

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 12 OCTOBER 2010</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOMS - TOWN HALL</b>
CONTACT:	Gemma George, Senior Governance Officer <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>4 October 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.

## **MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

Councillor North (Chairman), Councillor Lowndes (Vice-Chairman), Councillor Burton, Councillor Hiller, Councillor Serluca, Councillor Thacker, Councillor Todd, Councillor Ash, Councillor Lane and Councillor Harrington

Subs: Councillors: Winslade and 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, Sam Falco

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 7 September 2010

**Members Present:**

Councillors – North (Chairman), Lowndes (Vice Chair), Burton, Hiller, Serluca, Thacker, Todd, Ash, Lane and Harrington

**Officers Present:**

Lee Collins, Area Manager Development Management (Items 5.1 – 5.8)  
Andrew Cundy, Area Manager Development Management (Items 5.1 – 5.8)  
Jez Tuttle, Senior Engineer (Development)  
Jim Daley, Principal Built Environment Officer (Items 5.1 – 7)  
Amanda McSherry, Principal Development Management Officer (Item 5.1)  
John Wilcockson, Landscape Officer (Items 5.1 – 5.8)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

There were no apologies for absence.

**2. Declarations of Interest**

5.1 Councillor Thacker declared a personal, non prejudicial interest in the item in that she knew Mr Peter Lee, a speaker on the item.

5.2 Councillor Thacker declared a personal, non prejudicial interest in the item in that she had previously worked with the daughter of Mr and Mrs Hooton, the applicants for the item.

Councillor Thacker further declared that she had received two emails from Mr and Mrs Hooton in relation to the application, but that she did not have a personal or prejudicial interest.

Councillor Hiller declared that he also had received two emails from Mr and Mrs Hooton in relation to their application, but he did not have a personal or prejudicial interest.

Councillor Harrington declared that he also had received two emails from Mr and Mrs Hooton in relation to their application, but he did not have a personal or prejudicial interest.

Members were asked for a show of hands and it was noted that each Member had received the same two emails from Mr and Mrs Hooton in relation to their application.

5.3 Councillor North declared a prejudicial interest in the item in that he had taken part in numerous discussions regarding the application and its proposed construction. Although he had not

indicated any personal views on the application, he stated that he would leave the meeting for the duration of the item.

5.4 Councillor North once again declared a prejudicial interest in the item in that he had taken part in numerous discussions regarding the application. Although he had not indicated any personal views on the application, he stated that he would also leave the meeting for the duration of the item.

5.5 Councillor Thacker declared a personal, non prejudicial interest in the item in that she knew Mr Paul Field, a speaker on the item, in a business capacity.

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

Councillor Lane declared that he would be making representation as a Ward Councillor for agenda items 5.3 and 5.4, land adjacent to Werrington Bowling Green, Werrington.

Councillor Hiller declared that he would be making representation as a Ward Councillor for agenda item 5.5, 54 Church Street, Northborough.

### **4. Minutes of the Meeting held on 27 July 2010**

The minutes of the meeting held on 27 July 2010 were approved as a true and accurate record.

### **5. Development Control and Enforcement Matters**

Councillor Ash was not present for item 5.1.

#### **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 proposal was for the provision of fourteen apartments. Ten of which were to be provided in two blocks of two and a half storey high buildings positioned at the frontage of the site facing on to Fletton Avenue and four 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 fourteen car parking spaces, bin storage areas, cycle parking and small areas of grass landscaping. Eight of the apartments would have two bedrooms and six would have one bedroom.

The site was previously vacant and before that was used as a second hand car sales garage with parking. The area surrounding the site was predominately two storey high residential housing.

The Planning Officer addressed the Committee and stated that outline planning permission had previously been granted for fourteen flats with siting and access in February 2006. Reserved matters consent had been approved in 2009. Subsequently, a successful legal challenge had been made on the basis that the siting of the blocks in the reserved matters consent was different to siting in the outline planning permission which had been granted, the result being that that permission was quashed. A full planning application had then been refused by Members in December 2009 due to the positioning of one of the front blocks of flats

(Block A) because it was forward of the established building line and was therefore considered to be detrimental to the appearance of the street scene. Members were advised that it was important to note that that application had not been refused for any other reason apart from that issue. Works had started on site but had been stopped pending the outcome of the application before the Committee.

The main issues were highlighted as being the impact of the development on the street scene and the impact of the proposal upon the residential amenities of the adjoining properties.

Members were advised that 25 letters of objection had been received in relation to the original application, some of the main issues highlighted were that the proposal was too close to the existing properties, the loss of privacy and light to adjoining neighbours, overdevelopment of the site, insufficient car parking, the height of the buildings, the overbearing impact of the buildings and the development being out of character with the area.

Members' attention was drawn to additional information contained within the update report. Details of the latest revisions to the scheme were highlighted including the repositioning of Block B so that it was in line with the front building line of No. 163 Fletton Avenue and also the addition of chimneys in order to screen the proposed flat roof section of the roof behind 163 Fletton Avenue. The consultation period on these latest revisions had ended on 6 September 2010 and 6 further letters of representation had been received as had a petition containing 187 signatures. Some of the further issues raised within these objections were that the proposal was contrary to local planning policy, it ignored the amenity of neighbouring properties and the car parking was insufficient. Concerns had also been highlighted regarding the overbearing nature of the proposed chimneys and the proposed roof height was also higher than that of the adjacent properties.

Many of the issues raised had been previously noted by the Committee at its meeting held in December 2009 when the application was refused. Members were advised that it was pertinent to note that given the short time period since the refusal in December 2009, there had been no material differences to planning policy or the site context, therefore what was relevant for consideration at the current time was whether the reason for refusal in December 2009 had been addressed and whether any other subsequent changes to the scheme were considered to be acceptable. In order to address the reason for refusal, the latest application submitted in April 2010 showed Block A as being repositioned further into the site so that the front elevation aligned with the principle elevation of 156 Fletton Avenue. It was the view of the Officer that this amendment addressed the reason for refusal by the Committee in December 2009. In terms of the additional changes made to the scheme owing to the repositioning of Block A, its footprint had been reduced slightly giving it a slightly steeper pitch compared to that of Block B. The difference in pitches between Block A and Block B would not be so significant as to be visually detrimental to the appearance of the street scene. Block B had also been amended so that its principle wall aligned with the principle wall of the adjacent property on 163 Fletton Avenue. Therefore, both blocks had been set to align with the adjacent properties next to them. It was therefore the Officers view that because the blocks were no longer set significantly forward of the adjacent properties it was no longer visually harmful to the appearance of the street scene.

The chimney detailing which had been introduced was in line with existing surrounding properties, which also comprised chimneys, and therefore the visual impact of this on the new scheme was considered acceptable also.

With regards to residential amenity, the change in the proposal from that which had gone before and was refused in December 2009, was that eight of the apartments were now two bedroomed, whereas there were previously ten. Six of the apartments were now one bedroomed where there were previously four. Overall this resulted in a decrease in the number of bedrooms and it was considered that there would be no further increase in terms of impact on the street scene or the amenities of the surrounding properties.

The re-positioning of Blocks A and B back into the site and their relationship with the adjacent properties would not significantly change the impact in terms of loss of light, privacy or general amenity when compared against the proposal refused in December 2009.

In summary the Committee was advised that the fourteen apartments were considered to be compatible with their surroundings in terms of design and the impact on the street scene. There would be no significant adverse impact on the amenities of the occupiers of surrounding properties in terms of loss of light and privacy. The alterations to Blocks A and B to bring them in line with the existing residential properties overcame the previous reason for refusal in December 2009. The other alterations, which included the provision of chimneys and the increase of the roof pitch to Block A were also considered acceptable.

The Committee was further advised that should it be minded to refuse the application on any new grounds not previously identified in the 2009 refusal, the applicant would have the right to appeal and seek costs against the Council.

Councillor Brian Rush, Ward Councillor, addressed the Committee and requested further clarity on the section of the proposal with the reduced roof height and the imposed flat roof with chimney. The Planning Officer responded and stated that on one of the blocks the chimney had been provided as part of the scheme and this had been designed to mask a section of flat roof. The flat roof had been imposed due to the reduction in footprint of the block and to allow sufficient headroom.

Councillor Rush further questioned how much headroom there would be. The Planning Officer stated that he required a short time to work out the measurements and he would provide a response to this question whilst summing up.

Councillor Rush further addressed the Committee on behalf of local residents and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposal had been changed on numerous occasions and each time the flats became less inhabitable and fit for residential properties
- The proposal was an overdevelopment of the site
- The development, by its design, would impact harmfully on the street scene, the character of the area and the amenities of the occupiers in neighbouring properties
- The neighbouring properties on Fletton Avenue, 155 and 163, had window and door openings on the side elevations facing the sides of Blocks A and B, the dining room, kitchen and landing windows of these properties would be deprived of daylight and therefore the proposal was contrary to policy DA1 and DA2. The gardens would also be deprived of daylight and would be subject to shadowing
- The property adjacent to the development on Garrick Walk would also be subject to the same issues. The occupiers of the top floor flats in Block C would be able to see straight into the front bedroom of this property

- The car parking area was substandard and there was currently no provision for disability spaces or cycle spaces. This was contrary to the Council's own policy for disabled provision. It was stated in the report that this would be dealt with by a condition, but this would mean a reduction in the already inadequate amenity space
- The ground floor flats in Blocks A and B would have their living room and bedroom windows backing on to the parking spaces, so noise, fumes from vehicles and the danger of impact would be high due to the lack of buffer strip between the windows and parking spaces
- There was no rear access for Blocks A and B for either parking, refuse or amenity areas. The bin locations, due to the lack of rear access for Blocks A and B, were not adequate. Residents would be encouraged to keep their bins near their front doors on the Fletton Avenue frontage due to the long walk to the bin area
- Overdevelopment would not only have a negative effect on the area it would also have an adverse effect on the neighbours. The site was in need of development but it should not be at the cost of spoiling the residential amenity and quality. The application was contrary to current national and local planning policies and completely ignored the amenity of neighbouring properties in terms of loss of daylight, overlooking, traffic and parking.

