to stop abruptly at the crossing when necessary. The overall design of the car park is welcomed. The 100 spaces are within the range agreed and it will be an important addition to Werrington Centre as a whole. This will be particularly the case if Tesco decide to restrict their proposed new car park in spite of the long history of use by non shoppers of the existing one at the centre. Disabled spaces should be located nearer the school and bowls club entrances.

NEIGHBOURS

A total of 62 representations have been received; 58 are letters of objection raising the following issues:

- Both the school and key LA officers were unaware of the car park, skate park and MUGA was being made and the School were not consulted on plans
- Concerned that the proposed car park may be too small
- Car park is too far from school and won't be used until TESCO apply sanction.
- The security of cars and safety of staff an issue - Good lighting and a monitored CCTV system is considered to be essential.
- Vehicular access to the car park appears to compromise the safety of both pedestrians and cyclists particularly at the start and end of the school day.
- What signage and / or traffic calming measures will be put in place?
- Will cars be able to access the car park easily and without creating additional queues on Staniland Way?
- The Sundance House throws a shadow onto Staniland Way exactly coinciding with the entrance to the proposed car park. On frosty mornings this icy stretch of road has led to a number of minor accidents.
- As the road will be straight, then we would see an increase in traffic leading from the new car park and also speed would become an issue, plus also the noise for heavier traffic.
- The proposed road access is fundamentally flawed and an access road that crosses a footpath twice is wrong.
- Tesco have no need for exclusive use of an 'at present' adequate car park.
- Werrington does not need another car park.
- Available money should be spent on school/public swimming pool/other facilities
- Have the council considered all the extra traffic flow through Werrington?
- the ruining of beautiful green land that everyone uses for walks, picnics and bike rides
- Werrington is a small community and we do not need more car parks or indeed larger superstores
- the visual impact of a car park in this area would be most unpleasant
- The car park could encourage speeding therefore comprising the safety of children from the nearby schools. Along with the safety of cyclists and pedestrians.
- There is the issue of further air and light pollution and noise levels due to raised traffic volume.
- There would also be a loss of valuable safe open space for families to use
- There is already a shortage of good outdoor recreation in the area.
- The area is currently a beautiful field enjoyed by many dog walkers, joggers and families, particularly during the summer months.
- This would give a totally different feel to walking along the gorgeous tree lined path.
- Option 1 – tennis courts is preferable as already developed and there is an existing entrance.
- car park in its proposed position means people who wish to use the Library, sports centre have to walk further, up to 100m, which if disabled seems wrong.
- Adjacent houses will be affected by noise and disruption.

- Just because there were difficulties with “PFI” at the school that Option 1 has to be abandoned, I would expect the city council to push through what is best for all and not give up at the first hurdle.

COUNCILLORS

Cllr John Fox – Priority should be given to pedestrian safety especially as vehicles will be crossing part of the Green Wheel. I am confident that Highways will take this onboard. Can you also confirm that the mention of the MUGA location on the map is not set in stone and we could look at relocating this to another location if one was found. The main concern is that the school felt they were left out of the loop when it came to consultation regarding the decision to move the car park from the area of the Tennis Courts to the present location.

7 REASONING

a) Background

Planning permission was granted on 12th June 2009 for the regeneration of Werrington District Centre (ref. 08/01471/FUL). At the time Members and the Werrington Neighbourhood Council were concerned the Centre car park, which is not council owned, would no longer be available for use by the community; school, sports centre, library and so on. The planning consent was subject to a S106 agreement which included a requirement to provide an 80-100 space community car park to replace the present spaces which may potentially be lost. Prior to the implementation of planning permission for the regeneration of the Werrington Centre the owners would apply for planning permission to construct the community car park and would progress through a series of time limited options as required by the S106 agreement. The options are as follows:

Option 1 – To submit a planning application for the construction of the car park at the Ken Stimpson School. If the Council fails to determine the application within 11 weeks or refuses the application then the owners would progress to Option 2.

Option 2 – To submit an application for the construction of the community car park at the Werrington Bowls Club. If the Council fails to determine the application within 11 weeks or refuses this application then the owners would progress to Option 3.

Option 3 – To submit an application to construct the community car park on Council owned land within 500 metres of the boundary of the Werrington Centre. The Council to identify such land within 4 weeks of the owners informing it in writing that it intends exercising this option.

Option 4 – If the Council fails to identify such land within the time scale or fails to determine the application within 11 weeks or refuses the application then the owners shall pay the Community Car Park Contribution of £177,000 for the Council; to provide the car park within 5 years of its receipt.

A planning application in August 2009 for the construction of the community car park at the Ken Stimpson Community School site (Option 1) (ref. 09/00713/FUL) and would have been located on the existing tennis courts and accessed from the existing school entrance. The proposal was acceptable in all planning respects, however, the applicant has not been able to implement the scheme; primarily due to the PFI interests on the school land which was not explored at the time of drafting the S106 agreement. The provision of the car park would involve a variation of the PFI contract and would incur significant cost implications for the Council along with a lengthy negotiation process and where, there was no guarantee that the variation of the contract would be supported by those involved.

In order to avoid any further delay to the implementation of the scheme for Phase I of the Regeneration of the Werrington Centre Members of the Planning and Environmental Protection Committee in January 2010 resolved to vary the S106 agreement to allow the owner to progress to Option 4 and for the owner to make the contribution of £177,000 to the Council. The Council could then provide the car park at the Bowls Club Site (Option 2) subject to budget provision to make up the shortfall.

Internal meetings took place on an indicative scheme which was considered to be acceptable in principle. The application is broadly in accordance with the indicative scheme and has incorporated suggestions made by relevant consultees.

A substantial number of objections received have been made by the School and associated representatives. Reference is made to the lack of consultation with the school prior to the car park proposal being submitted as a formal application. The Case Officer is content that all statutory consultations have been undertaken. The school was aware of the difficulties of implementing Option 1 of the S106 and that land subject to this application was the second option.

Furthermore, whilst the issues raised by the objectors will be discussed within the content of the following report Members are reminded that the proposed car park will serve the community as a whole and its purpose is not to provide a school car park per se.

b) Loss of Open Space

The site lies within the general open space of Werrington township and is therefore subject to local plan policy LT3 which seeks to retain an adequate amount of open space within the local area. The Policy Section were consulted on the proposal and although reluctant to the loss of this piece of open space there is no shortage of open space provision in Werrington North when compared with the minimum standards as set out in the local plan, and indeed, the draft Open Space Survey confirms that there is an overall surplus of amenity open space in Werrington. With regards to accessibility to the remaining open space this will not be significantly affected by the proposal. The proposal therefore is not considered to conflict with policies LT3 and LT6 of the Adopted Peterborough Local Plan (First Replacement).

c) Highway implications

There have been a number of concerns regarding the proposed access to the car park which would be achieved via a 90 degree turn off Staniland Way. This will involve vehicles crossing two cycle routes, however, it has always been the intention that priority for users of the cycle route would be maintained. The Highways Section felt a better solution would be for cars to have priority over the cycleway at the first crossing from Staniland Way to avoid cars overhanging the highway. Subsequent to the original submission, consultations have taken place with the Local Highways Section and the scheme has been amended to ensure priority and safety for users of the cycle way. This includes a change in surface material to tegula blocks to denote change in speed of road and upstands both sides of the cycle way, cycle priority give way signage on approach to the cycleway and give way signage to be incorporated within the tegula blocks. In addition, the area of cycle way which would be crossed will be blocked out as 'no waiting' to prevent cars obstructing the cycleway. The access will achieve appropriate vehicle to pedestrian and vehicle to cycle visibility splays.

Concern has been raised regarding the impact on Staniland Way caused by vehicles accessing the car park, particularly at the beginning and end of the school day. However, this is a normal occurrence at these specific times of the day where for a relatively short part of the day there is an increase in traffic and vehicular movements and indeed this is the case at the present time with the existing arrangements. It is acknowledged that there may be some waiting for vehicles on Staniland Way while vehicles enter and exit the proposed access road at these times of the day. It is considered that the increase in the number of vehicles ensures an awareness by vehicle users, users of the footway/cycle way, pedestrians of the potential conflict at these busy times. With sufficient measures in place, the safety of all highway users will be ensured and hence the proposal accords with policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

The parking layout has been slightly amended since the original submission primarily to minimise incursion into the root protection areas of trees. This will be discussed further along in the report. Two disabled parking spaces have also been relocated near to the Bowls Club. The car park is approximately 300m from Ken Stimpson School and it is argued that the car park is located too far from the school. On the day of the site visit the Case Officer walked this distance which took approximately 3 minutes. It is considered that this is not an unreasonable distance.

The construction access will be from Staniland Way and hence this part of the development would be implemented first. For the avoidance of doubt there will no creation of a new public right of way.

d) Design and Visual Amenity

The immediate context comprises substantial semi mature trees and hedges and the car park has been designed as far as reasonably practicable to assimilate with the soft landscaping of the area. The

amount of hard surfacing has been kept to a minimum and restricted to the main aisles. The parking areas will be formed by cellular contained gravel and grass mounds to the centre and at the peripheries of the site will help visually absorb the cars into the landscape. It is proposed that areas of hedging will be removed to provide better surveillance into the site and additional tree planting is proposed. It is considered that the proposal will not result in an adverse impact on the visual amenity of the area and hence the proposal accords with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

e) Design for security

There is currently a wide hedge between cycleway/footway and the site which effectively block direct views into the site. It is proposed that this hedge is removed and replaced with a low level grassed mound. This is supported by the Architectural Liaison Officer as direct views would be gained by users of the adjacent public footway and this would be a significant aspect in terms of natural surveillance. Concern has also been raised regarding the lack of CCTV provision and further views on this matter have been sought from the Architectural Liaison Officer. He is also concerned that the skate park will draw youths to this area and that the provision of CCTV would serve to provide security for users of the car park and users of the skate park. It is proposed that this provision is secured through a condition. It is considered that the design of the car park has considered the vulnerability to crime and therefore accords with policy DA11 of the Adopted Peterborough Local Plan (First Replacement).

f) Landscape Implications

A tree survey, arboricultural impact assessment, method statement and tree protection plan has been submitted in support of the application. Initial concerns were that a significant number of trees would have to be felled to enable the access to be made. After survey it became apparent that this could be minimised and the proposal includes for the removal of only 3 semi mature specimens and 2 young trees. The initial layout would have resulted in the proposed grassed mounds impacting within the root protection areas of the trees. The layout has been amended to reduce this incursion. Where footpaths are proposed adjacent to trees a 'no dig' solution using a geoweb construction is proposed. Protective fencing to all retained trees is also indicated on drawing ref. 0581/04/(9)/03a. New tree planting will provide a visual enclosure to the Bowls Club site and new tree planting within the site. The proposed grass mounds have been designed so as not to impinge in any significant way on the root protection area of any of the retained trees. It is considered that the scheme makes adequate provision for landscaping and for the retention and protection of trees within the site that make a positive contribution to the surrounding character. Hence the proposal accords with policy LNE9 of the Adopted Peterborough Local Plan (First Replacement).

g) Residential Amenity

The car park and access road would be located a sufficient distance (55m and 21m respectively) from the closest neighbouring properties in Long Pastures to avoid any adverse impact on the residential amenity currently afforded by the occupiers of these properties. The proposal therefore accords with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

h) Miscellaneous

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

- Concerned that the proposed car park may be too small. A survey of school use of the current car park produced an average of 85 spaces per day. This does not include visitors to the school neither staff nor customers of the Sports Centre and Library – the level of car parking accords with the S106 agreement.
- The Sundance House throws a shadow onto Staniland Way exactly coinciding with the entrance to the proposed car park. On frosty mornings this icy stretch of road has led to a number of minor accidents – This is a highway issue and not relevant to this planning application. This year saw a prolonged period of cold weather and icy roads present problems for all areas.
- Tesco have no need for exclusive use of an at present adequate car park. That said I am sure the council could use the money for some more fountains in the city centre – The provision of a car park was a requirement of the S106 agreement.

- Werrington does not need another car park – At the time of the application for the redevelopment of Werrington Centre (08/01471/FUL) Members resolved that additional community parking was required.
- Available money should be spent on school/public swimming pool/other facilities – The proposal accords with the S106 agreement.

8 CONCLUSIONS

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

- The proposed siting for the community car park accords with variation of the S106 agreement for planning consent for the phase I regeneration of Werrington Centre (08/01471/FUL)
- Appropriate measures have been implemented to ensure the priority and safety of users of the cycleway/footway network adjacent to the proposed access
- The siting of the car parking will not result in a significant loss in open space and would not give rise to a deficiency of open space
- The design of the car park will assimilate with the surrounding open and verdant character while allowing for the material surveillance by users of the adjacent footways
- The proposal will not result in an adverse impact on the amenities of occupiers of neighbouring residential properties.

Hence the proposal accords with policies DA1.DA2, DA11, LNE9, LT3, T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the cycleways. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 30m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access).**
Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).
- C3 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 70m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access).**
Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C4 Before the car park is brought into use, pedestrian visibility splays of 2m x 2m shall be provided on both sides of the accesses and shall be maintained thereafter free from any obstruction over a height of 600mm.

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C5 The vehicular access hereby approved shall be un gated.

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

C6 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for the provision of CCTV coverage shall be submitted to and approved in writing by the Local Planning Authority. The approved CCTV scheme shall be provided prior to the car park being brought into use.

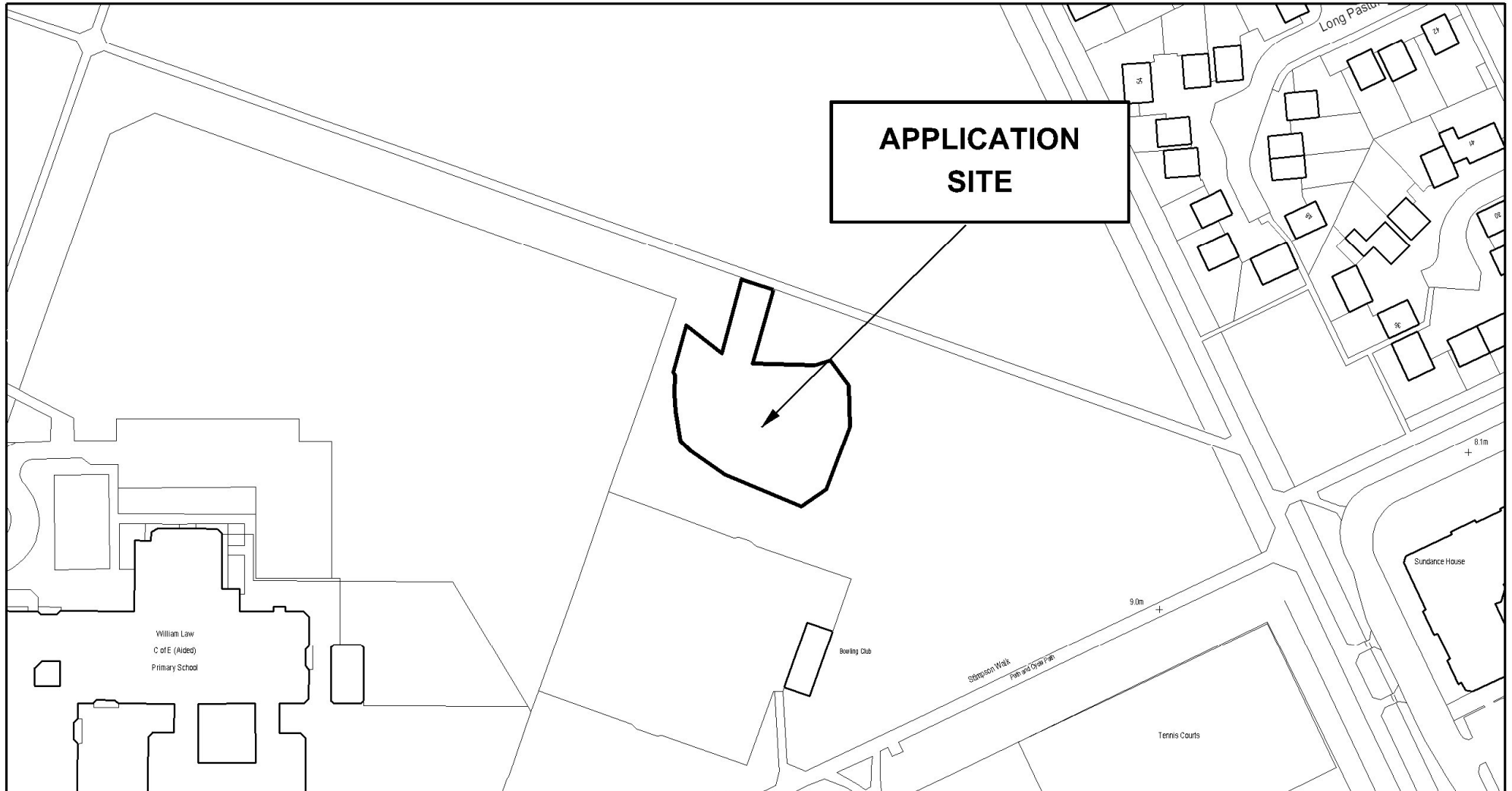
Reason: In the interests of community safety and amenity in accordance with policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

Informatives

- 1** The development involves extensive works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. **It is essential that prior to the commencement of the highway works**, adequate time is allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from Transport & Engineering - Development Team on 01733 453421.
- 2** It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 3** If any thing is so deposited on a highway as to constitute a nuisance, the local authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copy to Councillors John Fox, Judith Fox, Stephen Lane

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LOCATION PLAN **10/00819/R3FUL**
 Land Adjacent to Werrington Bowling Green, Stimpson Walk, Werrington

Scale 1:1250 **Date** 26/8/2010 **Name** MKB **Department** Planning Services

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10/00819/R3FUL: CONSTRUCTION OF CONCRETE SKATE BOWL AT LAND ADJACENT TO WERRINGTON BOWLING GREEN, STIMPSON WALK, WERRINGTON, PETERBOROUGH

VALID: 17th JUNE 2010

APPLICANT: PETERBOROUGH CITY COUNCIL STRATEGIC PROPERTY

AGENT: PETERBOROUGH CITY COUNCIL PROPERTY, DESIGN AND MAINTENANCE

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: THE APPLICATION IS OF WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the development
- Design and Visual Amenity
- Impact on neighbouring Residential Amenity
- Security implications
- Landscape implications

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: Townscape and Urban Design - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

DA2: The effect of a development on the amenities and character of an area - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

DA11: Design for security - Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

LT3: Loss of open space - Planning permission would not be given if a development would result in a loss of open space that would give rise to a deficiency.