Mr Peter Lee, an objector and local resident, addressed the Committee on behalf of Fairplay for Fletton and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Fairplay for Fletton believed that there were a number of reasons not to consider the existence of the outline planning permission, granted in 2006, as being a constraint to a decision for refusal. The outline permission was now time expired and there had also been a relevant change to planning policy at Government level. This change had been made after the Committee's last refusal. At the time of the original outline there was a great emphasis being placed by Government on the need to increase residential densities, however in June 2010 there had been the cancellation by the new Secretary of State of the 'national indicative minimum density for housing'. Therefore the Council could make a new decision in accordance with its own planning policies
- The proposal was overdevelopment of the area, especially with regards to the overlooking of 1 Garrick Walk, to the rear of the development
- The distance between blocks was not the minimum distance as set out in the Peterborough Residential Design Guide
- There would be loss of daylight and overshadowing to neighbouring properties
- The parking would be incredibly cramped and the spaces were against the bedroom walls of the ground floor flats on all three blocks, therefore noise and exhaust fumes through open windows would be unacceptable
- The site was located on a busy road with parking restrictions and it was also located near to the Posh ground (Peterborough United Football Club), this would lead to further excessive parking in the area on the side roads
- The small areas of open space in scheme were inadequate, as were the outlooks and the internal arrangements. All these would lead to substandard living conditions that could only be relieved by reducing the number of units on the site
- The proposal was contrary to policies DA2, H15 and H16

Mr John Ratcliffe, a planning consultant, addressed the Committee on behalf of the applicant and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Outline development had been granted in February 2006 for fourteen flats, in three blocks and associated parking, communal open space and included access and siting
- The outline scheme which had been approved comprised three blocks, two of which fronted onto Fletton Avenue and one block adjacent to the southern boundary of the site
- An S106 agreement had been completed in August 2007 with regards to a financial contribution towards the provision by the Council of public open space
- The development, which had been started, comprised the scheme approved under reserved matters by the Committee on 28 April 2009
- Construction had ceased on 2 October 2009 following a successful legal challenge to the approval of reserved matters
- A subsequent full application for fourteen flats had been considered by the Committee on 8 December 2009 and it was resolved that permission should be refused
- A revised scheme had since been submitted with revisions to the northern frontage including alignment with the frontage of the adjacent dwelling at No. 155 Fletton Avenue and the amendment of the accommodation from 2 x 1 bed flats and 3 x 2 bed flats to 4 x 1 bed flats and 1 x 2 bed flat
- The development would comprise fourteen apartments in three blocks with a central vehicular access
- A central courtyard car parking for fourteen cars had been proposed as well as two bin storage areas for general and recyclable waste
- A main communal garden area was proposed in the south western corner of the site with smaller areas south of Block B and east of Block C
- Blocks A and B would be 2.5 storeys and block C 2 storeys
- The two front blocks facing Fletton Avenue had front elevations designed to appear as two pairs of semi-detached houses with bay windows to reflect the design and appearance of the adjoining dwellings. The upper flats in the roof area had roof lights to provide light but would maintain a plain unbroken roofscape
- Block A had been re-designed and sited to align with the front of the adjacent dwelling at No.155 Fletton Avenue
- The reduction in the footprint for Block A would result in a slightly steeper roof pitch. In order not to increase the height of this block, but in order to maintain the living accommodation within the roofspace, a flat roof had been used. The flat area would not be visible due to the introduction of chimney stacks which would form a screen
- The block at the rear of the site would be two storeys only and had been designed to reflect the design of the adjacent dwellings in Garrick Walk
- The development would be constructed using red brickwork in order to reflect the materials which are characteristic of the area
- The refuse collection would be handled by a private contractor due to refuse collection vehicles by Peterborough City Council not entering private areas
- There would be grass and shrubs on the frontage and trees in appropriate areas
- The access to the site would be a five metre wide central driveway between Blocks A and B
- The layout, scale and design would accord with previous approvals and the appearance of the scheme would reflect the character of the adjacent housing



- Block A had been redesigned and aligned with the adjacent dwelling following Members concerns which had been expressed at the Planning Committee meeting held on 8 December 2009

The Planning Officer addressed the Committee and provided a response to the question posed earlier by Councillor Rush with regards to the height of the headroom in the room with the flat roof. The Planning Officer stated that he had measured the headroom at 1.9 metres, floor to ceiling.

The Planning Officer further addressed the Committee in response to comments made by the speakers and stated that the outline permission was still a material planning consideration in the determination of the application, in particular, the refusal in 2009 had to be given significant weight to any decision made.

With regards to minimum densities, despite the deletion of the national indicative minimum density of 30 dwellings per hectare, the density in the Officers view was still considered to be acceptable, given the site's surrounding context.

After debate specifically relating to the location of the development, the parking provisions and the previous decisions made by the Committee in line with Government policy at the time, Members questioned the legal officer as to whether a decision to approve the proposal could be challenged in the future due to the recent changes in Government policy in relation to minimum densities of dwellings.

The Legal Officer addressed the Committee and advised that a challenge could be made as there was new Government policy, however decisions had to be weighted against material considerations and part of the previous applications which had come before the Committee had to be taken into account when reaching a decision.

After further debate and comments regarding the previous use of the site which had been a car lot, members considered the current proposal to be an enhancement of the sites former use, 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 open space needs of the development and there being no new material planning issues raised as a result of the current consultation which expired 30 July 2010
2. The conditions numbered C1 to C17 as detailed in the committee report
3. 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 R1 as detailed in the committee report.

**Reasons for the decision:**

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

- The 14 apartments were considered to be compatible with their surroundings with no significant adverse impact on the amenities of occupiers of nearby dwellings. The proposal was therefore in accordance with Saved Policies DA1, DA2, LNE9, T1, T9, T10 and LNE9 of the Peterborough Local Plan 2005 (First

Replacement). There was some conflict with policies H7, H15 and H16 in that the density of the development was higher than the immediate surrounding residential densities. However, this was considered acceptable because the application provided for a front elevation design to Fletton Avenue that was in keeping with the character of nearby properties and the density of the development did not significantly adversely affect neighbouring residents with regard to loss of sunlight, daylight and privacy. Additionally, the Local Planning Authority had taken into account the fact that outline planning permission was granted for 14 flats in 2006. There was some conflict with policy H16 in that the amount of private amenity space was substandard but this was 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, overcame the previous reason for refusal of 09/01155/FUL, so that the development could now be considered to be in keeping with the appearance of the streetscene.

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

## **5.2 10/00673/FUL – Construction of 2 Storey 3 Bed Dwelling at 219 Broadway, Peterborough**

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

219 Broadway contained a relatively large, two storey, brick built detached house. The 4 bedroom dwelling was built in the 1960's and was located in a residential area on a generally level triangular shaped plot of land at the junction of Broadway and Eastfield Road. The site was within the Central Park Conservation Area (although previously on the edge of the Conservation Area, the subject property had only recently become absorbed, being approved in February 2007 by the City Council). The character and appearance of the area was 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 faced northwards and was accessed by a tarmac covered driveway off Broadway. A single garage was attached to the western side of the house and a large open car-port was positioned to the west of the garage.

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

The Planning Officer addressed the Committee and gave an overview of the main issues. These included the design and impact of the proposal on the Conservation Area, the impact on existing trees, the impact on neighbour amenity and also highways implications. Letters of objection had been received from six local residents raising numerous issues against the application. The Broadway Resident's Association, along with Councillor John Peach, Ward Councillor, had also objected to the application on the grounds that it would be detrimental to the character of the

Conservation Area and that it was specifically against the Park Conservation Appraisal Report.

Although it was accepted by the Planning Officers that the proposal was uncharacteristic of the area, which were typically single large dwellings in landscaped plots, the Conservation Officer had advised that the massing of the dwelling was acceptable and the building could be enhanced by using similar materials to those used by surrounding dwellings.

Members were advised that the development would result in a significant loss of trees however, the applicant had submitted an arboricultural report which had concluded that there were numerous poor quality trees growing within the grounds of the property. These poor quality trees and shrubs should not be used to adversely affect the development of the site and a detailed landscape scheme should form part of the planning proposal. The Council's Tree Officer had raised no objections to the conclusions reached within the submitted report and it was considered that a detailed landscaping scheme to tidy the existing vegetation and to replace the poor quality trees would enhance the gateway site and preserve the character of the Conservation Area.

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

- The ongoing preservation of the Park Conservation Area and the commitment which had been undertaken by the Council in order to manage further change or new development in the area
- The Park Conservation Area appraisal and Management Plan, which had been approved in March 2007 and the statements contained therein in relation to intensifying plots, the respect of scale, enhancing the character and appearance of an area and the non support from the Council when widening an entrance/exit if it required the removal of a boundary wall or hedge
- The application went against the new recommendations of "garden grabbing" where it was stated that new buildings should not be placed in residential gardens
- The plans highlighted the demolition of the existing garage and an extension to the existing house however, these were not mentioned anywhere in the text of the application and they were not included in the original plans. This would be a substantial change to the Conservation Area
- The garden of the original house at 215 Broadway had already been subdivided on numerous occasions, therefore 219 was already the product of numerous infill developments
- All but 12 of the over 30 substantive trees would be removed
- The current attractive view would be replaced by an 8 metre high, 7 metre wide, blank end wall of the proposal
- The Conservation Officer had negatively commented on the proposal design
- There would be conflict between the canopies of the retained trees and the scaffolding which would offer little protection for the retained trees in the future
- Many neighbours and the Broadway Resident's Association were against the proposal
- There was ample precedent for refusal, namely the appeal decision of 226 Park Road
- The Planning Officers report highlighted negativities towards the proposal in relation to the proposal in the Conservation Area

- The proposal was contrary to planning policies for the protection of Conservation Areas
- The proposal was contrary to policies CBE3, DA1 and DA2
- The proposal was contrary to National Planning Policy Guidance Note PPG17 and the Council's own policy LT3

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

- The proposal was contrary to the Council's guidance on multiple points in relation to the provision of the Conservation Area
- The front garden was in a prominent position, being the entrance to the Conservation Area
- The smaller trees to be retained would have little impact on softening the view
- The Park Conservation Area Management Plan stated that there would be a presumption against developments in gardens unless there was no detriment to the amenity and quality of the Conservation Area
- The Planning Officers report highlighted that the building was uncharacteristic of the area and the loss of trees would harm the appearance of the Conservation Area
- The arboricultural report categorised the majority of the trees as "Group C". This did not mean that they had to be felled in one go to make way for development
- Strong weighting for retention should be given to trees in the Conservation Area
- The report suggested that some of the trees were unsuitable for gardens, but many of the gardens in the area had the same types of tree
- The imposition of the boundary fence was also against Conservation Guidance
- The fence would be a magnet for graffiti and vandalism
- The proposal was contrary to policy DA6
- The proposal, if approved, would create a precedent for infill development

Mr Chris Hooton, the applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The applicant's liked the trees at the property, however the arboriculturalist had classified all of the trees and some had been identified as being unhealthy
- Thinning out of the trees would be beneficial to the specimen trees
- The removal of some of the poorly trees would not impact on the street scene
- The hedge would stay the same, as would certain shrubs
- The remaining trees and the trees on the pavement of Broadway would amply obscure the development
- Work had been undertaken with the Planning Department and a plan had been produced which was compatible with the areas needs
- A modest 3 bed house would prevent any further development on the site
- The trees on Eastfield Road would not be altered, neither would the trees on Broadway
- The recommendation for the use of suitable materials had been taken on board, as had the recommendations for landscaping and replanting

The Planning Officer addressed the Committee and stated that with regards to “garden grabbing” there had been a change in policy which meant that gardens were no longer classified as Brownfield sites, however each site would still be considered on its own merits. The revision to the scheme with regards to the garage and extension were not included as part of the application, even though it was shown on the plan, therefore it was suggested that a condition be imposed stating that the details shown on any plans would not be approved as part of the application.