Material Planning Considerations

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

Draft Open Space Strategy 2005

3 DESCRIPTION OF PROPOSAL

The application seeks permission for the provision of a Skate Park on land to the north of the Werrington Bowls Club. The construction will comprise an in situ concrete bowl, designed to provide a mix of bowls and ramps. An indicative design scheme has been submitted and will be approximately 250m² in area with a maximum bowl height of 2m. A very similar scheme was recently completed in Bretton Park. The area will be heavily mounded with no perimeter fencing. A concurrent application has been submitted for the construction of a community car park on land to the east of the Skate Park (ref. 10/00730/R3FUL).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is approximately 800m², currently designated as open space, which lies to the north east of the Werrington Bowls Club. The site is bounded to the north east by an avenue to trees, a public footway beyond which is an area of open space and to the north west and south west by a mature hedge. William Law Primary School planning field abuts the site to the north west. Directly to the south east is a triangular piece of land which is subject to planning application ref. 10.00819/R3FUL for the provision of a community car park. The immediate context comprises an open soft landscaping character.

5 PLANNING HISTORY

None relevant to the site

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Landscape Officer – No objections - It is assessed that the proposals should have limited adverse landscape impact in the location shown. The proposed facility is however within close proximity to a mature hedge surrounding the bowling green and Horse Chestnut avenue, which are both considered to be of considerable landscape value. It is however assessed that the development proposals should not adversely harm these features provided a suitable tree and hedge protection scheme is implemented throughout development.

Rights of Way Officer – No objections - Planning application indicates new public right of way to be created? Where will the site be accessed from for construction vehicles.

Senior Architectural Liaison Officer – No objections - There will be a high likelihood that the concrete surface may be prone to graffiti. However as this is not direct view of residential areas it may not be considered a significant concern. Appropriate lighting should be considered in order to provide safety for young people to use this facility during winter evenings. No mention in this or the car park application, has been made to the possibility of including CCTV in the area and this would provide considerable benefits in relation to the safety of Skate Bowl users, preventing theft and damage in the area - particularly as it is close to the Bowling Club and also provide additional security benefits for the community car park.

Peterborough Local Access Forum – No objections - supports the construction of this important facility.

EXTERNAL

NEIGHBOURS

A total of 51 representations have been made on the application, many of these are in support of the proposed Skate Park but object to the location of the MUGA (not part of this application). There have been 6 fundamental letters of objections raising the following issues:

- Both the school and key LA Officers were unaware that an application for a community car park, Skate Park and MUGA was being made.
- Delighted to note the provision of a Skate Park and MUGA – both long overdue in the Werrington area
- The area of land currently incorporating the proposed Skate Park measures approximately 55 x 50 metres there is ample space to incorporate the planned Skate Park and the proposed MUGA measuring 28 x 17 metres without compromising school security.
- Will encourage youths to hang around there, drinking, smoking, verbally abusing
- A facility like this would possibly increase the problem of anti social behaviour.
- Impact on the sheltered housing nearby
- Loss of field enjoyed by dog walkers, joggers and families
- Little green space available especially when the adjacent football field is in use
- Skate park may well provide entertainment for a few youths but this may be at the distress of the rest of the community.
- Youths will intimidate users of the footway which the police will not have the resources to deal with
- The beautiful area would be replaced by a graffiti covered concrete monstrosity
- Impact on the amenity of neighbouring properties
- Should be built on the field behind Ken Stimpson School.

WERRINGTON NEIGHBOURHOOD COUNCIL

We welcome this application and consider that the skate bowl will make an important contribution to the facilities for young people in Werrington. On balance this is a good location, relatively distant from neighbouring properties and fits well with the adjacent community uses and open space. It has good pedestrian and cycle access. We understand that the design has been the subject of consultations with the prospective users. We are not aware of any concerns at this stage but may wish to give our support to any views expressed by these potential users. There is a proposal to site a MUGA at some location near existing youth provision and adjacent to the centre. This is one possible site which should be considered and this needs to be decided before implementation of the bowl.

7 REASONING

a) Introduction

There is currently an existing Skate Park situated on a piece of land between two hard sports areas (tennis courts and football area) on Ken Stimpson School/Werrington Sports Centre. The equipment on it is made of steel and is it extensively used by young people. The current facilities are in need of replacement and presenting maintenance issues. It is proposed that a Multi Use Games Area (MUGA) will occupy the site of the former Skate Park, however, this is not part of the planning application under consideration.

Wheeled sport has been an enduring feature of young peoples` recreation in Werrington for many years. Extensive consultation about the facility has been carried out over the last three years with the user group led by Stuart Mathers (Youth Worker for Werrington). Councillors John and Judy Fox and Councillor Lane have also been present during the consultations. The prospective new skate park has been on the Neighbourhood Council agenda regularly for a number of years and is fully supported by them.

A substantial number of representations made by the School and associated representatives refer to the lack of consultation on the proposed Skate Park and MUGA. There were no pre-application discussions

with the Local Planning Authority however, the Case Officer is content that all statutory consultations have been undertaken.

b) Principle of Development

The proposed skate park would be located on a piece of land currently designated as open space. The proposed use of the site as a Skate Park accords with the open space designation of the land and will provide a recreation facility for children and teenagers. The proposal therefore will not result in the loss of open space, and indeed, the draft Open Space Survey confirms that there is an overall surplus of amenity open space in Werrington. With regards to accessibility to the remaining open space this will not be significantly affected by the proposal. The site is located away from residential properties in an area characteristic of community facilities and is within an easily accessible and safe location. The proposal therefore is not considered to conflict with policy LT3 of the Adopted Peterborough Local Plan (First Replacement).

c) Design and Visual Amenity

The site is enclosed by substantial semi mature trees and hedges which will provide enclosure for the proposed Skate Park. As the whole construction of the bowl will be built into the ground and mounded it will become part of the landscape; the impact on natural features would be minimised and would not be visually intrusive to the surrounding soft landscape character. No perimeter fencing is proposed. In January 2010 three skate park suppliers came to Werrington to talk with the user group individually so they could produce designs for the new skate park based on the ideas and needs of the young people. The final design has not yet been determined and the details will be secure by condition. It is considered that the proposal will not result in an adverse impact on the visual amenity of the area and hence the proposal accords with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

d) Residential Amenity

The proposed siting of the Skate Park is considered to be the optimum location for this use as it would be situated at an adequate distance to neighbouring properties; approximately 45 metres from residential properties to the east in Middle Pasture and approximately 80 metres from residential properties in Derwood Grove. In addition, the proposed concrete materials would emit substantially less noise than steel or composite materials. It is considered that the proposal would not result in any adverse impact on the residential amenity of the occupiers of nearby properties and therefore accords with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

e) Design for security

There is currently no lighting or CCTV provision proposed for the Skate Park and given the fairly enclosed nature of the site the Senior Architectural Liaison Officer has advised that the skate park will draw youths to this area and that the provision of CCTV would serve to provide security for users of the car park and users of the skate park. Consideration should also be given to the safety of young people using this facility during winter evenings. CCTV provision would provide considerable benefits, preventing theft and damage and ensuring the safety of the Skate Park users. The provision of CCTV would also address some of the concerns regarding antisocial behaviour in the area. Lighting and CCTV provision shall be secured through a condition. Hence the proposal accords with policy DA11 of the Adopted Peterborough Local Plan (First Replacement).

f) Landscape Implications

The proposal will have limited impact on the landscaping features of the site. However the development would be close to trees along the north eastern boundary and a mature hedge to the north west and south west which are considered to provide a positive contribution to the visual amenity of the area. A tree and hedge protection condition shall be appended to the decision to ensure the longevity of these features. The proposal therefore accords with policy LNE9 of the Adopted 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 proposal will not result in the loss of open space and will provide a recreational community facility for children and teenagers
- The design of the Skate Park will assimilate with the natural features of the site and will not result in an adverse visual impact on the amenity of the area
- The site is located at an adequate distance to neighbouring residential properties to avoid any detrimental impact
- The vulnerability to crime has been addressed.

Hence the proposal accords with policies DA1, DA2, DA11, LNE9 and LT3 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

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

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

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

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

C 3 Before any work commences, details of the layout, design and materials for the Skate Park shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

Reason: For the Local Authority to ensure a satisfactory appearance, in accordance with Policies DA2 and LNE9 of the Peterborough Local Plan (First Replacement).

C4 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for the provision of lighting and CCTV coverage shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting and CCTV scheme shall be provided prior to the Skate Park being brought into use.

Reason: In the interests of community safety and amenity in accordance with policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

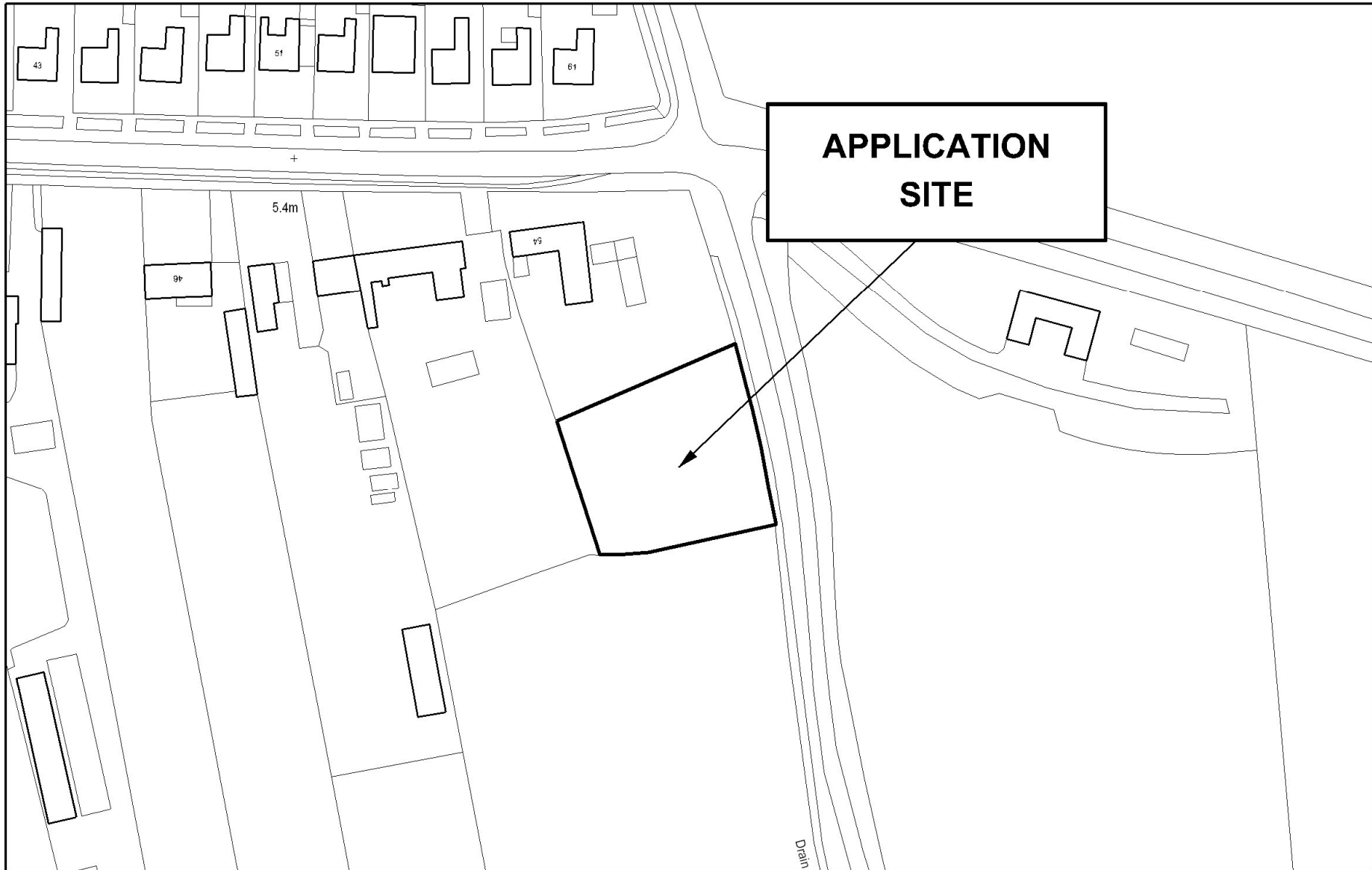
C5 Prior to the commencement of development, a Construction Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. Inter alia, this Plan shall include:

- a scheme for construction access;
- a scheme for the parking of construction vehicles and staff vehicles
- a scheme of chassis and wheel cleansing for all vehicles visiting the site during the period of construction to prevent the carriage of mud and debris onto the public highway; (the scheme shall ensure that all vehicles leaving the site shall pass through the cleaning equipment before entering the public highway and 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).

The development shall be carried out in accordance with the approved Plan at all times unless the written agreement of the Local Planning Authority has been given to any variation.

Reason: In the interests of amenity and in accordance with policies T1 and DA13 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Copy to Councillors John Fox, Judith Fox, Stephen Lane



LOCATION PLAN 10/00787/FUL

54 Church Street, Northborough

Scale 1:1250 Date 26/8/2010 Name MKB Department Planning Services

PCC GIS



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10/00787/FUL: CONSTRUCTION OF 4 BED DWELLING AND DETACHED GARAGE AT 54 CHURCH STREET, NORTHBOROUGH, PETERBOROUGH
VALID: 11 JUNE 2010
APPLICANT: MR & MRS PAUL & SHERI BOWNES
AGENT: PDG ARCHITECTS LTD
REFERRED BY: PARISH COUNCIL
REASON: IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA, IN PARTICULAR, PARADISE LANE, WOULD RESULT IN THE SUB-DIVISION OF A LISTED BUILDING, IMPACT ON TREES AND ADVERSE HIGHWAY IMPLICATIONS

DEPARTURE: NO
CASE OFFICER: MRS J MACLENNAN
TELEPHONE: 01733 454438
E-MAIL: janet.maclennan@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- Impact on the setting of a the Listed Building
- Impact on the character and appearance of the Northborough Conservation Area
- Landscaping implications
- Highway Implications

The Head of Planning Services recommends that the application is APPROVED subject to the completion of a S106 agreement.

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)

CBE3: Development affecting conservation areas - Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.

CBE7: Development affecting the setting of a Listed Building – Planning permission will not be granted for any new building if it would be detrimental to the setting of the Listed Building.

CBE8: Sub division of the grounds of a listed building - Permission will not be granted for development which would sub divide the grounds or gardens of a listed buildings.

DA1: Townscape and Urban Design - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.

- DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA6: Tandem, backland and piecemeal development** - Permission will only be granted if development can be satisfactorily accommodated within a site in terms of scale and density, would not affect the character of an area, would have no adverse impact upon the amenities of occupiers of nearby properties, can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- H16: Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- LNE9: Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.
- T1: Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T10: Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

Material planning considerations

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

Planning Policy Statement (PPS) 3 'Housing'

Planning Policy Statement (PPS) 5 'Planning of the Historic Environment'

Draft Northborough Conservation Area Appraisal and Management Plan

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development);
- iv) fairly and reasonably related in scale and kind to the proposed development; and
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

The application seeks permission for the erection of a one and a half storey 4 bed dwelling and detached garage within the rear garden of 54 Church Street. The dwelling would be sited approximately 42m to

the south of the existing dwelling and access would be served off Paradise Lane. The dwelling would have a narrow plan form of 6m in width and a principal ridge height of 7.2m. The proposed materials are rough dressed artificial stone with Bradstone Conservation Slate. A single garage comprising a wooden barn style structure is proposed to the side/rear of the site.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is situated on the southern side of Church Street at the far eastern edge of the village and lies within the Northborough Conservation Area boundary. The site contains a 17th century Grade II listed building fronting Church Street occupied as a residential dwelling. There have been extensions to the property and a recent substantial detached garage to the east of the site. The host dwelling is constructed of coursed stone rubble with steeply pitched thatched main roof with subservient roofs covered in pantile. The site has a substantial curtilage extending approximately 57m rearwards. The site has a particularly verdant character and contains a number of mature trees within the site and is enclosed by mature trees and shrubs to the east and south. Directly to the east of the site is a quiet country lane which serves a dwelling known as Paradise Cottage situated approximately 300m down the Lane. The surrounding area is residential in character comprising an eclectic range of property styles on the south side of Church Street, within the Conservation Area boundary, many of which are listed properties. Directly opposite the site on the northern flank the character changes and there are relatively modern developments comprising single storey dwellings built circa 1970s. The character to the south and east comprises open countryside.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
98/00928/FUL	Two storey and single storey extensions	15.10.1998	PER
98/00929/LBC	Two storey and single storey extension	16.10.1998	PER
07/01459/CTR	Crown lift Yew tree to 2.5 metres above ground level and laterally reduce from property to provide 1.5m clearance.	15.10.2007	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objection - The principle is acceptable subject to a condition requiring details of turning to be provided to ensure that vehicles leave the site in forward gear.

Conservation Officer – No objection - A proposal for residential development within the curtilage of the listed building is considered principally against the criteria of H10, DA1, DA6, CBE3, CBE7, CBE8 and LNE9 of the Replacement Peterborough Local Plan. Consideration is primarily given to the desirability of preserving the setting and the character of the listed building and to avoiding harm to the character and appearance of the conservation area. The annexation of the parcel of land in itself would not diminish the character or setting of the listed building. There is adequate separation distance to the listed building and together with the intervening trees and shrub planting to the garden of no 54 the construction of the new building would not harm the setting, and character of the listed building. In this case, and given the separate access to Paradise Lane the proposal can be accepted as an exception to policies CBE7 and CBE8. Overall, a strengthened landscaping scheme would integrate the development in the landscape and avoid harming the character and appearance of the conservation area in this location at present or extended in the future. Seek revisions to the form and style of the garage, re-location of the path to the principle entrance (front door), revisions to the landscaping scheme to provide a more native and naturalistic planting with the retention (if aboriculturally justified) of the large tree proposed to be removed to the frontage of the site – and failing this a replanting strategy proposing a suitable forest type species – with double native hedge planting to boundary with no. 54 and to reinforce the southern site boundary and the access to Paradise Lane should have a gravelled finish.

Landscape Officer – No objections to the proposal. The tree loss and landscape detail are acceptable and users of Paradise Lane should not find the landscape changing much due to the other trees and hedges that are to be retained.

Archaeology Officer – No objections - The application site is located to the west of the Roman canal known as Car Dyke. Recommends a condition requiring a written scheme of investigation.

EXTERNAL

Welland and Deepings Internal Drainage Board – No objection - The details show a riparian owned dyke will be crossed by the access to the site. Any works which result in backfilling, blocking or altering the dyke will require the board's consent. The soakaway use should be approved by Building Control

NEIGHBOURS

Letters of objection have been received from 7 local residents raising the following issues:

- The building of a 4 bed dwelling does not meet the criteria of policy CBE3
- The proposal would sub-divide the curtilage of the listed building contrary to policy CBE8
- PPS 3 states that development of Brownfield land should be encouraged with the exception of private residential gardens
- The character of Paradise Lane would change which is a walking route for pedestrians
- Impact on trees
- Additional vehicular traffic on Paradise Lane
- Sewerage is a problem in this area
- Would be a catalyst for additional properties
- Subdivision of the grounds would give short term gain at the cost of the character of the area
- Impact on rural character, particularly Paradise Lane which is used daily by a number of people the character would become much more urban
- Paradise Lane is very narrow with no footpath and frequently used by school children and agricultural vehicles. Construction vehicles and future parking arrangements should be restricted to inside the site due to potential to restrict access
- Will put additional strain on junction of Paradise Lane/Church Street which is already dangerous.
- Does not meet requirements for vision splays due to trees
- Impact on the amenities of nearby properties
- Unsatisfactory access
- Access should not be taken over the old Car Dyke
- Access should be gained off Church Street to the east of the garages to number 54
- Outside the village envelope
- Impact on the character of Church Street/Paradise Lane the jewel in the crown of old Northborough
- Occupiers of Paradise Cottage not consulted
- Owner of land to the east of Paradise Lane not consulted.

COUNCILLORS

Cllr Hiller objects to the proposal on the grounds that the new dwelling would affect the amenity of the occupiers of numbers 52 and 54 Church Street which currently have no development behind them. The back land development would harm the character and appearance of the conservation area and the setting of the listed building. The proposal is therefore contrary to policies CBE3, CBE7, CBE8 and DA6 of the Adopted Peterborough Local Plan (First Replacement).

NORTHBOROUGH PARISH COUNCIL

The Parish Council objects to the proposal and considers the new access and dwelling off Paradise Lane will have a detrimental impact on the character and appearance generally and the conservation area in particular. The development will depart from the village form of long narrow gardens, identified as important to historic context. PPS 3 states garden land is no longer to be included as Brownfield land.

The proposal would have an adverse impact on the character of the area, would not preserve or enhance the character and appearance of the conservation area, particularly Paradise Lane. The proposal would result in the sub-division of a listed building and would completely alter the layout, linear form of development and relationship to the Listed Building. The development would result in the loss of a tree fronting Paradise Lane which contributes to the conservation area. There will also be pressure to remove the hedgerow/trees to expose the frontage of the site. Paradise Lane is a narrow unclassified track and regularly used by pedestrians. The vehicular movements along the lane are restricted to the occupiers of Paradise Cottage and seasonal use by farmers. Additional vehicular movements will cause problems as there is no margin along the lane for vehicles to pass. This will result in encroachment onto verges to the detriment of flora and fauna. Further development on Paradise Lane could lead to pressure to remove trees at the junction with Church Street due to poor visibility. The proposal is contrary to policies CBE3, CBE7, CBE8, DA6, LNE11, LNE12 of the Adopted Peterborough Local Plan (First Replacement).

7 REASONING

a) Introduction

The proposal has been the subject of pre-application discussion between the Case Officer, Conservation Officer, the applicant and agent. The proposal has also been presented at the weekly planning surgery where the principle of the development was generally supported subject to minor alterations and revisions to the style of the garage.

b) The Principle of Development

In considering applications for planning permission for works which affect a listed building the LPA is to have special regard to, amongst other matters, considering the desirability of preserving the setting and the character of the listed building. Policy CBE7 of the Replacement Peterborough Local Plan deals specifically with the setting of listed buildings. The proposal would result in the sub division of the curtilage of a Listed Building and as such is counter to the objectives of policy CBE8 of the Adopted Peterborough Local Plan (First Replacement) and if the application is considered to be acceptable this would be an exception to these policies.

The proposal is essentially backland development, on part of the garden of 54 Church Street. In accordance with recent changes to PPS 3, garden land is no longer included under the definition of 'Brownfield' land. However, the application is assessed in accordance with the criteria as set out in policy DA6 of the Adopted Peterborough Local Plan (First Replacement) where the development must provide an acceptable relationship with nearby occupiers, provide good quality living conditions for the future occupiers of the dwelling, provide a development which is in keeping with the surrounding character and where an adequate vehicular access is achievable. These issues will be considered within this report.

c) Impact on the Character and Setting of the Listed Building

It is acknowledged that the curtilage and setting of listed buildings are an integral and indivisible part of the original design and the subdivision of the curtilage can seriously detract from the architecture or historic character of the listed building and its curtilage. The application states that, in accordance with historical maps, the application site was a separate parcel of land from 54 Church Street and there remains a vestige of a stone wall denoting this separation. The character of the application site has the character of an old orchard with a large flat grassed area with isolated trees and differs from the garden area of the host dwelling which comprises a less open area with and a belt of trees and shrubs which provide a visual barrier between the two parts of the site. Indeed, the Conservation Officer has referred to historic OS maps and the area of land subject to the application appears to be contemporary with the property. The development site would seem unlikely to have been an integral or formal part of the garden of the listed building and is a material consideration in determining the proposed application. The mature trees within the garden of number 54 would form a visual screen to the proposed development site which is less planted and more open. Further planting and a boundary formed by a native hedge would leave an adequate depth garden / curtilage some 26 m length from the end of the rear extension and 40m from the core building. The annexation of the parcel of land in itself would not diminish the character or setting of the listed building. There would be a substantial grounds remaining for the Listed Building and the sub-division would not seriously detract from the architectural and historical character of the Listed Building.

The design of the building, a traditional cottage style of 1½ storey, is appropriate for the context of the site. The building adopts the traditional proportions, detailing and materials of a cottage style property. The ridge of the development is slightly below that of the listed building and is subservient in scale to the listed building. Together with the intervening trees and shrub planting to the garden of no 54 the construction of the new building would not harm the setting, and character of the listed building. The access to the new dwelling would be served from Paradise Lane to the east and the existing access from Church Street would be unaltered maintaining both the existing townscape along Church Street and retaining the intimacy of the Grade II listed property. This situation is unlikely to be repeated elsewhere along Church Street, as access is usually proposed as a shared access with the Listed Building.

Members may be mindful of a recent appeal decision following refusal (12th August 2009) of an application for a 5 bed chalet bungalow to the rear of 44 Church Street, known as Clare House, a Grade II listed building (ref. 09/00603/FUL). The appeal was dismissed on 4th August 2010. The Inspector opined that this would be a substantial building, having 5 bedrooms and 4 bath/shower rooms on the first floor with dining/family room, living room, kitchen/breakfast room, utility room and study at ground floor; and with numerous dormer windows, 10 in total, that would not be sympathetic to the charming and small scale listed cottage and that the dwelling would be readily visible from Church Street along the access track and would be highly intrusive features in the rural setting of the cottage. Significant to this site is the historic interest in that for about 10 years it was the home of John Clare, an important 19th century ruralist poet and that this historic interest would be seriously harmed if the cottage were to be permanently cut off from the countryside behind by the introduction of this new residential curtilage. Furthermore he considered the dwelling would significantly change its character from that of a small cottage in a garden with a rural paddock behind to a site with two separate domestic curtilages and the change would cause serious harm to the rural character of the Conservation Area.

In this case the application differs from the proposed dwelling to the rear of 44 Church Street (09/00603/FUL), aside from the historic interest of that property; the proposed dwelling subject to this application would be screened from the listed building, would have an independent access and would not be visible from the Conservation area. In this case, and given the separate access to Paradise Lane it is considered that the proposal can be accepted as an exception to policies CBE7 and CBE8.

d) Impact of the character and appearance of the Conservation Area

The Northborough Conservation Area Appraisal and Management Plan is shortly due to be adopted as supplementary planning guidance and is a material consideration in the determination of this application. The current Conservation Area boundary includes a small portion of the ancient Paradise Lane an ancient 'Parish' track – this being the boundary of no. 54 with the lane). The 'special character' of Paradise Lane is noted in the appraisal. This is derived from its appearance as a 'green' rural lane framed by well treed and hedged field boundaries. The lane is also of local historic interest being the former route of the Car Dyke Roman waterway. The revised appraisal recognises the significance of the lane by suggesting that the Lane be included in an extended conservation area. Consideration is therefore given to the extent to which the proposed development would harm the character and appearance of the existing Conservation Area boundary and any further extension to include Paradise Lane.

Paradise Lane in the vicinity of the site makes a positive contribution to the character of the conservation area. This is formed by the very rural character of the single track and strong edge hedge and tree planting which provides a strong sense of enclosure. Views along the lane are very pleasant. The bends in the lane and greenery provide a very pleasing 'end stop' view. Buildings do not intrude in the street scene. The tree and shrub boundary of the application site with Paradise Lane provides a good enclosure to views along the Lane. The development proposes the removal of four trees and would introduce a new access to Paradise Lane. The impact however on trees would be limited due to the density of trees and hedging on the boundary of the site. Concern has been raised by the Conservation Officer regarding the removal of an Ash tree along the Paradise Lane boundary which adds positively to the character of the conservation area. The tree survey states however that this tree is in poor condition and recommends the tree is felled for safety reasons and a suitable replacement tree is planted. A landscape strategy shall be secured with a condition to ensure that the development is located within a strengthened natural setting reinforcing the present rural character. In this way the present character of Paradise Lane can be retained. Views of the building should not detract from the sylvan character of

Paradise Lane. Overall, a strengthened landscaping scheme would integrate the development in the landscape and avoid harming the character and appearance of the conservation area in this location at present or extended in the future.

The proposed dwelling would reflect the form, design and materials of many of the traditional buildings within the village. It is considered therefore that the proposal would serve to preserve the character and appearance of the conservation area and therefore accords with policy CBE3 of the Adopted Peterborough Local Plan (First Replacement).

e) Design and Amenity

The property would front Paradise Lane and would be situated approximately 10m into the site. The dwelling would have a narrow plan form to reflect the traditional footprint of buildings within the village, consisting of a main range with two subservient elements to the south side and rear. It is considered the one and a half dwelling would sit comfortably within its surroundings and would integrate well with the nearby residential dwellings. The ridge height to the dwelling would be lower than the host dwelling and given the separation distance from the Grade II listed building the proposed dwelling would be subservient to that of the listed building. A detached garage is proposed to the side/rear of the property. The design of the garage has been revised in accordance with advice provided by the case officer and would be a single barn style building with an outshot roof for additional storage and is considered to be more characteristic of the rural setting and in keeping with the Listed Building.

f) Residential Amenity

The proposal would provide a satisfactory level of amenity for the future occupiers of the dwelling. The main living space would overlook an extensive private garden area. The site is of adequate size of accommodate the development and there is adequate separation distance to neighbouring properties to avoid impact on privacy and overlooking. It is considered that the proposal would not harm the residential amenity of the occupiers of neighbouring dwellings. Hence the proposal accords with policies DA2 and H16 of the Adopted Peterborough Local Plan (First Replacement).

g) Landscaping Implications

A Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement has been submitted in support of the application. The Landscape Officer has been consulted and is in agreement with the contents of this report. It is considered that the tree loss identified within the report is acceptable to facilitate the development and there would be limited impact on the surrounding character due to the amount of trees and hedges that would be retained. There is concern raised by the Parish Council that the development could result in pressure in the future to remove the boundary trees to expose the dwelling, however, this would be resisted and consent would be required due the site being located within the Conservation Area boundary. It is considered that the proposal makes adequate provision for the retention and protection of trees within the site and therefore accords with policy LNE9 of the Adopted Peterborough Local Plan (First Replacement).

h) Highway Implications

The dwelling would have an independent access off Paradise Lane. The highway section has been consulted on the proposal and considers the access arrangements to be acceptable. Concern has been raised by neighbouring properties regarding access on to Paradise Lane and subsequent to the original submission of the application a plan indicating turning provision within the site has been provided. This will ensure that vehicle will be able to leave the site in forward gear. The proposal would not result in any adverse highway implications and therefore accords with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

i) Miscellaneous

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

- The Local Planning Authority has been informed that the occupiers of Paradise Lane and the owner of the field to the east of Paradise Lane were not consulted on the application. There is a statutory requirement to consult any neighbour who shares a boundary with the application site and this procedure was undertaken. The occupiers of Paradise Cottage do not share a boundary with the application site and there is no residential property registered on the adjacent field. A

site notice was erected for the application and the Local Planning Authority is satisfied it has carried out its statutory duty.

- Sewerage is a problem in this area – adequate connection to the sewerage system will be assured through the building regulations.

j) S106

The development will give rise to a contribution of £8,000 in accordance with the Planning Obligations Implementation Scheme and the applicant is entering into a S106 agreement with the Local Authority. This requirement accords with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

8 CONCLUSIONS

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

A proposal for residential development within the curtilage of the listed building is considered principally against the criteria of policies CBE7 and CBE8 of the Adopted Peterborough Local Plan (First Replacement). The proposal however, benefits by its location on a parcel of land which would not have formed part of the original curtilage of the listed building and where there would be a substantial separation to the Listed Building. The development would have independent access off Paradise Lane and would retain the frontage character to Church Street along with preserving the intimate setting of the Listed Building. The scale, form and design of the dwelling are in keeping with the traditional buildings within the village and the development will not detract from the character and setting of the Listed Building. The site is enclosed by mature trees and hedging which provides a positive contribution to the character and appearance of the Conservation Area. It is considered that the Conservation Area would not be harmed as the landscape character of the site would be substantially retained and the character of Paradise Lane in this location preserved. On balance, the proposal is supported as an exception to policies CBE7 and CBE8 and in all other aspects accords with policies DA1, DA2, DA6, LNE9, T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the infrastructural needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling and garage 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).
- C 3 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 Statement (PPS) 5 (Planning of the Historic Environment), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).

- C 4 The dwelling shall not be occupied until space has been laid out within the site to enable vehicles to turn so that they may enter and leave the site in forward gear in accordance with the approved plans ref. hereby approved. That area shall not thereafter be used for any purpose other than the turning of vehicles.**

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

- C 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); retained historic landscape features and proposals for restoration, where relevant].**

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

- C 6 No works to any trees shall be carried out until the Local Planning Authority has approved in writing the full details (including location, species and size at planting) of every tree, shrub and hedge to be planted by way of replacement for those to be felled under the terms of this consent, including its proposed location, its species, its size at the date of planting, and the approximate date when it is to be planted.**

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

- C 7 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [twelve months] from [the date of the occupation of the building for its permitted use].**

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

- C 8 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), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling(s) shall be constructed other than as those expressly authorised by this permission.**
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C10 The development shall not commence until details of all boundary walls and fences have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.**
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C11 No development shall commence until details of the type, design and external finish of all windows; external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C12 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 Adopted Peterborough Local Plan (First Replacement).

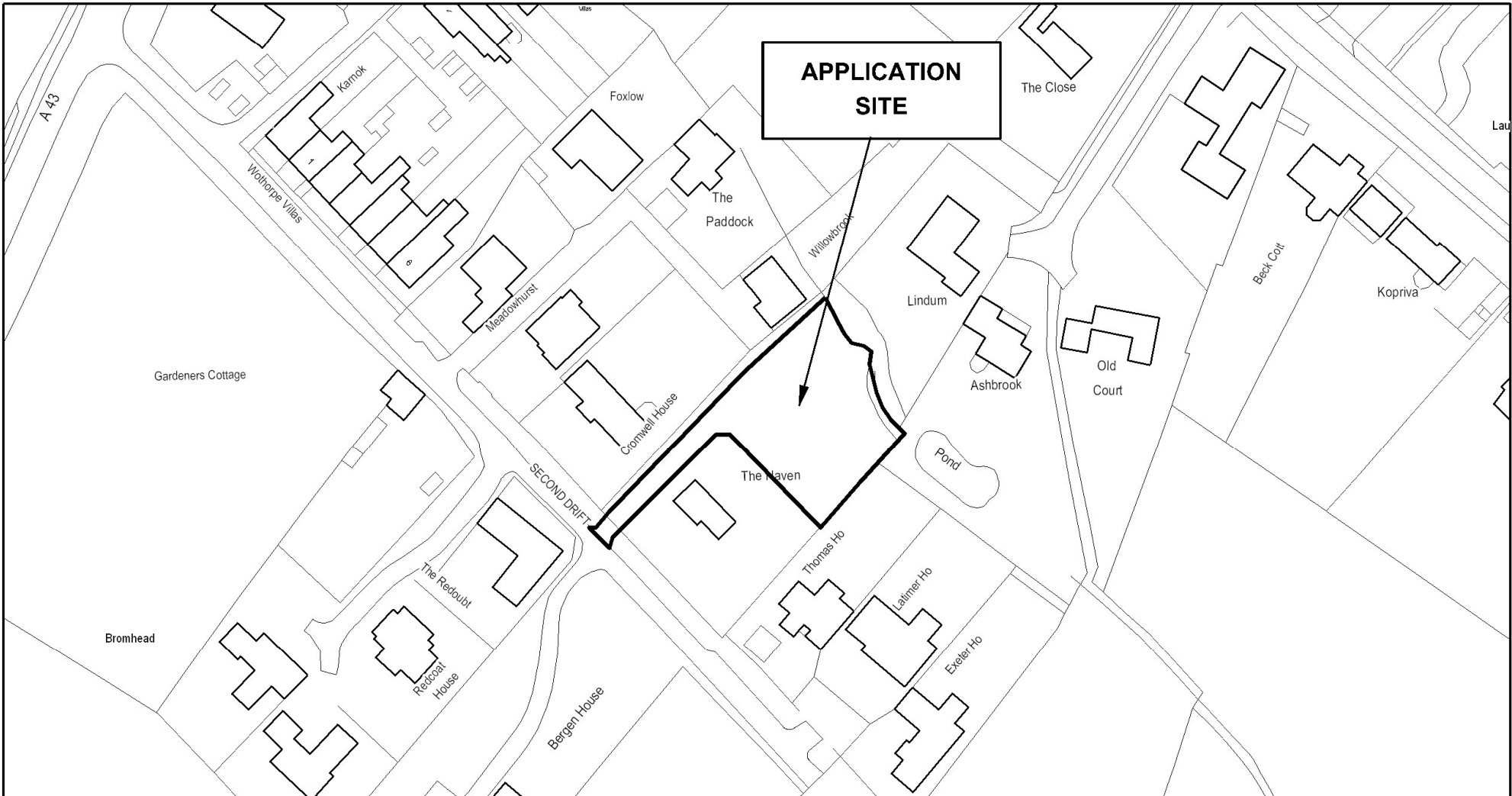
Notes Relating to this Decision

- 1 Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email buildingcontrol@peterborough.gov.uk.
- 2 The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Co-Ordinator on 01733 453578.
- 3 The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Technical Support Team Manager - Highway Infrastructure Group on (01733) 453461 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings. Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.
- 4 Any works to the dyke adjacent to the site which results in backfilling, blocking or altering will require the consent of the Welland and Deepings Internal Drainage Board.

- 5 The landscaping scheme shall provide a more native and naturalistic planting and a suitable replacement forest type tree species is planted along the Paradise Lane boundary along with additional hedge and shrub planning. A double native hedge planting to boundary with no. 54 and to reinforce the southern site boundary

Copy to Councillor Hiller

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LOCATION PLAN **10/00872/FUL**

The Haven, Second Drift, Worhope, Stamford

Scale 1:1250 **Date** 26/8/2010 **Name** MKB **Department** Planning Services

PCC GIS



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10/00872/FUL: THE HAVEN, SECOND DRIFT, WOTHORPE, STAMFORD
ERECTION OF DWELLING WITH DETACHED GARAGE AND STUDIO
ABOVE

VALID: 24 JUNE 2010

APPLICANT: HEReward HOMES LTD

AGENT: IPLAN

REFERRED BY: CLLR OVER

REASON: IMPACT ON NEIGHBOUR AMENITY, OVERDEVELOPMENT, IMPACT ON
LOCAL SERVICES

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- Impact on the character of the area
- Impact on the amenities of neighbours

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.

DA1	Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
DA2	Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.
DA6	Tandem, backland and piecemeal development.
H15	Development to be carried out at highest net residential density
H16	Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
T1	New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
T9	Cycle parking requirements.
T8	Permission will only be granted for a development if 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 parking provision to be in accordance with maximum car parking standard
IMP1	Development shall secure for all additional infrastructure, services, community facilities and environmental protection measures which are necessary as a direct consequence of the development

Planning Policy Statement 3 – Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

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

Village Design Statement Implications: Wothorpe VDS sets out a series of guidelines on Architectural Character, Scale, Relationship between buildings, Overdevelopment, Location, Building lines, Building heights and Landscaping. However, the village design statement no longer forms part of the development plan and therefore only very limited weight can be given to it in deciding this application.

Material Planning Considerations

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

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

The proposed development is a five bedroom house and detached garage with studio above within the garden of an existing house fronting Second Drift. The house proposed is of two storeys, with a one-and-a-half storey wing and detached garage. Access is via an existing gated access to the northern edge of the site.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is the rear section of the garden to The Haven and measures about 27m by 36m. It would be served by the existing access point between The Haven and Cromwell House, approx 5 m from Cromwell House and 7m from The Haven, which would be extended to about 40m long to reach the site. The site slopes in several directions and a small stream runs along the eastern edge. There are a number of trees within the site.

There is an established pattern of large plots within Wothorpe, some with development in the rear, including adjoining sites where recent development includes a new house on what was part of the Cromwell House plot, three new houses to the south-east, and opposite where the replacement of one house with four new houses was allowed on appeal. The character of the area remains one of large houses in large plots.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
01/00575/OUT	Erection of four dwellings	26.07.2001	WDN
01/01295/OUT	Erection of dwelling (Revised access)	12.03.2002	PER
02/00842/OUT	Residential development comprising one house and garage	24.09.2002	PER
03/00360/OUT	Residential development comprising two dwellings and garaging	14.05.2003	WDN
04/02018/WCPP	Variation of Condition 1 of planning permission 01/01295/OUT to allow a further three years for the submission of reserved matter	08.02.2005	PER
05/00477/WCPP	Variation of condition 1 of planning permission 02/00842/OUT (erection of house and garage) to allow a further three years for the submission of reserved matters	22.09.2005	PER
08/01203/REM	Reserved matters for the siting, design, external appearance of buildings, means of access and landscaping for a four-bed dwelling as consented under 02/00842/OUT	08.04.2009	PER
10/00204/FUL	Construction of five-bed dwelling with detached garage	19.07.2010	PER
10/00688/FUL	Demolition of existing dwelling and construction of 1 x four-bed dwelling and 1 x five bed dwelling with detached double garage (on the front part of the Haven site)	09.07.2010	REF
10/00975/FUL	Demolition of existing dwelling and construction of three-bed dwelling with detached garage		

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Relevant consultation responses are reported within the Consideration section below.

NEIGHBOURS

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

- Dwelling would be dominant within its surroundings
- Significant height and bulk
- Position on a sloping site will impact on residential amenity of surrounding dwellings
- The increase in size of the proposed Garage, in particular the Height and the addition of Dormer windows will only further add to the impact on the visual and residential amenity on the adjacent dwellings
- Studio over garage creates privacy issues for Cromwell House – they were not allowed to do something similar a few years ago
- Garage on higher ground than Cromwell House
- Loss of privacy for immediate neighbours including Willowbrook

- Sets a precedent – no other detached garage has a studio over it – the other two garages the developer wants to build will also have studios over them
- There should not be a compromise to allow Velux windows as they will eventually want dormers
- Development at the rear of The Haven has moved from a three/four bedroom dwelling to potentially a six bedroom dwelling
- Development is speculative building with no benefit to the local community
- Developer is making successive applications to extend the dwelling
- Proposal contravenes previous planning permissions on the site
- Could be a granny flat, au pair accommodation or business premises
- Condition imposed on previous consent says that no garage carport or extension should be built other than as explicitly authorised by this permission
- Previous permission for a five-bed dwelling should be overturned
- Development could lead to additional vehicles using the road
- Danger to road which is very congested
- Any vehicle parked on the road blocks it
- Two more houses at the front are planned

COUNCILLORS

Cllr Over has commented that

1. There is no evidenced need for such a house with such additions in Wothorpe. This is speculative building
 2. No research has been done on the needs for affordable housing
 3. There is no evidence that such a house with additions helps conserve the character and nature of the settlement.
 4. No contribution will be received by the village or Neighbourhood Council for the extra pressure on services by a house of this type. The road surface in particular is in a critical situation
 5. In the bundle of papers prepared for the Committee Meeting on 8th June the report for the Haven, (Item No 5.6) it is clearly stated as a recommendation by the Head of Planning Services at C3 that ".....no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission" Reason: in the interests of visual and residential amenity.
 6. Putting in velux lights or similar has for long been opposed by PCC planners. Also, these can be changed at a later date.
 7. The effect on neighbouring properties will be that there will be two additional windows over the garage in addition to the 6 already approved.
 8. The residents of the new houses of a large value built in the settlement expect reasonable services. I have had a large number of complaints over the state of the roads, the width of the road, water supply, reduced voltage, poor water pressure, lack of policing, speeding and internet connection. They stand amazed when told about the roads are private, that water and drainage facilities have no owner and that Lincolnshire Police do not have any duty for Wothorpe. A house of this size with all its additions will merely add to a burden which the area cannot manage and has little control over
 - 9 No attempt has been made by any company to discuss this or other applications with me
- Essentially, this is a speculative build, which seeks to manipulate the previous planning approval for greater profit, with no consideration for neighbours and the character of the area. It offers little for the people of the settlement and there is no evidence that the house with the additions is actually needed

7 REASONING

a) Introduction

This application is subsequent to an application approved by Members earlier this year, for a five-bedroom house with detached garage. This application amends that proposal by changing the size and design of the garage. The garage previously approved was a single storey garage about 6 metres square and with a ridge height of about 4.5 metres; the revised garage plans show a building of about 6m by 7.8m, with a ridge height of about 6.7m.

b) Policy issues

Although all Policies are relevant, consideration of most matters took place during consideration of the previous application. The only change proposed now is the change to the garage, and therefore Policy DA2 is most relevant, as the material considerations are design and amenity.

c) **Design/character of the area**

The layout and slope of the site is such that the garage will not be readily visible from the public realm. It would be set about 37m back from the street, and at a level about 2m lower. The materials and detailing would be suitable to the character of the area.

The garage, including the provision of dormer windows, would be visible from several surrounding properties, but separation distances are such that it would not have any unacceptable visual impact.

d) **Impact on neighbour amenity**

The proposed garage would have two upstairs dormer windows facing north-west, towards the boundary with Cromwell House about 24m away. The distance to the rear conservatory of Cromwell House would be about 33m. The permitted dwelling has first floor windows facing Cromwell House at lesser distances, about 28-29m. Although these are bedroom windows, which are less likely to lead to people sitting looking out, they are closer than the proposed windows above the garage and give more direct views towards the rear windows of Cromwell House. It is therefore concluded that there will be no unacceptable impact on occupants of Cromwell House.

The windows would also give views towards The Haven. The existing dwelling is about 20m away from the proposed garage windows, however as views would be oblique and affect only a part of the garden it is not considered that there would be any unacceptable impact.

Views towards other dwellings would be blocked by the main house.

Unless further openings are controlled by condition it would be possible for future occupants to insert windows in other elevations at first floor level. This would have a significant impact on occupants of The Haven, if windows were inserted into the south-west elevation of the garage, and possibly on occupants of Thomas House if windows were inserted into the southeast elevation, although this would be to a lesser degree. It is considered that a condition should be appended to control future openings in the roof, so that the Local Planning Authority can ensure that there is no detrimental impact in the future.

e) **Trees**

At the time of the previous application it was not proposed to remove any trees on the site. However since then an application to discharge the conditions has been received, and it is now proposed to remove some trees. For this reason the proposed landscaping conditions have been reworded so that the controls on retained trees apply to trees to be retained as agreed under the landscaping conditions.

f) **S106**

As this proposal, if allowed, would allow development in its own right, it is necessary to have a new S106 agreement. The agreement is being progressed in line with the Planning Obligations Implementation Strategy.

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

g) **Other matters**

The following comments have been made:

No evidence of housing need/affordable housing need

There is evidence of housing need within the Peterborough City Council area, and within the country as a whole. Within the PCC area, the housing growth sought and set out within the emerging Core Strategy is significant. The evidence base for the Core Strategy has identified a shortfall of large houses within the City Council area.

The proposed development does not meet the trigger for affordable housing. It is unlikely that any development within Wothorpe would meet the trigger.

Speculative building / successive applications to increase scale of development/more houses planned at the front

There is no reason why a developer should not make successive applications. If a particular proposal is acceptable in planning terms then it should be approved, if a change renders the proposal unacceptable then it should be refused.

A recent application for two houses at the front of the site was refused, and there is an application currently under consideration for one house, on one part of the front of the site. No decision has yet been made on that application.

Could create a precedent/condition on previous consent prohibited studio/neighbour was not allowed to do it

The condition imposed on the previous consent, which stated that no extensions could be built, does not amount to an absolute and permanent prohibition. What it means is that any proposals to extend the house or the garage would need explicit planning consent. Similar conditions are often imposed where there is a concern that works carried out in the future under Permitted Development could be unacceptable in planning terms, and so the Permitted Development rights are removed and the developer or occupier has to apply to the Local Planning Authority to carry out works which would otherwise be Permitted Development.

On the issue of precedent, each planning application has to be considered on its own merits. This proposal would not set a precedent for similar development at the front of The Haven, as the topography, views and outlook would all be different.

The neighbour in question received planning permission for a garage, adjacent to the street, with a room in the roof. A condition was imposed preventing the insertion of windows, however it was open to the neighbour to make a planning application for windows in the roof.

Condition of road

The road is private, and it is up to the owners to look after it. The concern of the Local Planning Authority and the Local Highway Authority is with safety on the adopted Highway, which would not be affected by this proposal. The LHA has raised no objections.

Studio could be used for other purposes

No further planning permission would be needed for the studio to be used as a home office, bedroom for a member of the family or a hobby room/play room. Explicit planning permission would be required if the occupants or owners wished to establish it as a separate dwelling.

A condition could be imposed restricting use of the studio for business purposes. However the garage already permitted could be so used, as could any room within the dwelling, and this use would only require explicit planning permission if the use caused an unacceptable impact on neighbours or if the dwelling was no longer primarily used as a home. This might happen, for example, if the number of callers was such as to cause a high level of parking on the road or noise or other disturbance. Use for the running of a business with a small number of callers who park within the site would not be likely to have an unacceptable impact on neighbours and therefore it is not considered that additional control needs to be exercised.