The Principal Built Environment Officer addressed the Committee and gave an overview of the main issues surrounding the proposal, namely the loss of the boundary planting which would lead to an open site and the increase in the density, which was at odds with certain comments made in the Conservation Area Appraisal. A balanced view was expressed and it was highlighted that with conditions and good quality materials used the proposal was acceptable in principle.

The Landscape Officer addressed the Committee in response to concerns highlighted by Members with regards to the loss of the trees. It was stated that none of the trees currently situated at the site were worthy of tree preservation orders and some were very unhealthy and were unlikely to improve. It was therefore felt that felling and replanting of healthy trees, which could take 5-10 years dependent on the species, to grow to a significant height, would be beneficial.

After debate, Members commented that it was important to weigh up whether the proposal would preserve or enhance the character of this part of Peterborough. The Officers had all agreed that they thought the proposal would improve the area, maybe not in the short term, but ultimately in the long term. Conservation Areas needed to be looked at subjectively and each proposal taken on its own individual merits.

After further debate and additional questions to the Landscape Officer, a motion was put forward and seconded to approve the application. The motion was carried by 7 votes, with 2 voting against and 1 not voting.

**RESOLVED:** (7 for, 2 against, 1 not voting) 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 needs of the area
2. The conditions numbered C1 to C17 as detailed in the committee report
3. 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 R1 as detailed in the committee report

**Reasons for the decision:**

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

- The amended design resulted in an improved composition that was appropriate in scale and form and would reinforce the character of the Broadway. The proposal would 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 would 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 would not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development was consistent with the character of the area and would provide adequate living conditions for residents.
- The proposal would 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).

Councillor North left the meeting for the duration of the next two items and Councillor Lowndes took the Chair.

Councillor Burton and Councillor Lane also left the meeting.

The meeting was adjourned for ten minutes.

### **5.3 10/00730/R3FUL – Construction of Community Car Park with New Vehicular Access at Land Adjacent to Werrington Bowling Green, Stimpson Walk, Werrington, Peterborough**

The application sought 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 would cross two cycle routes at right angles. The access would retain priority for users of the cycle ways which ran 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 had 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 was proposed on the entrance to the car park. A concurrent application had also been submitted for a Skate Park on land to the north west of the application site (ref 10/00819/R3FUL).

The application site was a triangular piece of land, approximately 0.38 ha, currently designated as open space, which lay to the north west of Werrington Centre. Directly to the west was the Werrington Bowls Club beyond which was William Law Primary School. To the south was the Werrington Sports Centre and Ken Stimpson Community School and to the north east was a residential development known as Long Pasture. The site was 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 comprised a verdant soft landscaping character.

The Planning Officer addressed the Committee and gave an overview of the main issues, namely the loss of open space, trees and public amenity. The draft open space survey had confirmed that there was overall surplus amenity space in Werrington and accessibility to the remaining open space would not be significantly affected. A total of 5 trees would be lost but this was not considered to have a detrimental effect on the amenity of the area. For security reasons, conditions proposing the use of CCTV had been requested.

Councillor Stephen Lane, Councillor John Fox and Councillor Judy Fox, Ward Councillors, addressed the Committee jointly on behalf of local residents and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The car park had been a stumbling block and it was a shame that it could not have been agreed through the schools PFI contract to place the car park in the schools grounds as the main beneficiaries would have been the school, sports centre and library
- A Council owned car park in this location would be welcomed to numerous other groups of people and not just local shoppers, it would help to ease ongoing parking issues, especially with regards to the dropping off of school children
- The car park would not be compulsory for use and the old car park would still be available for use
- The car park was required and this had been highlighted by the communities response to the original regeneration application
- The location of the car park was considered to be the best choice
- Concern had been high amongst the Ward Councillors with regards to the community car park and the possible implementation of charges
- The disabled spaces had been moved nearer to the bowls club, as had been requested
- Additional conditions were requested to alleviate local concerns with regards to the implementation of adequate signage warning motorists of the entrance to the community car park to ensure the safety of pedestrians and cyclists, that sufficient lighting was provided leading from Ken Stimpson School to the car park for safety reasons and to install CCTV to provide security for the users of the car park
- The main concern had always been for the school users, library users and sports centre users to have somewhere to park now Tesco's had taken over the car park

Mr Richard Lord, an objector and the Headmaster of Ken Stimpson School, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The disappointment at the lack of consultation undertaken prior to the application being made
- It was believed that the original site, that being the schools tennis courts, would have been a better location for a community car park in the area
- The understanding that it was not the PFI arrangements which had rendered the proposal impossible, rather a financial issue, was misrepresented
- The focus on who the community car park was mainly for, needed to be addressed, namely the staff at Ken Stimpson and William Law Schools and the Library and Sports Centre
- The distance of the car park to the schools, library and sports centre, was a concern. It was believed that users would not use the new car park unless restrictions were placed on the Tesco's car park, such as charges. This would make the new car park simply an overspill car park for users of Tesco's
- CCTV would be welcomed as would enhanced lighting due to the distance away from the schools, sports centre and library
- The safety aspects for both pedestrians and cyclists was of extreme concern, specifically in relation to the entrance, which was on a sharp bend and there was also a corner which became extremely icy in the winter

Members expressed concern at the safety issues with regards to the sharp bend at the site and comments were sought from the Highways Officer on this issue. The Highways Officer addressed the Committee and stated that he had spent time at the site and the majority of cars did slow down significantly to go around the sharp right angled bend. Two proposed conditions had also been requested with regards to the

visibility splays at the road access junction and also cycle visibility splays. With regards to the icy corner, this would be reported to the maintenance department as icy roads usually meant that the drainage was not functioning properly.

After debate, a motion was put forward and seconded to approve the application with additional conditions with regards to lighting and safety signage. The motion was carried unanimously.

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

1. The conditions numbered C1 to C6 as detailed in the committee report
2. The informatives numbered 1 to 3 as detailed in the committee report
3. An additional condition in relation to the provision of lighting at the site
4. An additional condition in relation to safety signage at the site

**Reasons for the decision:**

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

- The proposed siting for the community car park accorded with a variation of the S106 agreement for planning consent for the phase I regeneration of Werrington Centre (08/01471/FUL)
- Appropriate measures had 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 would 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 would assimilate with the surrounding open and verdant character while allowing for the material surveillance by users of the adjacent footways
- The proposal would not result in an adverse impact on the amenities of occupiers of neighbouring residential properties.

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

**5.4 10/00819/R3FUL – Construction of Concrete Skate Bowl at Land Adjacent to Werrington Bowling Green, Stimpson Walk, Werrington, Peterborough**

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

The application site was approximately 800m<sup>2</sup>, currently designated as open space, which lay to the north east of the Werrington Bowls Club. The site was bounded to the north east by an avenue of trees, a public footway beyond which was an area of open space and to the north west and south west by a mature hedge. William Law Primary School planning field abutted the site to the north west. Directly to the south east was a triangular piece of land which was subject to planning application ref.



10/00819/R3FUL for the provision of a community car park. The immediate context comprised an open soft landscaping character.

The Planning Officer addressed the Committee and gave an overview of the main issues namely the design and impact of the proposal, the security of the area and the impact on neighbours' amenity. Members were advised that the park would be situated far enough away from neighbouring dwellings as to not impact on residential amenity. With regards to issues in relation to security, the provision of CCTV would be conditioned. The park would provide a much needed recreation facility for local children and teenagers.

Councillor Stephen Lane, Councillor John Fox and Councillor Judy Fox, Ward Councillors, addressed the Committee jointly on behalf of local residents and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The Ward Councillors had worked extremely hard, alongside Werrington Neighbourhood Council and the Youth Service, to provide facilities for youths in Werrington
- There was a major problem with youths congregating at the Werrington Centre and they needed alternative places to go
- The youth of Werrington had been heavily involved in the project, including its design
- It would be detrimental for the youth of Werrington if this proposal was not approved
- The majority of users would be committed to their sport, therefore were likely to be well behaved and responsible
- Skate culture was about more than just the physical activity, it was about the display of skills and made for an enjoyable spectator sport
- There would be an earth mound around the bowl which would mitigate against any unnecessary noise levels
- The location of the bowl would help with a number of Council strategies with regards to youth work, helping with obesity issues and having a positive impact on reducing anti social behaviour by getting the skateboarders away from public buildings and car parks
- An additional condition was requested with regards to the provision of omni directional CCTV from the car park and lighting at the skate park for the safety of users

Mr Richard Lord, a supporter and the Headmaster of Ken Stimpson School, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Congratulations were extended to the Ward Councillors and Werrington Neighbourhood Council for all the hard work which had been undertaken to provide the facility for the youths of Werrington
- The proposals for both the skate bowl and the multi user games area (MUGA) were welcomed
- There were concerns however regarding the future location of the multi user games area. The location may bring anti social behaviour onto the fringe of the school site. Therefore, could a condition be implemented to mitigate against this?
- Would it be possible for the multi user games site to be placed nearer to the skate bowl?

The Planning Officer addressed the Committee and stated that a separate planning application would be required for the MUGA and the current proposal was simply for the provision of the skate park.

After debate, a motion was put forward and seconded to approve the application with a preferred option informative to investigate whether the CCTV in the car park could be made omni directional in order to cover the skate park area. The motion was carried unanimously.

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

1. The conditions numbered C1 to C5 as detailed in the committee report
2. A preferred option informative to investigate whether the CCTV in the nearby car park could be made omni directional in order to cover the skate park area
3. The development should 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. This was due to the reason detailed in the committee report

**Reasons for the decision:**

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

- The proposal would not result in the loss of open space and would provide a recreational community facility for children and teenagers
- The design of the Skate Park would assimilate with the natural features of the site and would not result in an adverse visual impact on the amenity of the area
- The site was located at an adequate distance to neighbouring residential properties to avoid any detrimental impact
- The vulnerability to crime had been addressed

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

Councillor Hiller left the meeting.

The meeting was adjourned for five minutes.

Councillor North re-joined the meeting and took the Chair.

**5.5 10/00787/FUL – Construction of 4 Bed Dwelling and Detached Garage at 54 Church Street, Northborough, Peterborough**

The application sought 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 were rough dressed artificial stone with Bradstone Conservation Slate. A single garage comprising a wooden barn style structure was proposed to the side/rear of the site.