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 site is within the village envelope and in an established residential area
- the design is acceptable
- the proposed development will not cause any significant or unacceptable loss of amenity to neighbours
- suitable parking and highway access can be secured
- the applicant has made provision for the infrastructure requirements arising from the development
- the development is therefore in accordance with policies DA1, DA2, DA6, T1 and IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the infrastructure needs of the area, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 Materials to be used in the construction of the approved development shall be as described in approved plan 2009/51-9c, unless agreed otherwise in writing by the Local Planning Authority.**
Reason: In the interests of the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**
Reason: In the interests of visual and residential amenity, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into the garage at first floor level other than as those expressly authorised by this permission.**
Reason: In the interests of visual and residential amenity, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C 5 Prior to the commencement of development and not withstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained; enhancement and creation of natural features within the site, the retention, enhancement and creation of wildlife corridors and the use of native species in planting.**
The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner.
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C 6 No trees that are shown as being retained on the plan approved under Condition 5 shall be felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the Planning Authority.**
If any retained tree is damaged mitigation/remedial works shall be carried out as may be specified in writing by the Planning Authority.
If any retained tree dies within a period of 12 months of completion of works, another tree shall be planted in the same place. Replacement shall be of a size and species and be planted at such a time, as may be specified in writing by the 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).
- C 7 The following activities must not be carried out under any circumstances.**
- **No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree on or adjacent to the proposal site.**
 - **No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,**
 - **No temporary access within designated Root Protection Areas without the prior written approval of the Planning Authority.**

- **No mixing of cement, dispensing of fuels or chemicals within 10 metres of the tree stem of any retained tree on or adjacent to the application site.**
- **No soak- aways to be routed within the Root Protection Areas of any retained tree on or adjacent to the application site.**
- **No stripping of top soils, excavations or changing of levels to occur within the Root Protection Areas of any retained tree on or adjacent to the application site.**
- **No topsoil, building materials or other to be stored within the Root Protection Areas of any retained tree on or adjacent to the application site.**
- **No alterations or variations of the approved works or tree protection schemes shall be carried out without the prior written approval of the Planning Authority.**

Reason: To safeguard all existing trees to be retained in the interests of amenity, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C 7 No trees that are shown as being retained on the plan approved under Condition 5 shall be cut back in any way without the prior written consent of the Planning Authority. All pruning works approved shall be to BS 3998-1989 Recommendations for Tree Work.**

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

- C 9 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the roadway and installation of service runs; has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/ Method Statement.**

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

- C 10 Prior to the commencement of development, plans showing the existing and finished levels of land, and the level of the ground floor of any building to be constructed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).**

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

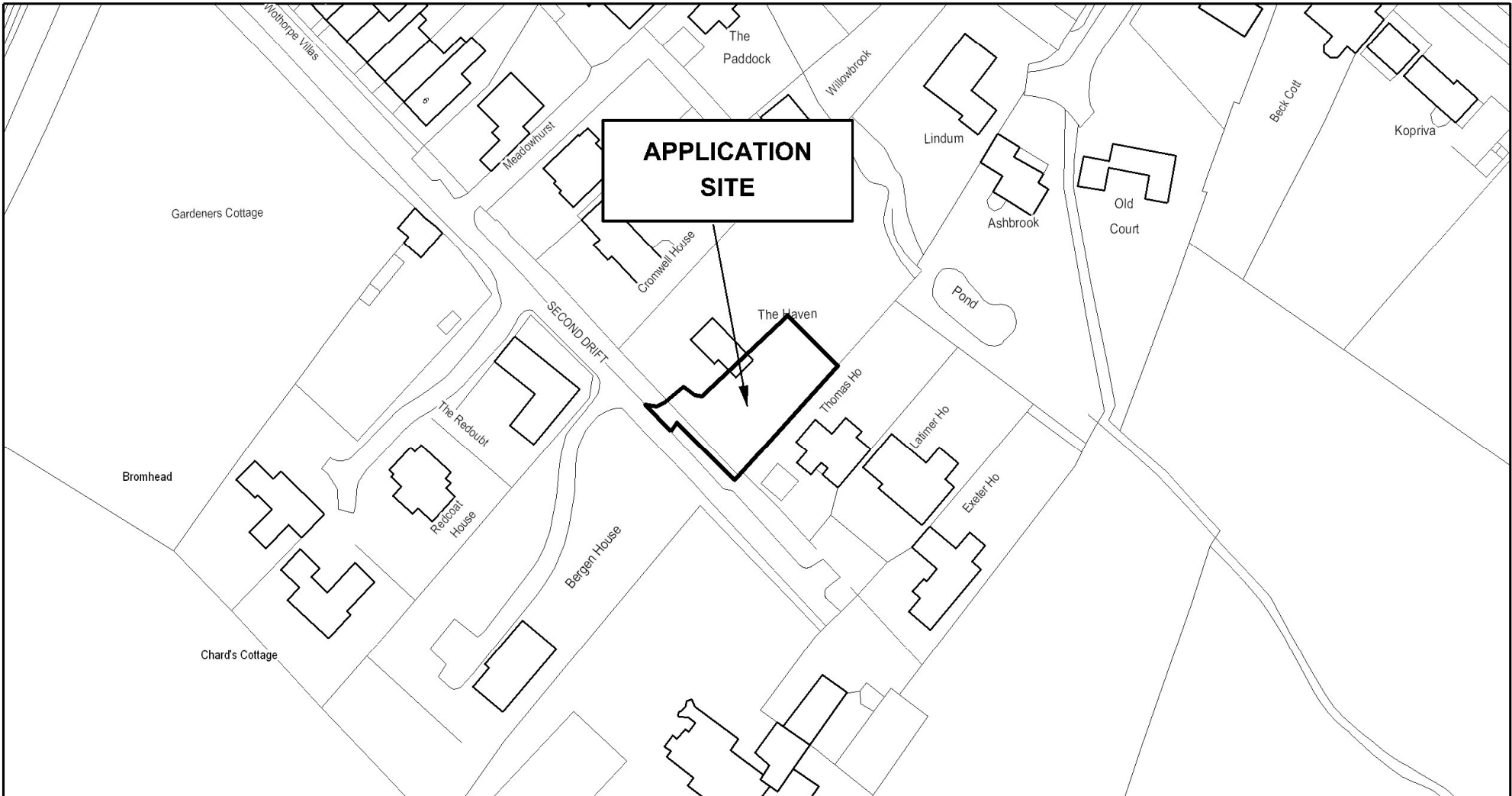
- C11 Surface water disposal shall be by means of a soakaway unless percolation tests prove negative in which case an alternative means of disposal shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The soakaway or alternative approved means of disposal shall be implemented prior to the first occupation of the dwelling.**

Reason: To prevent surface water flooding in accordance with the aims of PPS25.

If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

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

Copy to Councillor D Over



LOCATION PLAN **10/00975/FUL**

The Haven, Second Drift, Wothorpe, Stamford
Scale 1:1250 **Date** 26/8/2010 **Name** MKB **Department** Planning Services

PCC GIS



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10/00975/FUL: DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF THREE-BED DWELLING WITH DETACHED GARAGE AT THE HAVEN SECOND DRIFT WOTHORPE STAMFORD

VALID: 20 JULY 2010

APPLICANT: HEReward HOMES LTD

AGENT: IPLAN

REFERRED BY: CLLR OVER

REASON: THERE IS NO LOCAL NEED, CONDITION OF ROAD AND SERVICES, IMPACT ON CHARACTER OF AREA

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- The impact on the character of the area
- Impact on the amenities of occupiers of neighbouring dwellings

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.

- DA1** Development shall be compatible with its surroundings create or reinforce a sense of place and not create an adverse visual impact.
- DA2** Development shall be satisfactorily accommodated on the site, not have an adverse affect on the character of the area and have no adverse impact on the amenities of occupiers of nearby properties.
- DA6** Tandem, backland and piecemeal development.
- H15 Development to be carried out at highest net residential density
- H16 Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1** New development should provide safe and convenient access for all user groups and not unacceptably impact on the transportation network.
- T9 Cycle parking requirements.
- T8** Permission will only be granted for a development if 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 parking provision to be in accordance with maximum car parking standard

Planning Policy Statement 3 – Housing. This requires Local Planning Authorities to make best use of land for new residential development and to ensure that it is well integrated with

and complements the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

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

Village Design Statement Implications: Wothorpe VDS sets out a series of guidelines on Architectural Character, Scale, Relationship between buildings, Overdevelopment, Location, Building lines, Building heights and Landscaping. However, the village design statement no longer forms part of the development plan and therefore only very limited weight can be given to it in deciding this application.

3 DESCRIPTION OF PROPOSAL

The proposed development is a three-bedroom house with a detached double garage. The house proposed is of two storeys, of a main block with projecting gable-end features to front and rear. The proposed dwelling would be about 10.5m wide, set 6m from the boundary with the neighbouring plot (Thomas House) and 1m from the indicative boundary with the plot on the other side. Height to eaves would be about 5.2m and height to ridge about 9.4m. Access is proposed via a new entrance from Second Drift.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is part of a plot known as The Haven. The site has already been divided, with the rear part of the garden to be developed as a single dwelling. The front part of the site is shown as two plots known as plot A (subject of the current application) and plot B (to the north-west). The application site comprises an area of about 40m deep and 18m wide at the front, narrowing to about 14.5m wide at the rear. The front section of the plot comprises existing verge and hedge line, behind this would be the garage, then the house and garden. The site slopes in two directions.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
01/00575/OUT	Erection of four dwellings	26.07.2001	WDN
01/01295/OUT	Erection of dwelling (Revised access)	12.03.2002	PER
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03/00360/OUT	Residential development comprising two dwellings and garaging	14.05.2003	WDN
04/02018/WCPP	Variation of Condition 1 of planning permission 01/01295/OUT to allow a further three years for the submission of reserved matter	08.02.2005	PER
05/00477/WCPP	Variation of condition 1 of planning permission 02/00842/OUT (erection of house and garage) to allow a further three years for the submission of reserved matters	22.09.2005	PER
08/01203/REM	Reserved matters for the siting, design, external appearance of buildings, means of access and landscaping for a four-bed dwelling as consented under 02/00842/OUT	08.04.2009	PER
10/00204/FUL	Construction of five-bed dwelling with detached garage	19.07.2010	PER

10/00688/FUL	Demolition of existing dwelling and construction of 1 x four-bed dwelling and 1 x five bed dwelling with detached double garage (on the front part of the Haven site)	09.07.2010	REF
10/00872/FUL	Erection of dwelling with detached garage and studio above		

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Relevant consultation responses are reported within the Consideration section below.

EXTERNAL

Parish Council – We note that the front plot has been split into two separate plots with the proposed developing occupying the southerly plot leaving the northern plot available for further development. We are opposed to this arrangement and believe that the plot should not be split and that only one dwelling should be constructed on it.

We believe that the scale of the proposed property is too large. A four bedroom dwelling on two floors situated more centrally on the plot would not present such an overbearing aspect from Thomas House to the South as well as from the road.

For these reasons we believe that the application should be rejected.

NEIGHBOURS

Letters of objection have been received from seven local households raising the following issues. These responses are to the initial proposal, which was a five bedroomed house, significantly larger than that before you. Responses to the consultation on the revised proposal for a three bedroomed house will be reported in the Update Report.

- Developer is submitting two applications separately having had the previous application refused
- Footprint is the same as the house previously refused [Members should note this has been revised]
- Plans for The Haven should be considered as a whole
- Wothorpe is marked as a Character Area
- Proposal is against the design statement for Wothorpe
- Contravenes sections of Residential Design Guide
- Gardens have been removed from definition of brownfield development
- Proposal does not respect local character, which is of varying building designs
- Same style of building as neighbouring houses, by the same developer
- Roofline does not fit in with established buildings
- House should be set centrally on the plot
- Increase in number of dwellings will increase activity and nuisance and reduce privacy
- Impact on privacy at Thomas House – is only 2m away [Members should note this has been revised]
- No visual separation between proposed house and Thomas House [Members should note this has been revised]
- Overlooking to Thomas House, Latimer House and Exeter House
- Road cannot cope with additional traffic
- Danger to children playing in the road
- Construction traffic
- Problems with drainage and water pressure will be made worse
- Will erode green area
- No provision for open space
- Proposal to remove near perfect dwelling is outrageous
- Demolition will release dust and harmful chemicals

- Energy/waste implications of demolition and removing rubble

COUNCILLORS

Cllr Over has made the following comments:

H9 Wothorpe is a limited growth settlement and this application is one of a constant flow of small applications which is significantly enlarging the settlement

H16 The application is one of many similar designs which has no connection with local designs. Indeed this type of reconstituted stone building is a glaring clash against local designs.

H20 There is no evidence to suggest a need for this building. No local survey was conducted and it is a purely speculative build similar to others which have remained half built and/or unsold for many months.

H21 No attempt has been made to discover the need for affordable housing

H22 This settlement will be an 'excepted' site and this application is being rushed through, along with other applications in the same back garden of the 'Haven'

T1 No survey has been done regarding public transport. It is likely that at least two cars will be at this property if built

T8 There is no legally confirmed owner of the road with no right of access

CC4 There is no Section 106 agreement with regard to leisure and recreational green spaces

CF7 There are no health facilities in the area to meet the needs of an increasing population

DA6 This is a significant example of piecemeal development which has had a significant effect on the settlement and has changed the nature of the area.

There is no attempt to help develop a balanced and mixed community. Instead yet another £500,000 plus house is being built for unknown buyers.

LNE1 Another example of the authorities countryside being eaten up by piecemeal speculative building

U1 There is no legal ownership of drains, sewage disposal and water pipes.

U2 Water drainage is a significant problem on 2nd Drift with a number of springs in gardens. Water drainage is inadequate to cope with heavy rain or water from seasonal springs

This application makes no attempt to provide a development for the benefit for the settlement. No evidence was collected to assess the need for this proposed house and it offers no advantages for the people of the area. The building has no local distinctiveness and is directed at one type of buyer irrespective of local needs. It is not sustainable development and it does not improve the quality of life. Power supplies, water pressure and broadband connections are often poor.

I am already being contacted on a regular basis by new residents in Wothorpe complaining of a poor road surface, narrow roads, poor water pressure, low voltage and dangerous road junctions. These problems are continually pointed out by local residents, the parish council and myself at each planning application only for them to be brushed aside.

7 REASONING

a) Introduction

This application is subsequent to a refusal of two larger dwellings on the front part of The Haven.

The applicant has submitted an appeal against that refusal.

This application is for one dwelling on plot A, and the applicant has stated that an application will be submitted for a separate dwelling on plot B in due course.

b) Policy issues

Wothorpe is an Infill Settlement (not a limited growth statement, or in the countryside) and development is limited to infill of no more than two dwellings on an undeveloped plot in a built up frontage. This definition is taken from the Structure Plan which was replaced by the Regional Spatial Strategy (which Government intends to withdraw).

Once the existing dwelling is demolished the plot will effectively be undeveloped, and therefore two dwellings could, in principle, be accommodated on the front.

The approved dwelling to the rear is located on a separate plot that does not relate in planning terms to the two frontage plots.

It is considered that there is no reason to resist the principle of allowing two dwellings at the front of the site.

c) **Character of the area**

The character of Wothorpe is, broadly, variety in building style, and separation between dwellings. Most dwellings are detached, apart from the Victorian terraces, which create their own small character area. It is inevitable that the character of an area will change over time, and this has happened to Wothorpe with the development of many plots and the increase in the overall number of dwellings. The predominant character however is still of large dwellings on good sized plots, with significant separation between dwellings.

The majority of the detached houses in Second Drift are two-storey, with two-and-a-half storey development in the Victorian terraces and in two of the new houses to the south of the site. There is also two-and-a-half storey development opposite the application site, on the old Havering site. Most of the dwelling styles relate to their time rather than their place, and there are few buildings which are typical of the local vernacular.

The north-east side of Second Drift has eight buildings along its length. The first is a terrace of Victorian houses, then there are 7 detached houses. The spacing between them varies from 1m to 7m, apart from at The Haven where separation to each side is about 16-18m. Although the current proposal is only for part of the front of The Haven, it can be established that the space between the south-east side of the proposed house and Thomas House would be about 10m, and the space between the north-west side of any house proposed in the future for the neighbouring plot, and Cromwell House, would be at least 8m.

This indicates that the proposed development would respect the established level of separation between dwellings, which has altered over time firstly with the infill dwelling on part of the Cromwell House plot, and later with the three new dwellings to the south-east of The Haven. The varying styles of the houses, and the varying set back distances, aid in establishing the spacious detached character.

All of the dwellings are set back several metres from the roadway, and there is some planting which helps to screen dwellings and contribute to the wooded character of the area.

The initially submitted proposal for this site, which was of two-and-a-half storeys, was the same height as the revised proposal and Members should be aware that there is potential for accommodation to be added into the roofspace, and it would be open to the applicant to apply at a later date to convert the roofspace into accommodation. The height of the dwelling, and the proportion of wall to roof, would be about the same as at Thomas House, to the south-east.

Part of the character of Wothorpe is large plots/gardens. Although the gardens to the proposed dwelling would be smaller than many in the area it would be over 300 sq m, which is a good size in itself, and large enough to mitigate for the north-east orientation. It is the space between dwellings which often supports a public perception of large plots, and the proposal respects this.

The proposed materials are natural stone and slate, not reconstituted stone, which fits in with many of the more recent homes in Wothorpe, although the Victorian and most of the 20th century buildings are of brick. Some comments have been made regarding the design of the proposed house, which is very similar to the style of the three new dwellings to the south-east. If the current proposal, and another dwelling on plot B, were to be built in the proposed style there would be six detached dwellings in a loose group, all of a similar style. It is this, rather than the siting or spacing of dwellings, that could potentially have the most impact on the character of Second Drift, although the landscaping along the street screens dwellings to an extent so that the impact is reduced.

A garage is proposed in front of the dwelling, and it is likely that a garage would also be proposed in front of any dwelling on plot B. Garaging to the front is to be discouraged as a general rule, however a garage to the front is already in evidence at Thomas House, to the immediate south-east, and in 2003 permission was granted for a garage to the front of Cromwell House, although this was not built. The proposed garage has a shallow roof pitch and a low profile.

Overall it is considered that subject to a good landscaping scheme the impact of the garage and the similarity in design and materials can be incorporated into the overall streetscene satisfactorily, and that the character of the area would not be unacceptably affected.

Several comments have been made regarding the status of Wothorpe as an "excepted village". This refers to the emerging allocation of Wothorpe as a Special Character Area. This allocation is part of the emerging Local Development Framework and should be borne in mind, but cannot be given significant weight at this stage. The emerging policy presumes against sub-division of gardens and establishes the local character as low-density development mainly individually designed family houses set in large landscaped gardens giving a semi-woodland setting.

d) **Impact on neighbour amenity**

The neighbour most closely affected would be Thomas House to the south-east. The side elevation of the proposed new dwelling would be about 10m from the side of Thomas House, and there would be no windows which could give rise to direct overlooking.

Windows to the front of the new dwelling would look over the road, with no particular impacts on neighbours.

Windows to the north-west would be about 26m from the side of Cromwell House and would not give rise to any detrimental overlooking.

Windows to the rear of the dwelling would look towards the new dwelling recently approved to the rear of The Haven. The closest window would be 13m from the side of the new garage and about 20m from the side of the new house. Views towards the garden of the new house would be partially screened by the garage.

Neighbours have commented on loss of privacy to Thomas House, however there would be no overlooking to the house itself. Thomas House has been extended to the rear such that the sitting out area is further back and higher than the rear of the proposed dwelling so there would be oblique views from one of the bedroom windows towards the patio at Thomas House. This level of overlooking is considered to be usual for residential areas.

e) **S106**

As the demolition of the existing house is part of this proposal, and the proposed house has fewer bedrooms than the existing, there is no additional infrastructure burden and therefore no requirement for a S106 agreement.

f) **Highways/parking**

A double garage forms part of the proposal, and there would be sufficient space to park visitor's vehicles in front of the garage. There would be ample space to accommodate cycle parking.

There are no Highway objections to the proposal.

g) **Other matters**

The following comments have been made

No evidence of housing need/affordable housing need

There is evidence of housing need within the Peterborough City Council area, and within the country as a whole. Within the PCC area, the housing growth sought and set out within the emerging Core Strategy is significant. The evidence base for the Core Strategy has identified a shortfall of large houses within the City Council area.

The proposed development does not meet the trigger for affordable housing. It is unlikely that any development within Wothorpe would meet the trigger as sites are small.

Condition of road

Several neighbours have commented on this, and there are clearly significant concerns about the road in terms of condition and safety. Most of the residents on the Drift, as the dwellings have front parking areas, do not need to park vehicles on the road, although there is very little allowance for visitor's vehicles to be parked on the road. There are some areas of grass verge which could be used for informal parking and passing, but in some cases these have been blocked with stones to protect the grass.

While local concerns are understandable, the road is private, and it is up to the owners to look after it. The concern of the Local Planning Authority and the Local Highway Authority is with safety on the adopted Highway, which would not be affected by this proposal. The LHA has raised no objections.

Condition and provision of other services

Utilities are not for the planning system to consider, rather they are for the utility companies to provide in accordance with local need.

Access to public transport is available via a CallConnect service, and there are buses and trains in Stamford.

The centre of Stamford, with shops, other facilities and a railway station, is less than a mile from the application site.

Open space and health facilities would be provided for via the Planning Obligations Implementation Strategy, however as set out above in this case the proposal is to replace an existing house so no contribution would be required.

Impact of demolition/loss of existing house

There is no particular reason to resist the loss of the existing house. It is not listed or otherwise protected and while it is a pleasant enough building it is not worthy of being retained for its own sake.

Demolition must be notified to Building Control, and Health and Safety controls would apply.

Gardens have been removed from definition of brownfield development

This is true, but makes very little difference to any individual planning application. There is no reason in principle why a garden should not be developed, and it has always been possible to refuse applications for development on existing gardens where proposals are unacceptable.

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 site is within the settlement boundary
- a dwelling can be accommodated without unacceptable detrimental impact on the amenities of occupiers of neighbouring dwellings
- a suitable level of amenity can be provided for residents, including access and parking
- the proposed dwelling would not affect the character of the area to an unacceptable degree
- the proposal is therefore in accordance with Policies H16, T1, DA2 and DA6 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Materials to be used in the construction of the approved development shall be as described in approved plan 2009/51-4 C, unless agreed otherwise in writing by the Local Planning Authority.**
Reason: In the interests of the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling or the garage shall be constructed other than as those expressly authorised by this permission.**
Reason: In the interests of visual and residential amenity, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First replacement).
- C4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any elevation or roof slope at second floor level, or to the south-east or north-west elevations at first floor level.**

Reason: In order to ensure that the Local Planning Authority can protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C5 The dwelling and garage shall be constructed at the level shown on plan 2009/51-20/A, unless otherwise agreed in writing with the LPA.**

Reason: In the interests of visual and residential amenity, in accordance with policy DA2 of the Adopted Peterborough Local Plan (First replacement).

- C6 Surface water disposal shall be by means of soakaway unless percolation tests prove negative in which case an alternative means of disposal shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The soakaway or alternative approved means of disposal shall be implemented prior to the first occupation of the dwelling.**

Reason: To prevent surface water flooding in accordance with the aims of PPS25.

- C7 Before the development hereby permitted is first occupied, the proposed first floor windows on the north-west and south-east elevations shall be obscure glazed and apart from any top hung fan lights shall be incapable of being opened and shall subsequently be maintained as such.**

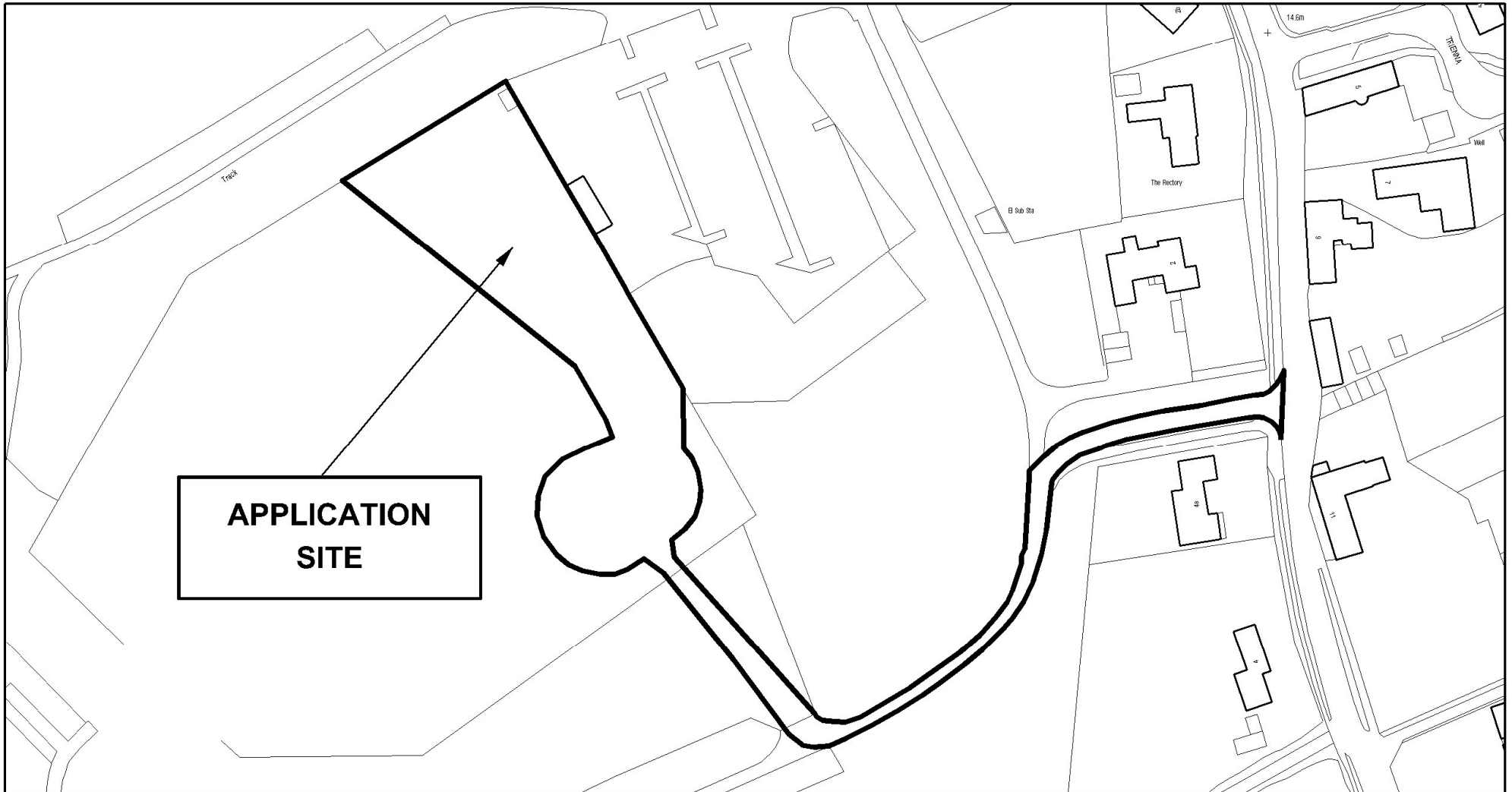
Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C8 Prior to the commencement of development and notwithstanding submitted plans, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the existing landscape features within the site that are to be retained; the enhancement and creation of natural features within the site; the retention, enhancement and creation of wildlife corridors and the use of native species in planting.**

The landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner.

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

Copy to Councillor D Over



**APPLICATION
SITE**

LOCATION PLAN **10/00990/FUL**

Huntly Lodge, The Village, Orton Longueville

Scale 1:1250 **Date** 26/8/2010 **Name** MKB **Department** Planning Services

PCC GIS



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10/00990/FUL: CONSTRUCTION OF 5 BEDROOM HOUSE AT PLOT 5, HUNTLY LODGE,
THE VILLAGE, ORTON LONGUEVILLE, PETERBOROUGH
VALID: 4 AUGUST 2010
APPLICANT: MR ZED AHMED
AGENT: MR PAUL SHARMAN
REFERRED BY: CLLR MURPHY
REASON: DISAGREE WITH RECOMMENDATION – SITE HAS LAIN DORMANT FOR
TOO LONG AND REQUIRES A MEMBER DECISION
DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE
TELEPHONE: 01733 454439
E-MAIL: louise.lovegrove@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of the development
- The design and the impact of the proposal on the character of the area
- The impact of the proposal on the residential amenities of the occupiers of neighbouring properties
- Highway implications
- Landscape implications
- Ecology
- Securing satisfactory development

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

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

H7 – Housing Development on Unallocated Sites

H16 – Residential Design and Amenity

T1 – The Transport implications of New Development

DA1 – Townscape and Urban Design

DA2 – The effect of Development on the Amenities and Character of an

CBE2 – Other Areas of Archaeological Potential or Importance

CBE3 – Development affecting Conservation Areas

CBE7 – Development affecting the Setting of a Listed Building

LNE9 – Landscaping Implications of Development Proposals

LNE10 – Detailed Elements of Landscaping Schemes

LNE16 – Sites of Local Nature Conservation Importance

LN19 – Protection of Species

IMP1 – Securing Satisfactory Development

Material Planning Considerations

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

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning for the Historic Environment

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a five-bedroom detached two storey dwelling within the development known as 'Huntly Lodge'. The proposal would extend to a footprint of approximately 395sqm with the addition of a detached triple garage and plant room to the front of the dwelling. The dwelling is proposed to be of a modern design with a large amount of glazing to the elevation treatment.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site was formerly a Peterborough City Council facility occupied by a large education building with access road from The Village through the neighbouring woodland. The site is enclosed by the Grade II listed wall which surrounded the 'kitchen garden' to Orton Hall, situated to the north east of the application site. There are a number of mature trees contained within the site and to the south is situated a woodland County Wildlife Site managed by the Woodland Trust.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
98/00888/R3FUL	Use of whole building for educational purposes (pupil referral unit)	30.09.1998	Permitted
03/00790/CON	Demolition of former school buildings	28.07.2003	Permitted
03/01174/R4OUT	Erection of five dwellings	29.10.2003	Permitted
06/01340/WCPP	Variation of Condition 1 of planning permission 03/01174/R4OUT to allow a further 3 years for submission of reserved matters	20.11.2006	Permitted
06/01688/REM	Erection of five dwellings	22.12.2006	Refused

08/01204/LBC	Widening of existing entrance and infilling of existing openings	31.12.2008	Permitted
09/00615/REM	Construction of detached dwelling and separate garage (Plot 4)	04.08.2009	Withdrawn
09/00789/WCPP	Removal of Condition 8 (ridge height) of planning permission 03/01174/R4OUT to remove ridge height restriction	30.09.2009	Permitted
09/00841/FUL	Proposed Great Crested Newt mitigation pond	25.09.2009	Permitted
09/00913/REM	Construction of 6 bed dwelling (Plot 5)	27.10.2009	Permitted
09/00978/REM	Construction of 6 bed dwelling (Plot 1)	21.10.2009	Withdrawn
09/01021/REM	Construction of 4 bed detached dwelling with separate garage (Plot 4)	03.11.2009	Permitted
09/01253/REM	Construction of 5 bed dwelling with games room (Plot 1)	21.12.2009	Permitted
09/01274/REM	Construction of two four-bed dwellings (Plots 2 and 3)	03.03.2010	Permitted
09/01314/REM	Construction of six bedroom house (Plot 5)	12.01.2010	Permitted
10/00498/FUL	Construction of two four-bed dwellings (Plots 2 and 3)	16.06.2010	Permitted
10/00960/FUL	Construction of 4 bedroom dwelling and attached garage (Plot 4)		Pending

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections. Access arrangements are almost identical to those approved under 03/01174/R4OUT and adequate space for parking and turning is provided within the plot.

Conservation Officer – No comments received to date, will be provided in Update Report to Members.

Wildlife Officer – No objections. Mitigation Strategy is already in place and implementation should continue in accordance with the submitted strategy.

Landscape Officer – No objections. A uniform approach to landscaping should be taken but can be conditioned.

EXTERNAL

Natural England – Proposal should not impact upon Orton Pits SSSI and SAC.

NEIGHBOURS

No letters have been received from local residents.

COUNCILLORS

Councillor Murphy – The site has lain dormant for too long and should be put to use as soon as possible. Disagree with the Officer recommendation.

7 REASONING

a) Principle of development

The application site is situated within the defined Urban Area of the Adopted Local Plan and constitutes redevelopment of a brownfield site owing to the previous educational use. Application reference 03/01174/R4OUT previously granted permission for development of five dwellings on the site and the specific plot (Plot 5) has been granted reserved matters approval twice for the construction of a six-bedroom dwelling. As part of the outline approval, all five dwellings combined

were restricted to a total footprint of 1200 square metres. This is the third full application on the site which seeks permission for dwellings outside of this footprint limit (10/00498/FUL for Plots 2 and 3, and 10/00960/FUL for Plot 4). It is considered given the outline and reserved matters approvals on the site, and the approval of application reference 10/00498/FUL, that the principle of residential development is acceptable.

The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement) and PPS3, subject to securing satisfactory levels of amenity and suitable design.

b) **Design and impact on the character and appearance of the area**

It is considered that the overall design of the proposed dwelling is not respectful or reflective of the design, character and built form already approved within the development as a whole. As part of the outline and approved matters applications, a set of Design Guidelines were established in order to provide continuity within the Huntly Lodge development site. As part of the new full permissions being sought on four out of the five plots, some of these design principles have been lost albeit many remain in force and as such, the current proposal should attempt to accord with these as much as possible. Those design principles which no longer apply include the footprint reduction for the development as a whole, limitation of the ridge height to 7.3 metres, and garaging and parking located to the rear of the dwelling. However others remain, including maintaining a 3 metre separation distance between properties for single storey elements and 8 metres for 2 storeys; maintaining a distance of 3 metres from the listed wall for single storey elements and 8 metres for two storeys; and ensuring that principal elevations are mainly masonry.

Whilst there are no dwellings currently present on site, all five plots have permissions which could be implemented and therefore the design of these approved schemes needs to be taken into consideration in determining the current proposal. Each of these dwellings has an established traditional form with simple and conventional roof structures albeit there is variation in the style of each dwelling. The applicant maintains that the application proposal respects the adjacent dwelling currently under determination for Plot 4 (10/00960/FUL) in terms of its style, design and scale. Whilst it is acknowledged that the footprint of the adjacent property is larger than neighbouring plots at 385 square metres, the scheme has been designed so as to as far as is practicable reduce its scale and massing through varied roof heights and form.