The site was situated on the southern side of Church Street at the far eastern edge of the village and lay within the Northborough Conservation Area boundary. The site

contained a 17<sup>th</sup> century Grade II listed building fronting Church Street occupied as a residential dwelling. There had been extensions to the property and a recent substantial detached garage to the east of the site. The host dwelling was constructed of coursed stone rubble with steeply pitched thatched main roof with subservient roofs covered in pantile. The site had a substantial curtilage extending approximately 57m rearwards. The site had a particularly verdant character and contained a number of mature trees within the site and was enclosed by mature trees and shrubs to the east and south. Directly to the east of the site was a quiet country lane which served a dwelling known as Paradise Cottage situated approximately 300m down the Lane. The surrounding area was 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 were listed properties. Directly opposite the site on the northern flank the character changed and there were relatively modern developments comprising single storey dwellings built circa 1970s. The character to the south and east comprised open countryside.

The Planning Officer addressed the Committee and highlighted the main issues including the impact of the proposal on the listed building, the impact on the character and appearance of the Conservation Area, landscape implications and also highway implications.

Members were advised that the sub division of the curtilage could detract from its architectural and historical character. Historical maps had indicated that the application site was a separate parcel of land from 54 Church Street and the remains of a stone wall denoted the separation. Taking this into consideration and also the distance from the listed building, the existing landscaping and traditional cottage style design and the independent access it was considered that the proposal would not harm the setting of the listed building.

The proposal would reflect the design and materials of many of the buildings within the village and a landscaping scheme would integrate the development into the landscape. Four trees would be required to be removed in order to implement an access onto Paradise Lane, the impact of this would be minimal due to the number of surrounding trees and hedging on the boundary of the site. Concern had been raised by the Conservation Officer with regards to the removal of the ash tree along Paradise Lane, however the tree survey stated that the tree was in poor condition and it recommended that the tree be felled for safety reasons. This conclusion was echoed by the Council's Tree Officer.

Members' attention was drawn to additional information contained within the update report. Northborough Parish Council had submitted a further written update in objection to the application as a representative was not able to be present at the meeting. The main issue highlighted in the written submission was the recent appeal decision made against the proposed development at the rear of number 42 Church Street, Northborough. It was felt that the reasons for rejection of this application were the same issues that were highlighted in the current application for 54 Church Street.

One further letter of objection had also been received and an additional condition had been recommended by Highways in respect of the provision of visibility splays.

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

- The proposal was situated in a rural conservation area and not an urban conservation area

- Opportunistic development within the curtilage of a listed building in a long established and protected conservation area had to be resisted
- The application was similar to the one refused by officers about a year ago, in the same street
- The application was subsequently refused by the planning inspector after the decision had been appealed against
- The previous application had been rejected by the planning inspectorate due to it being contrary to the local plans established policy and these were the same reasons as to why the current application should be refused
- The proposal was contrary to policy DA2, in that it would be extremely close to the neighbours garden and property and would affect their enjoyment and privacy of their garden
- The proposal went against the established policy of protecting the owners of neighbouring houses, especially listed houses, being subjected to additional noise, loss of privacy and detrimental views of bricks instead of the trees they currently had sight of. Why should they have to put up with that?
- The proposal was contrary to policy DA6
- The properties had a high market value and were supposed to have larger gardens with privacy, space and a pleasant outlook. They should not be potential building plots and policy DA6 re-enforced that
- The new Coalition Government had stated that gardens were no longer to be considered as Brownfield sites for potential developments
- The proposal was contrary to policy CBE8, which stated that the Council would not grant consent for a subdivision of a garden or grounds of a listed building. The application practically halved the garden
- The proposal was contrary to policy CBE3, which stated that the Council would require all proposals for a development that could affect a conservation area, to preserve or enhance the character and appearance of that area. How did the current proposal do that?
- The proposal was contrary to policy CBE9, which stated that the Council would not grant permission for the change of use of any listed building's curtilage, if the works associated with the change would be damaging to the fabric, appearance and setting of the building. The proposal included the removal of mature trees for a new driveway, leading onto a rural conservation area lane, lined with mature hedgerows
- The proposal was contrary to policy LNE12, which stated that the Council would not grant permission for development resulting in the loss of an established hedgerow
- The proposal was contrary to policy DA9, in that planning permission should not be granted for any development within a village envelope which would result in a loss of part or all of a tree hedge frontage, like the hedge down Paradise Lane
- The map which had been mentioned, highlighting that the land at one point was not part of the applicant's garden, could not be given much weight as it was not the reality today. The garden was only one plot now, protected by legislation, if it wasn't, then it would be open countryside

Mr Paul Field, an objector and the owner of the neighbouring property to the proposal, addressed the Committee and stated that he agreed with everything in the statement made by Councillor Peter Hiller. Mr Field then went on to read a statement out which had been issued by Councillor Marco Cereste, the Leader of Peterborough City Council, on June 15 2010 with reference to the National Planning Policy Statement 3, with regards to PPS3 Housing. The document was available to be viewed on the Peterborough City Council website.

Mr Paul Bownes and Mr Paul Hutchings, the applicant and the agent, addressed the Committee jointly. In summary the issues highlighted to the Committee included:

- The proposal had been subject to detailed and lengthy discussions with the Planning Officers and it had been discussed within the weekly planning surgery with the Head of Planning and over the last two years, comments from the officers had been responded to positively and a scheme had been produced that was considered to be well integrated into the conservation area
- The proposal would preserve the rural character of Paradise Lane
- It had been demonstrated in the application that it would be acceptable to sub divide the grounds of the listed cottage at 54 Church Street
- The current curtilage was extensive and a dense belt of trees and shrubs existed between the existing site and the proposed dwelling obscuring any views into the site
- The independent access from Paradise Lane would preserve the character of Church Street frontage
- The new dwelling would not be visible from Church Street and would be suitably screened by the retained trees and shrubs, which would be further enhanced by additional planting
- The removal of the trees had been suggested following the recommendation contained within the Tree Officers report, which stated that the large ash tree was diseased and needed to be felled for health and safety reasons
- Paradise Lane was used by numerous vehicles including farm machinery and horse boxes, therefore was a road in its own right

The Planning Officer addressed the Committee and responded to previous points mentioned by the speakers. It was highlighted that Brownfield sites were no longer development sites and each individual case was judged on its own merits against planning policies. Historical maps had indicated that this site was not previously part of the curtilage of the listed building and it was located 42 metres from the neighbouring property.

Members expressed concern at the removal of the trees and the impact on the conservation area, particularly along Paradise Lane. The Planning Officer responded stating that the removal of several trees along Paradise Lane would be necessary for the implementation of an access; however the impact would not be noticeable due to the amount of vegetation along the lane.

The Principal Built Officer further addressed the Committee and stated that he would not like to see hard surface boundary walls. The boundary edges should be reinforced with significant hedge and tree planting to give a naturalistic feel to the boundary.

After debate, Members expressed further concern regarding the affect of the proposal on the Conservation Area and the impact of continued garden developments in the long term. The proposal was against the Council's policies for backland filling and would not enhance the character of the Conservation Area. It would be detrimental to the setting of the listed building in the Conservation Area. The subdivision of grounds was not acceptable and the development was not compatible with the location and concern was also expressed at the landscaping proposals.

After further debate, a motion was put forward and seconded to refuse the application. The motion was carried by 7 votes, with 1 voting against.

**RESOLVED:** (7 for, 1 against) to refuse the application, against officer recommendation.

**Reasons for the decision:**

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

- The affect of the proposal on the Conservation Area
- The proposal would be harmful backland development
- The impact on the setting of a listed building
- The subdivision of the grounds of a listed building
- The non compatibility of the proposal within the location
- The loss of trees and the impact on the landscaping

Hence the proposal did not accord with policies CBE3, DA6, CBE7, CBE8, DA1 and LNE3 of the Adopted Peterborough Local Plan (First Replacement).

**5.6 10/00872/FUL – The Haven, Second Drift, Wothorpe, Stamford, Erection of Dwelling with Detached Garage and Studio Above**

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

The application site was the rear section of the garden to The Haven and measured 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 sloped in several directions and a small stream ran along the eastern edge. There were a number of trees within the site.

There was an established pattern of large plots within Wothorpe, some with development in the rear, including adjoining sites where recent development included 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 remained one of large houses in large plots.

The Planning Officer addressed the Committee and gave an overview of the proposals main issues which were highlighted as the principles of development, the impact on the character of the area and the impact on the amenities of neighbours. Letters of objection had been received from local households raising numerous issues specifically in relation to the dominance of the proposal upon nearby dwellings, the height and bulk of the proposal, the increase in the size of the garage and its proposed height and addition of dormer windows which would further impact on the amenity of nearby dwellings. The studio over the top of the garage would create privacy issues for Cromwell House and loss of privacy also for the immediate neighbours.

Members were advised that the application site was subsequent to an application which was approved by Members earlier on in the year for a five bedroom house with detached garage. The application proposed changing the size and design of the garage, which when previously approved, had been a single storey about 6 metres square and a ridge height of 4.5 metres. The revised plans showed the garage as 6

metres by 7.8 metres with a ridge height of 6.7 metres and dormer windows with a studio above. Members were further advised that there had been no other changes proposed to the previously approved scheme.

The proposed garage would have two upstairs dormer windows facing north west towards the boundary with Cromwell House, approximately 24 metres away. The distance to the conservatory of Cromwell House would be approximately 33 metres. The dwelling approved by Members earlier in the year, contained first floor windows facing Cromwell House at lesser distances of about 28-29 metres, and these would have given a more direct view into the rear of Cromwell House. The proposed windows would also give views over the existing property at The Haven, that being approximately 20 metres away from the proposed garage windows, however as the views would be oblique and would only affect a part of the garden it had not been considered that there would be any unacceptable impact. It was considered however that a condition should be appended in order to control any future openings in the roof of the studio garage.

Members' attention was drawn to additional information contained within the update report. Councillor David Over, Ward Councillor, had submitted a supplemental written statement to the Committee as he was unable to be present at the meeting and there was also a suggestion by Planning Officers to remove four conditions relating to the preservation of a tree that was no longer in place.

Mr Jonathan Marshall, a local resident of Cromwell House and objector, addressed the Committee. In summary the concerns highlighted to the Committee included:

- Controversy had surrounded The Haven development from the onset
- At a previous Committee meeting the development had been described as a chalet by the Planning Officers. This was hardly the correct term for a large family dwelling
- The application was to significantly increase the footprint of the dwelling
- The whole Haven plot should have been looked at as one big development, not as individual plots
- To allow the proposal would have a knock on effect on the proposed dwellings at the front of the plot
- There was no benefit to the community as a whole, only to the developer
- The proposal was speculative building, which sought to manipulate the previous planning approval for greater profit with no consideration for the neighbours or the character of Wothorpe
- The application was contrary to policy DA2
- The studio garage with dormer windows would be visible from several surrounding properties, particularly as mature trees had recently been removed from the bottom north east corner of the plot
- The worst affected area would be Cromwell House, two further windows, other than those already proposed in the approved development, would now overlook the garden, garden terrace, house and landing
- The ground where the proposed garage was to be placed was significantly higher than the new house, this would also have a significant impact
- The previous owner of The Haven had removed all of the mature silver birch trees from the boundary, which had given Cromwell House a secluded feel in the past
- The Planning Officers seemed more concerned with the possible additional overlooking of The Haven property and not the other surrounding properties
- If the studio was to be utilised as an office then it would mean that it would be occupied throughout the working day and beyond and would lead to overlooking at all times

- If approval was minded to be given, then maybe Velux windows could be conditioned

The Planning Officer addressed the Committee in response to concerns highlighted by Members with regards to the increased footprint of the garage. Members were advised that due to the distance between the garage and the occupied dwellings it was not thought that there would be any substantial decrease in amenities.