The design and form of the application proposal appears significantly bulky within its context with an odd built form and resultant roof composition. It cannot be said that the design of the dwelling in any way attempts to respect the traditional form established on the site and would represent an incongruous feature within the streetscene. The overall massing of the dwelling would appear unduly obtrusive and overbearing within its context and be significantly oppressive within its setting. Furthermore, its relationship within the application site appears cramped and as such, would appear as overdevelopment of the site. The plots are large and can accommodate large dwellings however it is considered that the application scheme is overly large for its plot.

The modern design of the dwelling in no way respects the neighbouring dwellings and the proposed materials further exacerbate this. Whilst local buff stock brick are included within the approved design guidelines for the site, all front elevations as approved on other plots are predominantly masonry and as such, the proposal will further appear at odds within the wider site.

In addition, the positioning of the proposed triple garage and 1.2 metre masonry boundary wall further serves to represent the dwelling as an incongruous element within the wider development. On all plots within the development, the front boundary wall has been set back and follows the line of the communal turning area to the entrance of the development. Each property has maintained a smooth line of boundary treatment and it is considered that to ensure each dwelling assimilates into the site, that this should be maintained. The application proposes to site the triple garage and boundary wall forward of the established building line. The wall would be positioned 11 metres forward of the established building line with the garage and turning area contained between the boundary wall and principal elevation. Whilst other schemes on the neighbouring plots have brought the garages forward of the dwelling, these have been designed as integral features of the dwellings and as such, do not appear at odds within the streetscene.

Overall the design, scale, massing and bulk of the proposed dwelling is at odds with the established form of the site and would appear out of keeping with the character and appearance of the surrounding area contrary to policies H7, DA1, DA2 and CBE3 of the Adopted Peterborough Local Plan (First Replacement).

c) **Impact on residential amenity**

It is considered that the proposed dwelling would not significantly harm the amenities of occupiers of neighbouring Plot 4. The positioning of the proposed dwelling is such that it would be set away from the neighbouring residential property, given its corner plot location. There is proposed to be a separation distance of some 6.2 metres from the side elevation of the proposal to the side elevation of Plot 4. Therefore it is unlikely to have an overbearing or overshadowing impact upon the neighbouring property.

d) **Highways implications**

The application scheme proposes to use the existing access under ownership of the City Council as approved under the outline approval 03/01174/R4OUT. Given that the access was established as acceptable for use by the five dwellings, the Local Highways Authority is content with the proposal. There is sufficient parking and turning provided within the site and as such, the proposal accords with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

e) **Landscape implications**

There are no detailed proposals for the landscaping of the application site contained within the application submission. This is not unusual for an application of this type and it is considered that landscaping (both hard and soft) as well as boundary treatments can be conditioned as necessary. Landscaping is an integral part of the assimilation of the dwelling into its surroundings and it is essential that the proposals for all five dwellings on the site maintain a coherent landscaping approach. In this instance, the proposed front boundary wall would be forward of the established building line and would appear out of keeping with its surroundings.

f) **Ecology**

It has been established that there is a medium sized population of Great Crested Newts present on the application site and the applicant has submitted an Ecological Mitigation Strategy. This strategy has been approved previously by both the City Council's Wildlife Officer and Natural England, the latter of whom has issued a license for development. This license expires on 2 October 2011 and should development not have been started in this time, a revised strategy and license will need to be submitted. However for the purposes of this submission, the proposal accords with Policy LNE19 of the Adopted Peterborough Local Plan (First Replacement).

g) **Securing satisfactory development**

The Draft Planning Obligations Implementation Scheme is applicable in this instance and the applicant has agreed to enter into a S106 agreement.

This requirement accords with both national and local policy and in the Planning Officers opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above).

8 CONCLUSIONS

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

- The design, scale, mass and bulk of the proposed dwelling does not respect or reflect the established character and appearance of other dwellings within the Huntly Lodge development and as such, will appear incongruous and at odds with the streetscene; and
- The proposed detached garage and front boundary wall are proposed to be forward of the established building line and will appear at odds with the character and appearance of the development as a whole; and

- The proposed dwelling, as a result of its size, scale and bulk, cannot be satisfactorily accommodated within the plot and would represent overdevelopment.

9 RECOMMENDATION

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

R1 The proposed dwelling would be out of character with the surrounding development; taking no reference in design terms from the approved schemes on the neighbouring plots. The footprint of the dwelling would be tight to the boundary and this combined with poor elevation treatment, scale, massing and bulk of the scheme would create a contrived development which would not follow the rhythm of development in the immediate vicinity. The built form of the dwelling and associated parking area appears cramped within the plot and as such, is considered incapable of being accommodated on the site. The proposal would appear unduly obtrusive and overbearing within the streetscene and would accordingly be detrimental to the surrounding character and appearance of the area. Therefore the proposal is contrary to policies H7, DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) which state:

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

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

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.

R2 The positioning of the proposed triple garage and front boundary wall forward of the established building line of the Huntly Lodge development would represent an incongruous feature, out of keeping with the character and appearance of the surrounding area. The proposal is therefore contrary to policies DA1 and DA2 of the Adopted 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:
- (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.

Copy to Councillors Murphy, Goodwin, Winslade

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PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
7 SEPTEMBER 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr P. Hiller - Cabinet Member for Housing, Neighbourhoods, & Planning	
Contact Officer(s):	Simon Machen - Head of Planning, Transport & Engineering Services Jim Daley - Planning Services	Tel: 01733 453475 Tel. 01733 453522

THE NORTHBOROUGH 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 Northborough Conservation Area Appraisal 2. recommends that the Cabinet Member for Housing, Neighbourhoods, & Planning considers and approves the proposed boundary changes (Appendix 1) 3. supports the adoption of the Northborough Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Northborough Conservation Area 	

1 ORIGIN OF REPORT

- 1.1 A review of the Northborough Conservation Area was carried out in 2009 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 Northborough 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 Northborough Conservation Area Appraisal and Management Plan, as appended. The report provides an update on the outcome of the public consultation on the Draft Northborough 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
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4 BACKGROUND

- 4.1 The draft Appraisal commenced public consultation on 7th December 2009 and the consultation period concluded on 8th February 2010. 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 most properties in the village and other interested parties, including planning agents and Peterborough Civic Society.

- 4.2 12 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

- 5.1 The Northborough 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 Northborough 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Adoption of the Northborough 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)

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)

Guidance on Conservation Area Appraisals, English Heritage 2005

Guidance on the Management of Conservation Areas, English Heritage 2005

10 APPENDICES

1. Draft Northborough Conservation Area Appraisal available on the Council web site via the following link: [Northborough conservation area](#)
2. Summary of Comments on Northborough Conservation Area Appraisal and Management Plan

APPENDIX 2

SUMMARY OF COMMENTS ON NORTHBOROUGH CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

- **Northborough Parish Council**

1. Support expressed for the Appraisal and Management Plan.
2. Corrections and amendments to text advised

Response

1. Comments noted
2. Noted and text amended.

- **English Heritage**

- 1 Support presentation of Appraisal information.
- 2 Comments on impact of motor car could be reinforced through use of old photographs to contrast situation that existed in the 1950's with today
- 3 Traditional detailing of roofs in long straw thatch incorporates a flush ridge and use of decorative block cut ridges only dates from mid 20th C. Owners should be encouraged to return to a traditional flush ridge detail when re-thatching.
- 4 Section 9.2 identifies buildings potential for addition to national list of listed buildings – but also helpful to identify those unlisted buildings that make a positive contribution to the conservation area which might be considered for inclusion on the Local List.
- 5 Consideration might be given to the use of Article 4(II) Directions to retain distinctive features on unlisted properties. Also useful in retaining character and appearance of outbuildings and boundary walls that make a contribution to the public realm
- 6 Consideration with Highways Department for subtle traffic calming measures to see a return to more traditional road widths and the removal of the wide straight alignments introduced in the 1960's and 1970's.
- 7 Proposed boundary revisions are logical and capable of being identified on the ground and would ensure that the boundary more closely follows the historic settlement boundary illustrated on old maps.

Response

- 1 Comments noted
- 2 Comments noted and suggested amendment to be made
- 3 Comment noted. This information is presently provided to owners of thatched long straw listed buildings and will be made prominent in new guidance on repairs to listed buildings.
- 4 & 5. Comments noted. It is preferred to use Article 4 Directions, rather than Local Listed Building designation (Policy CBE11 Peterborough Local Plan) to protect unlisted buildings of townscape value in the conservation area for the additional planning control afforded. It is proposed to revise 9.2... **“Protected and locally distinctive buildings”** and add point 2 ...**“Examine the use of Article 4 Directions on properties that are unlisted which are considered to contribute positively to the character and appearance of the conservation area”**
7. Comments noted

- **Peterborough Civic Society**

Support report and recommendations

Response

Comments noted

- **Resident**

- 1 Support report and proposals.
2. Concern that listed property (Northborough Manor) does not have protection (setting) to south & east and therefore supports proposed conservation area extension.
- 3 Removing Armco barrier to front of Northborough Manor supported but adequate replacement required to maintain protection as vehicles continue to hit barrier.

Response

- 1 Comment noted
- 2 Comments noted
- 3 Comments noted. This item will be discussed with Highways Authority, Northborough Parish Council and owners of Northborough Manor.

• Resident

- 1 Support proposals and recommendations
- 2 Consider redefining village boundary to correspond with the conservation area at south eastern end of the village
- 3 Recommended revision to 9.3 point 4...“each case on its merits” to encourage proposals to retain the simple character of these structures rather than suggesting an objection in principle.
- 4 Paradise Lane is of significant appearance and amenity value. Include Paradise Lane from Church Street to sluice adjacent to Paradise Cottage within conservation area to protect character and contribution to amenity values. As a minimum, first section if not whole length
- 5 Encourage Highways Authority to be part of commitment to CA to avoid over engineered highway works to detriment of village character / appearance. Encourage use of more sympathetic footpath surfacing materials such as tarmac surfaces dressed with rolled golden gravel
- 6 Large number of road signs / road marking in vicinity of school. Further signage should be avoided, and any necessary additional signage consolidated and co-ordinated.
- 7 Plan should be seen as a starting point and not an end in itself.

Response

- 1 Comments noted
- 2 To be clarified
- 3 Comment noted. Proposed amended text...“The conversion of sheds, stores and stables and other traditional outbuildings into residential use should be avoided where they have historic and architectural merit, in order to retain the simple character of these structures”
- 4 Many conservation area boundaries were drawn too tightly on designation in the 1970 / 80's. The original boundaries generally concentrated on the built form, the historic buildings and settlement pattern found in the core of a village. More recently has been the awareness of the contribution of historic field enclosures, paths, paddocks, water courses, ponds etc – i.e. landscape – to the character of a settlement. The Draft Northborough Conservation Area Appraisal has identified the special character of the present conservation area: its buildings, spaces, materials, built forms, stone walls, mature trees, part enclosed street scene, irregular street and pavement alignments, ‘sense of place’. It does not accurately align to historic features – e.g. ancient field enclosures, remnant stone boundaries, surviving field patterns. The current CA boundary includes only a small portion of the ancient Paradise Lane an ancient ‘Parish’ track. The ‘special character’ of Paradise Lane is noted. This is derived from its appearance and use as a minor access track and framed by treed and hedged field boundaries. The lane is also of local historic interest being the former route of the Car Dyke Roman waterway. For these reasons, there is merit in recognising the significance of the lane by extending the conservation to include all or part of the lane. This will also provide protection to trees. It is proposed to revise 9.1 to add a third point...“**Discuss with local interests and English Heritage the most appropriate conservation area boundary designation to reflect the heritage value of Paradise Lane, and the eastern approach to Northborough**”.
- 5 Comments noted. It is proposed to revise 9.8...“**Highway works and Street Furniture**” and point 2...“**As resurfacing, up-grading and replacement schemes for footways, streetlights, railings, signage etc come forward, materials and designs should be chosen to compliment the historic character of the Northborough conservation area**”.
- 6 Comment noted. It is proposed to revise 9.1 and add a new point...“**Where possible, the number of poles should be reduced with signage etc being placed on one pole or lamp-post and other lamp-posts or poles removed.**”
- 7 Agreed

• Resident

- 1 Support draft proposals

- 2 Extend conservation area to include Paradise Lane up to and including Paradise Cottage. Lane worthy of protection
- 3 Include Pasture Lane/Paradise Lane/Church Street junction as fourth “key area for townscape Enhancement”, as this is an area overdue for improvement.

Response

- 1 Comment noted.
- 2 Comment noted and agreed. See above on same issue.
- 3 Comment noted. The inclusion of the trees to the field boundaries immediately east of the Pasture Lane/Paradise Lane/Church Street junction will provide control of this important group of these trees which provide an entrance gateway approaching the village. This will be an item for discussion with the Parish Council to determine whether there is an issue of traffic calming rather than gateway enhancement. No amendment to text proposed

• **Resident**

No mention of the Car Dyke which is still open after a pack horse bridge in Pasture Lane.

Response

This is described at 4.0 Roman Influences

• **Resident**

- 1 Supportive of the general thrust of the proposals
- 2 Consider extensions to the conservation area to include land to the north of Church Street, including similar old homestead plots (as proposed southern boundary extension) and Car Dyke along Pasture Lane and Paradise Lane.
- 3 No reference in report to the issue of use of traditional local thatching materials (long straw v reed thatch). The use of modern materials in replacement windows (i.e. sealed double glazing) should be supported. Disagree on discouraging conversion of outbuildings to residential use.
- 4 Agree with avoiding different quality development within and outside the conservation area.
- 5 Support proposals for protecting Car Dyke. Other areas of archaeological interest identified for further investigation and possible protection / recognition.
- 6 Advises on caution regarding re-engineering works at Church Farm/Church Farm access near the church. The kerbing is relatively recent but protects the grassed areas from over running / parking (mainly school). Replacing the Armco barrier outside Northborough Manor is supported, however, in winter vehicles regularly crash into the barrier. Support replacement of lamp columns with more appropriate ones.
- 7 Typos and corrections including reference to consistent width of Church Street, which is not so. (p.15)
- 8 Entrance to Manor farm is used as passing place when traffic and parked cars affect free flow (school) and needs to be taken into account in any proposed enhancement works.

Response

- 1 Comments noted
- 2 The Draft Northborough Appraisal has identified the special character of the present conservation area. The additional controls on householders as a result of conservation designation are recognised must be balanced against the wider public gain. Conservation areas can and do include properties which do not have architectural or historic character in their own right to justify inclusion. It is considered that extending the conservation area to the north of Church Street is not justified. In addition to justifying the imposition of controls on householders extending the conservation area to include predominantly ‘modern’ properties would likely weaken the strength of the overall conservation area. The inclusion of Pasture Lane is similarly not supported given the significant different character compared with Paradise Lane. For Paradise Lane extension see above.
- 3 The appraisal is not an appropriate document to provide such information / guidance. This can be set out in separate planning and conservation guidance to owners of thatched properties.
- 4 Comments noted.
- 5 Comments noted. Comments will be forwarded to Archaeological Officer for further investigation and consideration.

- 6 Comments noted.
- 7 Comments noted and minor change to ...**"to a generally consistent width"**. (3rd para. P.15)
- 8 Comments noted

- **Milton (Peterborough) Estates Company**

- 1 Logic to proposed extension in vicinity of Castle Farm and Manor Farm. Helpful if noted that modern buildings within these areas could be replaced by structures more in keeping with objectives of management plan. A policy confirming the removal of modern agricultural buildings to achieve an improvement would be of assistance.
- 2 Further background information to justification for proposed consideration listing outbuildings to Manor Farm required.
- 3 Ensure that Estate is involved as a consultee on any proposals for townscape enhancement in vicinity of entrance to Manor Farm.

Response

1. Comments noted. However, no revision proposed to text. Conservation area designation should not be seen as a restriction on farming practices and farm viability. Utilitarian farm buildings invariably do not contribute to wider landscape character and their replacement with more sympathetic buildings is normally supported, if not permitted under the provisions of the General Permitted development Order. .
2. Comment noted and agreed. To be discussed with Milton Estates.
3. Comment noted and agreed

- **National Farmers Union**

One of the three key areas for 'townscape enhancement' is entrance/exit to Manor Farm. Concern on potential impact on entrance to Manor Farm. Keen to avoid future problems due to any lack of consultation.