Members further commented that the original planning permission had been granted with a smaller footprint for the garage and it was felt that the current proposal with the extended garage took the application too far and was unnecessary massing in a very rural area. There appeared to be a more direct view over the conservatory of Cromwell House and would be very obtrusive and would affect the amenity of surrounding dwellings.

Members sought clarification as to the distance between The Haven and Thomas House. The Planning Officer clarified that the distance was measured at approximately 20 metres.

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

**RESOLVED:** (Unanimously) to refuse the application, against officer recommendation.

**Reasons for the decision:**

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

- The overdevelopment of the site
- The impact on residential amenity

Hence the proposal did not accord with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

**5.7 10/00975/FUL – Demolition of Existing Dwelling and Construction of Three-Bed Dwelling with Detached Garage at The Haven, Second Drift, Wothorpe, Stamford**

The Committee was advised that the item had been withdrawn from the agenda by the Head of Planning Services and would be considered at a later date.

**5.8 10/00990/FUL – Construction of 5 Bedroom House at Plot 5, Huntly Lodge, The Village, Orton Longueville, Peterborough**

Planning permission was 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 was proposed to be of a modern design with a large amount of glazing to the elevation treatment.

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 was 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 were a number of mature trees contained within the site and to the south was situated a woodland County Wildlife Site managed by the Woodland Trust.

The Planning Officer addressed the Committee and stated that outline planning permission had been granted in October 2003 for the erection of five dwellings with a restricted total footprint of 1200 metres. The main issues of the proposal were the design and the impact on the character of the area. The scale and massing of the dwelling would appear unduly obtrusive and overpowering within the street scene. The proposed triple garage and front boundary wall would not be in keeping with the surrounding area.

Members' attention was drawn to additional information contained within the update report. There had been additional comments received from the Conservation Officer, who had recommended refusal. Comments had also been received from the Archaeological Officer, stating that no further work was deemed necessary and the Parish Council, stating that the development was too modern for the surrounding area.

Councillor Pam Winslade, a Ward Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The application was within the Orton Longueville Conservation Area
- The area had a previous problem with graffiti and vandalism
- The access road could not be upgraded due to preservation orders
- The proposal exceeded all of the original recommendations with regards to height and footprint

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

- The project had been discussed with the Council's Planning Department on numerous occasions and the design brief issued by Planning Officers had been worked to
- There had been two previous planning applications made for the plot which had been successful
- The first proposal had been designed to fill the design brief, it had been subsequently discovered that a more relaxed approach could be taken to the styling and hence the subsequent proposal which was approved
- There had previously been a restriction on the size of the dwelling, but after an application from the owners of plots 2, 3 and 4, it had been agreed that this restriction could be lifted, as well as the restriction on the size of the garage. The house had then been further re-designed to take into account all of these changes
- 78% of the plot would be underdeveloped, how could this then constitute overdevelopment?
- The proposal was no more out of keeping with the area than the proposals received for plot 4 or the original design for plot 1
- The proposal could be moved back so it did not come over the established building line
- Concessions had been made in response to the objections raised by the planning department, but none of the points had been accepted
- The dwelling would be constructed by materials specified by the planning authority

The Planning Officer addressed the Committee and confirmed to Members that the initial approval had been given with 1200 sq meters for the five dwellings on the site and the proposal before the Committee would take up a substantial amount of that space.

Members commented that it was difficult to gauge how large the proposed dwelling would be, having not seen the plans for the other proposed properties. The location was a secluded corner plot with a long driveway and it was difficult to see how the proposal would be of detriment to the area. The proposal was of good quality and the city needed more of this type of housing.

After further debate, particularly in relation to the size of the plot and the original approval, which had been granted for a total area of 1200 sq meters, a motion was put forward and seconded to approve the application. The motion was carried by 8 votes, with 1 voting against.

**RESOLVED:** (8 for, 1 against) to approve the application, against officer recommendation subject to:

1. The delegation of the area of conditions to Planning Officers

**Reasons for the decision:**

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

- The proposal was in keeping with the area
- The proposal did not constitute overdevelopment

Hence the proposal accorded with policies contained within the Adopted Peterborough Local Plan (First Replacement).

The Chair of the Committee requested it to be minuted that the Committee were disappointed that Councillor Graham Murphy, Ward Councillor and the referrer of the item to the Committee had neither attended the meeting nor submitted a written statement.

## **6. Northborough Conservation Area Appraisal**

A report was submitted to the Committee, which outlined the Northborough Conservation Area Appraisal and Management Plan. The report also provided an update on the outcome of the public consultation on the Draft Northborough Conservation Area Appraisal and Management Plan and proposed amendments to the Conservation Area Boundary.

A review of the Northborough Conservation Area had been 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 had been prepared for the area and, following public consultation and subsequent amendment, it had been proposed that the Northborough Conservation Area Appraisal was formally adopted as the Council's planning guidance and strategy for the area.

Members were advised that the draft appraisal public consultation had commenced on 7 December 2009 and had concluded on 8 February 2010. Twelve representations had been received and the appraisal had been revisited in order to take account of these representations.

Members were further advised of the main aspects contained within the Management Plan, including the history of the settlement in Northborough and background to the introduction of the Conservation Area. The document also contained sections on the landscape of Northborough, its townscape and the trees, hedges and walls contained within. The Draft Management Plan was also highlighted and Members were informed that the City Council did not intend to prevent change or new development in the Northborough Conservation Area, however the effective future management of the area would be achieved by the positive use of development control and planning enforcement powers.

Members positively commented on the document and congratulations were given to the Principal Built Environment Officer for all of the hard work undertaken. Members further commented that it was extremely important to protect where people lived but to also ensure controlled expansion.

**RESOLVED:**

That the Committee:

1. noted the outcome of the public consultation on the Northborough Conservation Area Appraisal;
2. recommended that the Cabinet Member for Housing, Neighbourhoods & Planning considered and approved the proposed boundary changes; and
3. supported the adoption of the Northborough Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Northborough Conservation Area

**7. Peakirk Conservation Area Appraisal**

A report was submitted to the Committee, which outlined the Peakirk Conservation Area Appraisal and Management Plan. The report also provided an update on the outcome of the public consultation on the Draft Northborough Conservation Area Appraisal and Management Plan and proposed amendments to the Conservation Area Boundary.

A review of the Peakirk Conservation Area had been 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 had been prepared for the area and, following public consultation and subsequent amendment, it had been proposed that the Northborough Conservation Area Appraisal was formally adopted as the Council's planning guidance and strategy for the area.

Members were advised that the draft appraisal public consultation had commenced on 7 December 2009 and had concluded on 8 February 2010. Eleven representations had been received and the appraisal had been revisited in order to take account of these representations.

Members were further advised of the main aspects contained within the Management Plan, including the history of the settlement in Peakirk and background to the introduction of the Conservation Area. The document also contained sections on the landscape of Peakirk, its townscape and the trees, hedges and walls contained within. The Draft Management Plan was also highlighted and Members were informed that the City Council did not intend to prevent change or new development in the Peakirk Conservation Area, however the effective future management of the area would be achieved by the positive use of development control and planning enforcement powers.

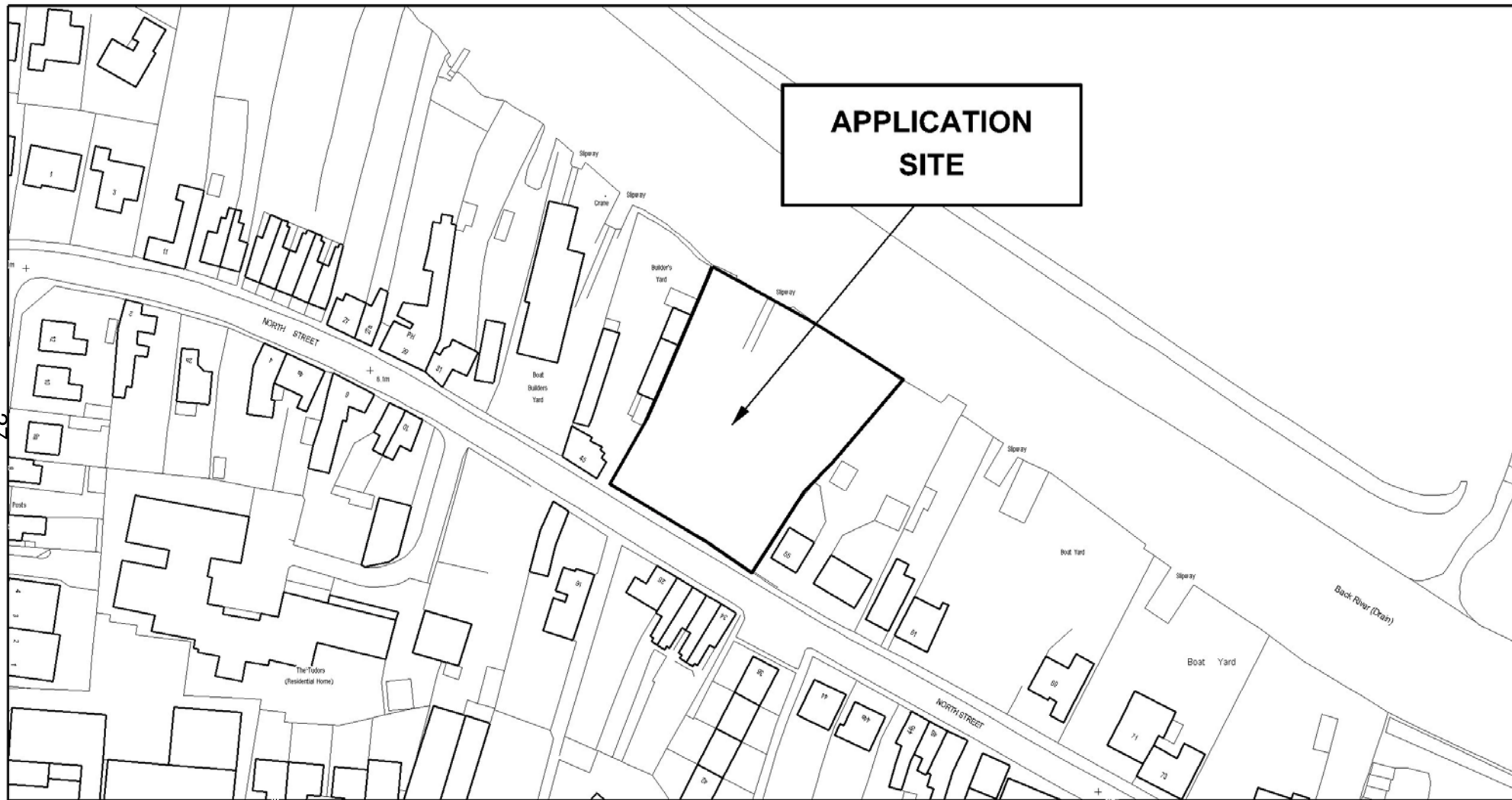
Members once again positively commented on the document and congratulations were given to the Principal Built Environment Officer for all of the hard work undertaken.

**RESOLVED:**

That the Committee:

1. noted the outcome of the public consultation on the Peakirk Conservation Area Appraisal;
2. recommended that the Cabinet Member for Housing, Neighbourhoods & Planning considered and approved the proposed boundary changes; and
3. supported the adoption of the Peakirk Conservation Area Appraisal and Management Plan as the Council's planning guidance and strategy for the Peakirk Conservation Area

13.30 – 18.45  
Chairman



LOCATION PLAN 10/00738/FUL  
 Land Between 45 and 55 North Street, Stanground

PCC GIS

Scale 1:1250 Date 28/9/2010 Name MKB Department Planning Services

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10/00738/FUL: CONSTRUCTION OF THREE TWO BED AND FIVE THREE BED DWELLINGS AT LAND BETWEEN 45 AND 55 NORTH STREET, STANGROUND  
VALID: 28 MAY 2010  
APPLICANT: CROSS KEYS HOMES  
AGENT: MR ROB CHIVA, ARCHITECTS DESIGN CONSORTIUM  
REFERRED BY: COUNCILLOR CERESTE AND COUNCILLOR WALSH  
REASON: CONCERNS ABOUT PARKING PROBLEMS AND FLOOD RISK  
DEPARTURE: NO  
  
CASE OFFICER: MISS ASTRID HAWLEY  
TELEPHONE: 01733-454418  
E-MAIL: astrid.hawley@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Principle of the development
- Design and impact on the character of the area
- Residential amenity
- Impact of the development on neighbour amenity
- Highway Implications
- Landscaping Implications
- Flood Risk/drainage
- Contamination
- Planning Obligation

The Head of Planning, Transport and Engineering 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)**

#### **Material Planning Considerations**

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

**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.
- H7: Housing developments on unallocated sites** – Within the Urban Area residential development on any site not allocated for housing, including by infilling, redevelopment and change of use for existing buildings, will be permitted where the site is not allocated for any other purpose, is not within a defined Employment Area, and is or will be well related to existing or proposed services. Seeks development that would make efficient use of the site in terms of density and layout, respect the character of the area, provide good living conditions, would not result in an adverse impact on highway safety, constrain development on an adjoining site or result in the loss of open space of amenity or recreational value.
- H15: Residential Density** - Seeks the Highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.
- 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.
- LNE6: Buffer Zones for Development Bordering the Countryside** – Where development would border open countryside or some other open landscape setting a buffer zone will be required on the edge of the development site of adequate size and with appropriate landscape treatment to assimilate the development into the landscape satisfactorily.
- 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.
- LNE10: Detailed elements of Landscaping Schemes** – Where appropriate the City Council will impose a condition on planning permissions requiring the provision of a landscaping scheme suitable for the type of development proposed.
- LNE13: Conservation of Ponds, Wetlands and Watercourses** – The City Council will not grant planning permission for development that would unacceptably harm the ecological interests of ponds, wetlands and watercourses.
- 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.

### **National Planning Policy Statements**

**Planning Policy Statement (PPS) 1** ‘Delivering Sustainable Development’ January 2005

**Planning Policy Statement (PPS) 3** ‘Housing’ June 2010

**Planning Policy Guidance (PPG) 13** ‘Transport’ April 2001

**Planning Policy Statement (PPS) 25** ‘Development and Flood Risk’ March 2010



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 application seeks permission for the construction of five three bedroom properties and three two bedroom properties. The application arises out of extensive pre-application discussions with the Local Planning Authority regarding the redevelopment of the site and broadly reflects the advice given. All eight units are proposed as affordable housing.

The layout provides for the construction of one two storey terrace of three two bedroom properties and one two storey pair of three bedroom properties fronting onto North Street. A two and a half storey terrace of three, three bedroom properties, with small single storey rear wing is proposed to the rear of the frontage development. The block is orientated so that frontage faces east and overlooks the communal car parking court.

The proposed vehicular access and shared driveway is situated between the frontage blocks and provides access through to the rear houses and shared car parking court. It is proposed that a pair of manually operated access gates are provided to the access in order to create a defensible space.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site is currently owned by the City Council.

The application site comprises 0.214 hectare of unallocated brownfield land. To the north the site abuts the 'Back River', with the Nene Washes located beyond. The Washes, including the Back River, are designated as the Nene Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. The character of the area is predominantly residential with dwellings located to the east, south and west of the site, although it is noted that there is an active boat yard to the north west of the site.

The site contains a copse of trees which are proposed for removal. However, a sycamore tree on the site is to be retained.

The area is characterised by frontage developments situated within long thin plots. Many of the properties have outbuildings/boat storage located within the rear curtilage. The street scene comprises a varied design, scale and age of properties.

Historically the site was used as a boat builder's yard, but has now been vacant for a significant period of time and primarily comprises overgrown scrub land. There are a number of mature trees located within the site, however their individual form is poor and it is proposed that the majority of these are removed

and replacement planting secured. The site levels slope significantly (approximately 1.6m) from the highway down to the northern boundary with the Back River.

Approximately 70% of the application site is located within Flood Zone 1. The northern part of the site is located within Flood Zones 2 and 3.

An ecological assessment has been undertaken and submitted by the applicant. No features or species of value have been identified.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
01/01084/FUL	Renewal of 98/00473/FUL for use of land for parking and storage of drilling rigs and erection of 3 storage units (portacabins).	32.01.02	Permitted
02/01071/OUT	Land at 47- 53 North Street, Stanground	12.11.02	Withdrawn

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Head of Transport and Engineering** – The Local Highway Authority (LHA) is concerned that the proposed vehicle to vehicle visibility splays are inadequate to serve the site’s access. The applicant has been asked to carry out a speed survey to enable the LHA to calculate the required site lines, in accordance with Manual for Streets, necessary to serve the development, given that the North Street is a bus route and is also used by commercial vehicles. The applicant is currently undertaking this work and the results will be contained within the Committee Update Report.

**Environmental Engineering Team (Drainage)** – No objection to the development provided that Anglia Water confirms that their existing storm water sewer has adequate capacity to receive the flow rates from this site. In addition Building Control need to ensure the SUDS (soakaway) attenuation area is located within suitable sub soils and located within an approved site, in terms of distance from properties and easy access for future maintenance.

**Landscape Officer** – No objection to the loss of the copse of trees. I agree with the assessment of the trees contained within the submitted Tree Survey. The trees contained within the site can no longer be considered as individual trees, in reality they form a copse. The general health and overall appearance of the trees is reasonable but individually the form of the trees is poor. It is not considered that the trees are worthy of a Tree Preservation Order and as they are identified as Category C trees under the British Standard 5837:2005 ‘Trees in Relation to Construction’, they should not be seen as a constraint to development. Protection for the retained sycamore tree during the construction of the development and the provision of a landscaping scheme should be secured by the imposition of conditions.

**Archaeology Services** – No objection. The site was historically occupied by a Malt-house, however, this was demolished by the late 1950s. It is considered that the potential archaeological remains are likely to have been severely affected as a result and as such no archaeological work is deemed necessary.

**Waste Management** – No objection in principle. The applicant intends to build the road to an adoptable standard, although it is noted that it is not intended to offer the road to the Local Highway Authority for Adoption. Confirmation of how the applicant attends to address waste collection from the site will be provided within the Committee Update Report.

**Environmental Health (Pollution Control Team)** – A phase 1 desk study is necessary in order to establish a conceptual model of site conditions and demonstrate that the proposed layout can be accommodated within the application site.

## **EXTERNAL**

**Police Architectural Liaison Officer** – No objection. Consideration of how the controlled gated access will work with respect to visitors/deliveries to the site is required.

**Environment Agency** –No objection subject to the Local Planning Authority’s application of the Flood Risk Sequential Test outlined in PPS25 and the imposition of conditions relating to compliance with the site specific Flood Risk Assessment, drainage and contamination.

**Natural England** – No objection subject to the imposition of the following mitigation measures on any permission granted:

- 1) A Construction Management Plan.
- 2) Appropriate scheme for site drainage.
- 3) Landscaping scheme to maintain the site’s biodiversity and benefit riverine wildlife.

**Anglian Water** –Anglian Water is no longer a statutory consultees (and no longer wishes to be consulted) where development is for less than ten dwellings. Notwithstanding this the applicant is required to serve notice on Anglian Water under Section 104 of the Water Industry Act if they want to connect to the sewerage and public water sewer.

## **NEIGHBOURS**

Letters of objection have been received from the occupiers of 5 neighbouring dwellings raising the following issues:

- Implications for on street parking and the impact on highway safety, in particular busses and HGV’s trying to travel along North Street if cars are parked to both sides of the highway.
- Increased, noise, reflection from headlights, nuisance and pollution caused by additional traffic generated by the development, particularly those neighbouring the site.
- Securing appropriate enclosure treatments to the development’s boundaries.
- Ensuring that there is no overlooking or loss of privacy through obtaining obscure glazing where necessary.
- Concerns about the long term maintenance of the proposed shared amenity space and communal car parking court.
- Concerns that controlled access gates could result in traffic waiting on North Street whilst attempting to access the site, causing congestion.
- Concerns about the building height and design being in keeping with the character of the area, the proximity of the development to the Back River and the impact of the development on views/outlook of neighbouring residents.
- Concerns about site flooding, potential ground contamination and whether the site is safe for development.
- Concerned that the disturbance of soil might lead to the pollution of the Back River.
- Impact on site biodiversity.
- Concerned that the walls of the Back River are susceptible to collapse given their current condition and that the proposed development could have a detrimental impact on it’s stability to the detriment of health and safety and neighbouring occupier’s amenity.
- That the development would set an undesirable precedent for development in this sensitive area.
- Do not consider the development would provide a good standard of living accommodation for future residents.
- Concerned that the landscape detail is insufficient and fails to preserve the character of the area.
- A concern that as the site is Council owned the development will automatically be permitted.

## **COUNCILLORS**

Cllr Walsh has referred the case to the Planning and Environmental Protection Committee given concerns raised to her by local residents about the suitability of the site for development given it’s location within a flood risk area and the potential impact to parking on North Street.