Response

Comments noted. Any enhancement works will be developed together with Parish Council, residents, landowners and Highways Authority

- **Mr C. Clay PCC Landscape Architect**

- 1 From a landscape perspective report should make reference to general landscape setting and PCC Landscape Character Assessment, which includes Northborough on the Maxey gravel river delta island within the Welland valley Character Area.
- 2 Typing errors and corrections

Response

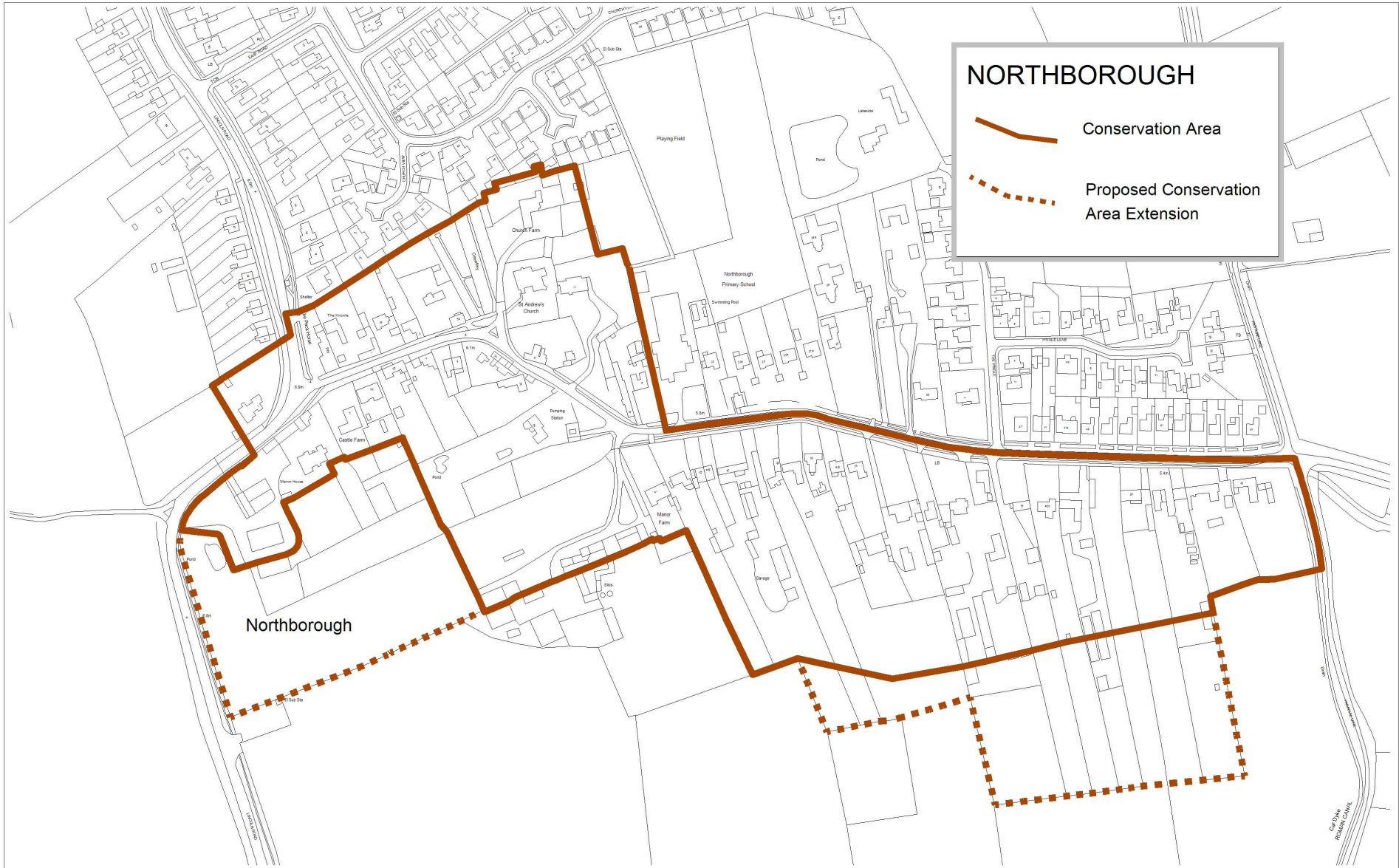
- 1 Comments noted and revisions made to text at p.5..

- **Richard Hillier Peterborough Library**

Various typing errors and corrections

Response

Comments noted and amendments made



Title Appendix 1 Conservation Area Boundary and Proposals Map

Department Strategic Planning and Enabling

Scale 1:3500

Name JG

Date 25th August 2010

PCC GIS



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PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 7
7 SEPTEMBER 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr P. Hiller - Cabinet Member for Housing, Neighbourhoods, & Planning	
Contact Officer(s):	Simon Machen – Head of Planning, Transport & Engineering Services Jim Daley - Planning Services	Tel: 01733 453475 Tel. 01733 453522

THE PEAKIRK 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 Peakirk Conservation Area Appraisal 2. recommends that the Cabinet Member for Housing, Neighbourhoods, & Planning considers and approves the proposed boundary changes (Appendix 1) 3. supports the adoption of the Peakirk Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Peakirk Conservation Area 	

1 ORIGIN OF REPORT

- 1.1 A review of the Peakirk Conservation Area was carried out in 2009 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 Peakirk 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 Peakirk Conservation Area Appraisal and Management Plan, as appended. The report provides an update on the outcome of the public consultation on the Draft Peakirk 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
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4 BACKGROUND

- 4.1 The draft Appraisal commenced public consultation on 7th December 2009 and the consultation period concluded on 8th February 2010. A copy of the document was published on the Council's website, and copies were provided to Ward member, English Heritage and Go-East. A letter and summary leaflet was sent to most properties in the

village and other interested parties, including planning agents and Peterborough Civic Society.

- 4.2 11 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

- 5.1 The Peakirk 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 Peakirk 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.

6. REASONS FOR RECOMMENDATIONS

- 6.1 Adoption of the Peakirk 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)

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)

Guidance on Conservation Area Appraisals, English Heritage 2005

Guidance on the Management of Conservation Areas, English Heritage 2005

10 APPENDICES

1. Draft Peakirk Conservation Area Appraisal available on the Council web site via the following link:

http://www.peterborough.gov.uk/environment/conservation_areas/conservation_area_appraisals/peakirk_conservation_area.aspx

2. Summary of Comments on Northborough Conservation Area Appraisal and Management Plan

APPENDIX 2

SUMMARY OF COMMENTS ON PEAKIRK CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN

- **Peakirk Parish Council**

1. Support the Appraisal and Management Plan.
2. Support extension of Conservation area. Consider extension to include former Wildfowl & Wetlands Trust site.
3. Corrections and amendments to text advised

Response

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

- **English Heritage**

- 1 Support presentation of Appraisal information. Management Plan is appropriate.
- 2 General comments on additions to text and content.
- 3 Support suggestion to include Scheduled Monument that includes part of Car Dyke to north west of village. Former Peter Scott Wildfowl and Wetlands Trust site to the north of the village is an area not of '*architectural or historic interest*' to merit inclusion in the conservation area. Development on this land would impact on the setting of the conservation area and therefore that would be necessarily be a material consideration when determining any planning application. The site forms and important gateway to the conservation area from the north and inappropriate development of the site is likely to result in harm to the setting of the adjacent conservation area. Furthermore, given the areas' former use as a wildfowl and wetland trust site it may be of interest as a county wildlife site and perhaps even warrant consideration for designation as a SSSI. Also, a Tree Preservation Order covers and protects bulk of trees to the site and affords protection.

Response

- 1 Comments noted
- 2 The appraisal has been amended to incorporate this advice
- 3 Having discussed the possibility of including the former Wildfowl and Wetlands Trust site in the C.A. it is proposed to delete 9.1 2nd point 'Discuss with local interests and English Heritage the appropriateness of extending the conservation area boundary to include the former Wildfowl and wetlands Trust site to the north of the village'.

- **Peterborough Civic Society**

- 1 Support report and recommendations
- 2 Advise reference to importance of duck industry and link between Borough Fen Decoy and village as recorded in 'The History of Borough Fen Decoy' by Tony Cook and REM Picher (1982)

Response

- 1 Comments noted.
- 2 Amendments to text made

- **Richard Hillier Peterborough Library**

Various typing errors and corrections

Response

Comments noted and amendments made

- **Resident**

- 1 In addition to protecting historic and architectural qualities (of village) important to preserve a way of life. Need to take care that village identity is not lost. Whole of village should be designated a conservation area.

- 2 Important to protect trees currently in village (section 9.10). This would be achieved if whole village designated a conservation area.
- 3 Important to preserve the former Wildlife and Wetlands Trust Reserve as a Nature Reserve and this area should be included in the conservation area.
- 4 Page (photograph - states war memorial – EJ 1904 – is a reference to a former vicar and not war memorial.

Response

1, 2 & 3. Many conservation area boundaries were drawn too tightly on designation in the 1970 / 80's. The original boundaries generally concentrated on the built form, the historic buildings and settlement pattern found in the core of a village. More recently has been the awareness of the contribution of historic field enclosures, paths, paddocks, water courses, ponds etc – i.e. landscape – to the character of a settlement. The Draft Peakirk Conservation Area Appraisal has identified the special character of the present conservation area: its buildings, spaces, materials, built forms, stone walls, mature trees, part enclosed street scene, irregular street and pavement alignments, 'sense of place'. It does not accurately align to historic features – e.g. ancient field enclosures, surviving field patterns and other historic features (Car Dyke).

The additional controls on householders as a result of conservation designation must be balanced against the wider public gain and that there is identifiable 'special architectural or historic interest' worthy of protection. Conservation areas can and do include properties which do not have architectural or historic character in their own right to justify inclusion. Much of the remainder of the village consists of later 20th C. development. It is considered that extending the conservation area to include all the built environment of Peakirk is not justified. To include areas without any 'special architectural or historic interest' runs the risk of devaluing the strength of the overall conservation area.

Protection of trees of amenity value can be considered under Tree Preservation Orders and as part of a long term tree planting / management strategy for the village (9.10)

The possible extension to the conservation area to include the former Wildfowl and Wetlands Trust site has been considered by English Heritage. It is considered that extending the conservation area here is not justified. The site is presently subject to a Tree Preservation Order and therefore the site's character is suitably protected

The site is located outside the Peakirk Village Envelope and defined as 'open countryside' in the Peterborough Local Plan where more restrictive planning policies apply. Any development on this land would impact on the setting of the conservation area and would be a material consideration when determining any planning application.

Having discussed the possibility of including the former Wildfowl and Wetlands Trust site in the C.A. it is proposed to delete 9.1 2nd point **"Discuss with local interests and English Heritage the appropriateness of extending the conservation area boundary to include the former Wildfowl and wetlands Trust site to the north of the village"**.

4 Noted and corrected.

- **Mr C. Clay PCC Landscape Architect**

- 1 From a landscape perspective the report should make reference to general landscape setting and PCC Landscape Character Assessment, which includes Peakirk.
- 2 Typing errors and corrections

Response

- 1 Comments noted and revisions made to text.

- **Resident**

Include former Peakirk Waterfowl Gardens – value of this area for wildlife and character and appearance of the village. Area also of historical and archaeological importance. A part of Car Dyke runs through the land and is a burial site. Important to preserve for present and future generations.

Response

See comment above

- **Resident**

- 1 Various typing errors and corrections
- 2 Appraisal does not cover the whole of the Parish. Dwellings in Meadow Road and Foxcovert Road should be included.
- 3 Former Wildfowl Trust land should be included in extended conservation area.

Response

- 1 Comments noted
- 2 The Draft Peakirk Conservation Area Appraisal identifies the special character of the present conservation area: its buildings, spaces, materials, built forms, stone walls, mature trees, part enclosed street scene, irregular street and pavement alignments, 'sense of place'. For this reason the appraisal does not extend significantly beyond the village envelope.
- 3 See comment above

- **Resident**

Support suggested extension as shown and also an extension to include former Wildfowl and Wetlands Trust Site.

Response

See comment above

- **Resident**

Various typing errors and correction to first draft

Response

Comment noted and corrections made.

- **Resident**

- 1 Support for the document
- 2 Support the inclusion of the former Wildfowl Trust site: is an important part of Peakirk for most of the 20th C. being willow beds and gravel works prior to purchase in 1956 by the Trust.
- 3 Include the allotments & field (behind) to help form a buffer adjacent to the historic core if it was felt that Peakirk should develop in that direction sometime in the future.
- 4 Also support the inclusion of the Car Dyke and the fishponds and is there any way to re-instate these Scheduled Monuments?
5. The 'war memorial' is a memorial to a past vicar EJ (captions reversed)
- 6 Concept of the 'Memorial Square' is interesting and could be developed to include Thorney Road junction & Village Green (reducing the dominance of the roadway and visual clutter - add to the effect of arriving in the centre.
- 7 Glinton 'end' of village needs a stronger identify of its own.
- 8 Welcome a long term planting plan.
- 9 Leaflets and guidance towards repairs to stonewalls and other boundary treatments welcomed.
- 10 Landscape Character Assessment for the village beginning and keen to input these ideas into the appraisal.

Response

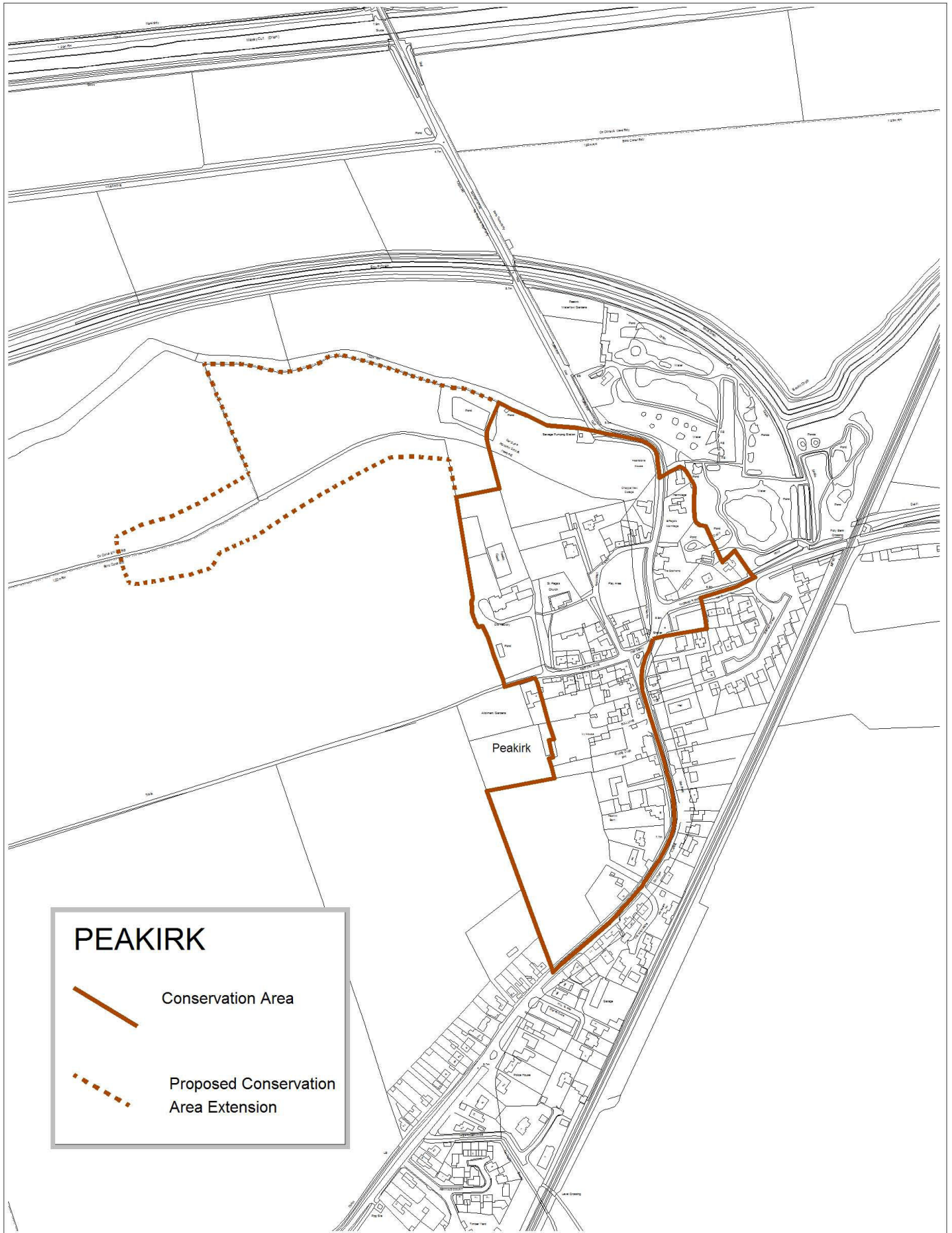
- 1 Comments noted
- 2 See comments above
- 3 This area (the allotments and the paddock of land to the south) were considered as part of the boundary review, but rejected for inclusion in an extended conservation area. The reason is that these areas have little and limited historic landscape value or other significance to be gained to justify conservation area designation. Conservation areas are not a device to prevent development. The land lies outside the Peakirk Village envelope and any future development west of the village would require a revision to the village envelope – which is there to prevent the spread of development into the open countryside and to maintain the

essential character of the village. The present Site Allocations Development Plan Preferred Options (March 2010) does not propose any extension to the current village envelope.

4 Reinstating' the former fishponds would require Schedule Monument consent and the support of the landowner. The suggestion is a worthy objective and can be progressed as part of the Management Plan and PCC Archaeologist.

5 Text corrected

6, 7, 8, 9, 10 Comments noted



Title Appendix 1 Conservation Area Boundary and Proposals Map

Department Strategic planning and Enabling

Scale 1:5000 **Name**JG

Date 25th August 2010

PCC GIS



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