Cllr Cereste has expressed concerns about the parking implications and the suitability of this type of development within a sensitive area.

## **7 REASONING**

### **a) Introduction**

The application site is located within the city's urban boundary where housing development on unallocated sites is considered against Policy H7 of the Adopted Peterborough Local Plan (First Replacement). The application site is not allocated as employment land or for any other purpose. The residential development is consistent with the predominantly residential character of the area. The development can be accommodated on site, results in the redevelopment and reuse of a brownfield site and contributes towards the provision of a varied range in the city's housing mix.

In principle therefore the proposal to construct 8 dwellings is in accordance with policy H7 of the Peterborough Local Plan (First Replacement) and PPS3 subject to satisfactory compliance with Local Plan policies governing design, impact on amenity, highway and landscaping implications. These will be assessed in turn below.

### **b) Design and Impact on the character of the area**

The application site is located within an established residential street scene which comprises housing of a varied design, age and scale. It is considered that the frontage development is of an appropriate building line, height and scale that is consistent with the general character of development within the site vicinity. The rear terrace is proposed at a height of 2.5 stories, which given the drop in site levels and the distance from the front boundary, will not, with the exception of the apex of the pitched roof be visible from the street scene. It is not therefore considered that the increase in building height would result in a detrimental impact on the character of the area.

The design, height and scale of the dwellings are proportionate to individual plot sizes. It is considered that the layout and scale of the development can be accommodated within the provisions of the site and will result in an acceptable relationship to the existing street scene. Public and private space will be clearly defined through the imposition of a condition to secure suitable hard and soft landscaping treatments and to ensure that an appropriate buffer is provided between the development and the Back River.

It is therefore considered that the development results in an acceptable relationship with the existing neighbouring properties and by reason of its design, layout and scale will not result in an unacceptable impact on the character of the area. The proposal is therefore in accordance with policies H7, DA1, DA2 and LNE9 of the Peterborough Local Plan (First Replacement).

### **c) Residential amenity**

It is considered that the layout would afford the future occupiers of the site an acceptable standard of amenity in terms of daylight and sunlight.

Properties have been orientated to address the street scene and provide natural surveillance of areas of open space/circulation spaces whilst retaining appropriate separation distances between plots to ensure suitable privacy. It is considered that an acceptable level of useable private rear amenity space has been provided to each plot.

The proposal is therefore in accordance with policies DA2 and H16 of the Peterborough Local Plan (First Replacement).

### **d) Impact of the development on neighbour amenity**

It is not considered that the proposed development would result in a detrimental impact on the amenities of the occupiers of neighbouring dwellings in terms of a loss of daylight/overbearing or privacy. The frontage block is positioned so that it is in keeping with the established building line, and the first floor windows to the side elevation will be obscure glazed.

The position of the rear block is orientated and sufficiently distanced from neighbouring dwellings so that no direct overlooking to those plots proposed to the front of the site or existing neighbouring dwellings will arise.

Whilst it is accepted that the development has the potential to generate an increase in pedestrian and vehicular activity to and from the site it is not considered that it would be out of keeping with or result in a significant material impact on neighbour amenity given the established residential character of the area and existing levels of associated activity.

The proposal is therefore in accordance with policies DA2 and H16 of the Peterborough Local Plan (First Replacement).

#### **e) Highway Implications**

The Local Highway Authority (LHA) has objected to the application. The proposed vehicle to vehicle visibility splays are inadequate to serve the development's access given that North Street is used by residential, commercial and public transport. The LHA has however indicated that the development could be achievable subject to the applicant demonstrating that the proposed splays are acceptable based on the evidence of a speed survey. The applicant is currently undertaking this work and the results will be provided in the update report.

The Local Planning Authority requires that rear car parking courts are secured by electronically operated access gates. In this instance however, given that the rear part of the site benefits from natural surveillance from the three units that overlook the car parking area it is considered that manually operated gates would be acceptable in this location. The proposed access gates are sufficiently set back from the head of the highway to enable cars to pull clear of the highway when entering the site and will not result in cars overhanging the highway, whilst the driver exits the car to open the gates.

The amount of car parking proposed is in accordance with the Peterborough Local Plan parking standards and is therefore acceptable.

The applicant has also been advised that off site highway works, to slow the speed of traffic travelling along North Street could be explored, as such a scheme would allow for the reduction in the size of splays required to serve the access.

#### **f) Landscaping Implications**

The Landscape Officer has not objected to the development. The general health and appearance of the small copse of existing trees is considered reasonable however, individually the form of the trees is considered poor, with the exception of the Sycamore Tree located adjacent to the northern site boundary which is proposed for retention. Given that the majority of the trees are identified as Category C trees under the British Standard, they are not worthy of a Tree Preservation Order, and should not therefore be seen as a constraint on development. It is therefore recommended that a suitable replacement landscaping scheme, which takes account of the site's relationship to the Back River in terms of species choice and design, is secured through the implementation of a suitably worded condition.

It is therefore considered that the development will not result in a detrimental impact on the landscape character of the area and that an appropriate buffer to the Back River and replacement planting can be achieved. The development is therefore in accordance with Policies LNE6, LNE9, LNE 10 and LNE13 of the Adopted Peterborough Local Plan (First Replacement).

#### **g) Flood Risk**

The Environment Agency has not objected to the application subject to the development being carried out in accordance with the Flood Risk Assessment which accompanies the application.

The applicant has undertaken a site specific Flood Risk Assessment (FRA) which has informed the proposed layout of the development. The FRA recommends that provided development is limited to that part of the site that is located in Flood Zone 1 and Floor Levels are set above 6.0 m (Above Ordnance Datum (AOD) residential development would be acceptable. The proposed finished floor levels would meet this requirement but it is recommended that a condition is imposed to ensure this is the case. The northern most part of the site falls within Flood Zones 2 and 3 however development in this area is

limited to the communal car parking court only, where it is considered that suitably porous surfacing materials can be used to ensure drainage.

PPS25 requires the application of a Sequential Test to site selection when considering the impacts of development and flood risk; and for any development proposed within Flood Zone 3 that the Exception Test is passed. Given that the proposed dwellings are located within Zone 1 and incorporate the remedial measures identified in the FRA it is considered that the development site complies with the requirements of the Sequential Test. In addition it is noted that the site comprises previously developed land and it is considered that the development will result in the site returning to active use, providing eight affordable houses, to the benefit of the City's housing Stock. The FRA has also demonstrated that the development does not pose an unacceptable flood risk. It is therefore considered that the development also complies with the requirements of the Exception Test.

The development is therefore considered acceptable in accordance with PPS25 subject to satisfactory compliance on site with the Flood Risk Assessment and the identified mitigation measures. It is recommended that this is secured by means of the imposition of a suitably worded condition.

#### **h) Contamination**

The Council's Pollution Control Team and the Environment Agency have advised that given the previous uses of the site the applicant will need to undertake a phase 1 desk study to establish the risks associated with contamination of the site, including a remedial strategy and identification of any long term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The applicant has been asked to carry out this work ahead of the grant of planning permission to ensure that the proposed layout can be achieved within the constraints of the site. However, members will appreciate that this represents an extra cost on the applicant up front, and they have expressed concerns about the overall viability of the project. The time taken to do the work may also impact on the applicant's ability to secure funding for the development. It is therefore recommended that the Committee approve the application subject to a phase 1 desk study, which has identified:

- 1) All previous uses of the site.
- 2) Potential contaminants associated with those uses.
- 3) A conceptual model of the site including sources, pathways and receptors.
- 4) Potentially unacceptable risks arising from contamination at the site.

This information is considered necessary to demonstrate that that the layout can be achieved. In addition, subject to planning permission being granted, it is recommended that conditions are imposed requiring details of mitigation measures, maintenance and monitoring of the site, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

In the event that the submitted information does not satisfactorily address concerns relating to ground contamination it is recommended that the application is referred back to the Committee.

#### **i) S106**

It should be noted that a S106 contribution is required towards the Neighbourhood Infrastructure costs arising from the development in accordance with the Planning Obligation Implementation Scheme (POIS). The applicant has agreed to enter into a S106 Obligation and the process is currently ongoing.

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

## **8 CONCLUSIONS**

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

- The principle of residential location is acceptable in this location.

- 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 an unacceptable impact on the biodiversity of the site. Suitable soft landscaping can be achieved by means of the imposition of the recommended condition.
- The applicant has demonstrated that the level of flood risk arising from the development is acceptable.
- At the time of writing this report the principle of access to the site is currently being assessed and a conclusion in relation to the development's impact on highway safety will be set out in the update report.
- the applicant has made provision for the infrastructure requirements arising from the development

The proposal is therefore in accordance with Policies DA1, DA2, DA6, H7, H16, LNE9, LNE 6, LNE10 and T10 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the needs of the area, and a phase 1 Desk Top Study to assess the extent of contamination of the site and inform any remedial work required, 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).

**C2 Prior to the commencement of the development, notwithstanding the submitted information, samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be 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 of the area in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

**C3 No development shall commence on site until a scheme for the hard landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include the following detail:**

- 1) **All proposed hard surfacing materials including the proposed footways, parking areas and private driveways.**
- 2) **Details of all proposed boundary treatments, including the vehicular and pedestrian access gate proposed to the site frontage.**

**The approved hard landscaping scheme shall thereafter be implemented on site in accordance with the approved details.**

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

**C4 Prior to the commencement of development, and notwithstanding the approved plans, additional 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. In accordance with the approved Flood Risk Assessment (AECOM dated Nov 2008) the ground floor levels of all new buildings shall be constructed above 6.0mAOD and at least 150mm above surrounding ground or path**

**levels. 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).

**C5 No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include the following detail:**

- 1) Planting plans - written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment). Full details of every tree, to be planted (including its proposed location, species, size, proposed numbers/densities and approximate date of planting). All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursey Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.**
- 2) 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 and the use of native species in planting.**

**The approved landscaping scheme shall thereafter be implemented in accordance with the approved details in the first planting season following completion of the development or the first occupation of the dwellings, whichever is sooner.**

**Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority**

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

**C6 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority: any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.**

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

**C7 The car parking spaces for each dwelling as shown on site layout drawing number 104/D (-02) shall be provided prior to the first occupation of the dwelling to which the spaces relate and thereafter shall be used for no other use other than the parking of vehicles in association with that dwelling.**

Reason: In the interests of highway safety and to ensure sufficient parking provision is available in accordance with Policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

**C8 Before the new vehicular access is brought into use, vehicle to pedestrian visibility splays shall be provided on both sides of the access and shall thereafter be maintained free from any obstruction over a height of 600mm above highway surface level within an area of 2.0 m x 2.0 m measured from and along respectively, the adoptable highway boundary as shown on the approved site layout drawing number 104 D (-) 02.**

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



- C9** Prior to the commencement of development details for the provision of temporary facilities for the parking, turning loading and unloading of vehicles to be provided clear of the public highway shall be submitted to and approved in writing by the Local Planning Authority. Temporary facilities shall thereafter be implemented on site in accordance with the approved details and subsequently retained as such during the period of construction.  
Reason: In the interests of highway safety in accordance with Policies T1 of the Adopted Peterborough Local Plan (First Replacement).
- C10** No work in connection with this approval shall begin, unless otherwise agreed in writing with the Local Planning Authority, until fully operational vehicle cleaning equipment has been installed of a specification and in a position agreed in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the vehicle cleaning equipment before entering the public highway. In the event of the approved vehicle cleaning equipment being in operative, development operations reliant upon compliance with this condition shall be suspended unless or until an alternative method of vehicle cleaning has been agreed in writing by the Local Planning Authority and is operational on site.  
Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety in accordance with policy T1 of the Adopted Peterborough Local Plan (First Replacement).
- C11** Development shall be carried out in accordance with a scheme of foul and surface water drainage, including the potential use of any SUDs, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, or within such other period as may be agreed by the Local Planning Authority. The scheme shall include, where appropriate, details of land drainage to the gardens of the properties. The drainage facilities shall thereafter be implemented on site in accordance with the approved details prior to the occupation of the dwellings.  
Reason: In order to secure satisfactory means of foul and surface water drainage, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C12** No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority. Permission for any infiltration of surface water drainage into the ground will only be granted to those parts of the site where details have been submitted to and approved in writing by the Local Planning Authority and it has been satisfactorily demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).
- C13** Prior to the occupation of the first dwelling a scheme for operational fire hydrants shall be submitted to and approved in writing by the Local Planning Authority and implemented on site in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.  
Reason: In the interests of public safety in accordance with Policy IMP1 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C14** The 'approach' to the principal entrance of the dwellings, that being the approach that would be used by visitors arriving by car shall be level (not exceeding 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In order to ensure access for all in accordance with policy H20 of the Adopted Peterborough Local Plan (First Replacement).
- C15** Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the Construction Management Plan shall include details of the following:

- 1) Details of a securely fenced buffer zone between the river bank and the construction site.
- 2) Pollution prevention procedures to be applied on site throughout the construction phase, including details of a proposed scheme of mitigation and remedial measures.
- 3) Details of the visual screening proposed to the application site from the Nene washes during the construction period.
- 4) A scheme for the monitoring of construction noise and vibration, including hours of working;
- 5) A scheme for the control of dust.

The development shall be carried out in accordance with the approved Construction Management Plan at all times unless the written agreement of the local planning authority has been given to any variation.

Reason: In the interest of public amenity and safety. In accordance with policies PPS23, T1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C16** The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by AECOM, dated November 2008 and the following mitigation measures detailed within the FRA (e.g. finished floor levels are set no lower than 6.0m above Ordnance Datum (AOD)). The applicant shall confirm to the Local Planning Authority that this has taken place, in writing, within one month of completion.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with PPS: 25 'Development and Flood Risk' March 2010

- C17** Prior to the commencement of road construction, unless otherwise agreed in writing by the Local Planning Authority, details of the street lighting, including lighting for any non adoptable areas, shall be submitted to and approved in writing by the Local Planning Authority. The street lighting shall thereafter be installed in accordance with the approved details prior to first occupation of the dwellings.

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

- C18** No development shall take place until a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, taking on board the recommendations and conclusions of the approved Phase 1 Desk Top Study, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).

- C19** The remediation scheme approved under condition 18 shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).

- C20** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the

**part of the site affected by the unexpected contamination development must be halted on that part of the site.**

**An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition C18.**

**The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report including where necessary any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be submitted to and approved in writing by the Local Planning Authority in accordance with condition C19.**

Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).

**C21 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).

**C22 The development shall be undertaken in accordance with the recommendation in section 9 of the submitted 'Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement.**

Reason: In the interest of retaining a tree of value to the appearance and biodiversity of the site.

#### **Recommended Informatives:**

- 1) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 9 metres measured horizontally from the foot of any bank of the landward side, or where there is no bank, within 9 metres measured horizontally from the top edge of the batter enclosing a Main River.

As part of the proposed development site is shown to be within Flood Zone 3a 'high probability', we strongly recommend that prior to development the applicant submit details in relation to a flood warning and evacuation plan. As part of this plan we recommend registration with the Environment Agency's free Floodline Warning Direct service. For further information on how to register please visit [www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx](http://www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx) or contact Allan Bond on 01522 785877.

- 2) The applicant is advised that if it is essential that soakaways are to be used, they are not positioned in potentially contaminated ground. The use of soakaways must not increase the likelihood of contaminants being mobilised, as this could affect the groundwater quality in the area.
- 3) 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](mailto:buildingcontrol@peterborough.gov.uk).
- 4) Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to take, damage or destroy the nest of any wild bird while it is being built or in use. Trees, scrub and/or structures likely to contain nesting birds between 1 March and 31 August are present on the application site. You should assume that they contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Planning approval for a development does not provide a defence against prosecution. The protection of nesting wild birds remains unchanged even when planning permission is granted.
- 5) Highways Act 1980 - Section 148, Sub-Section C

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.

6) Highways Act 1980 - Section 149

If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning 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 Planning 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.

7) The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works. Normal and reasonable working hours for building sites are considered to be from 8.00 a.m. to 6.00 p.m. Monday to Friday, from 8.00 a.m. to 1.00 p.m. on Saturday and not at all on Sunday. If any activities take place on the site beyond these times, which give rise to noise audible outside the site, the Council is likely to take action requiring these activities to cease. For further information contact the Environmental and Public Protection Services Division on 01733 453571 or email [eppsadmin@peterborough.gov.uk](mailto:eppsadmin@peterborough.gov.uk).

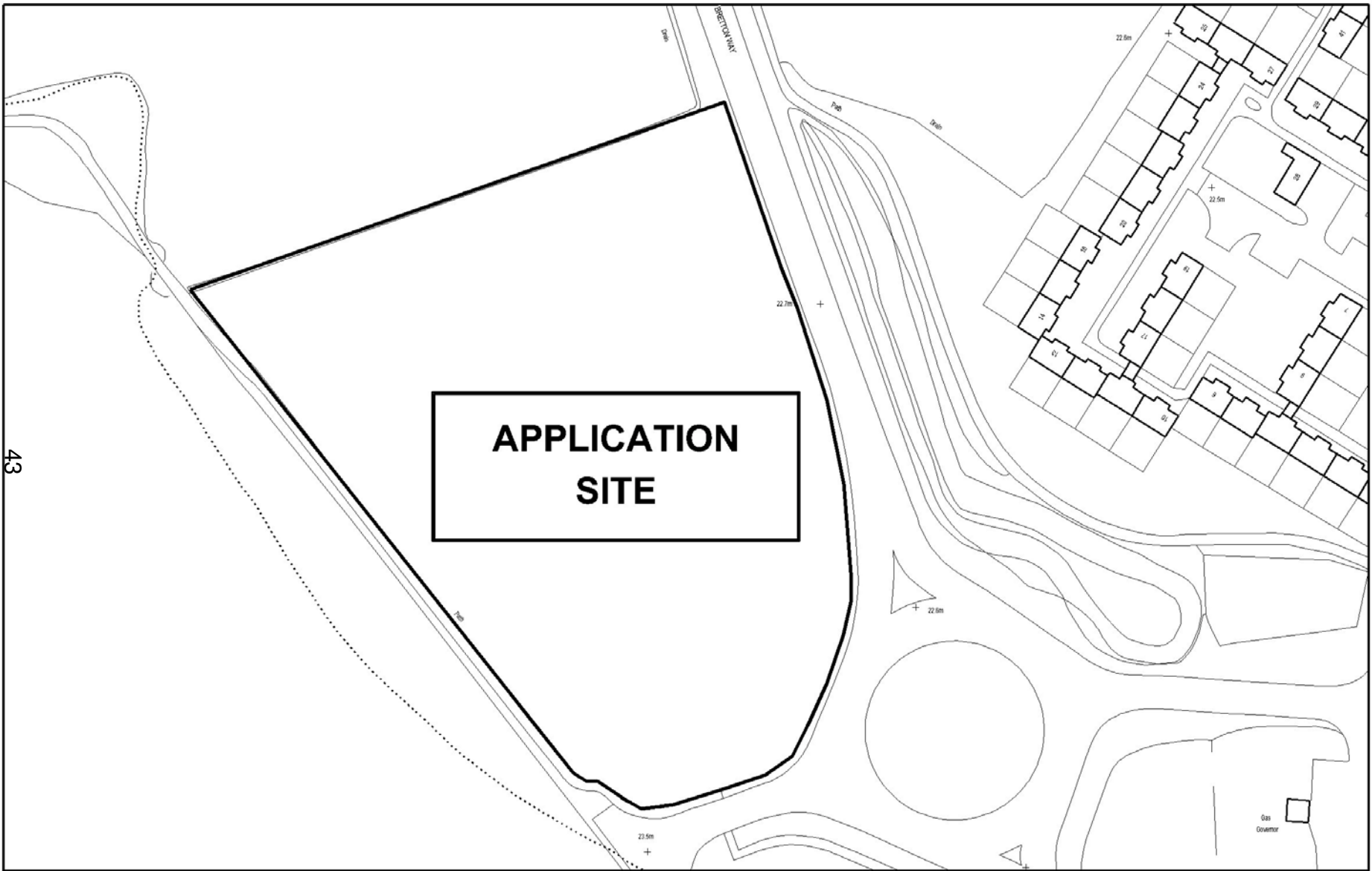
8) The applicant is advised that all contractors working on the development should be made aware of the possible presence of any protected species on the site and reminded of their legal protection. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'

Contractors should be advised to stop work immediately if any such species, or signs of their presence, are identified on site; in this instance the developer should seek the advice of a professional ecologist prior to works re-commencing.

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 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, Walsh.



**LOCATION PLAN 10/00777/FUL**

Land Known As The Oak Tree Site, Bretton Way, Peterborough

Scale 1:1250 Date 22/9/2010 Name MKB Department Planning Services

PCC GIS



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10/00777/FUL CONSTRUCTION OF NEUROLOGICAL CARE HOME, TO INCLUDE 107 BEDS, 37 ASSISTED LIVING UNITS, NEUROLOGICAL THERAPY CENTRE AND ASSOCIATED PARKING AND LANDSCAPING AT LAND KNOWN AS THE OAK TREE SITE, BRETTON WAY, BRETTON, PETERBOROUGH

VALID: 18 JUNE 2010  
 APPLICANT: PJ CARE LTD  
 AGENT: PRC GROUP  
 REFERRED BY: HEAD OF PLANNING TRANSPORTATION & ENGINEERING SERVICES  
 REASON: DEPARTURE FROM PETERBOROUGH LOCAL PLAN  
 DEPARTURE: YES

CASE OFFICER: THERESA NICHOLL  
 TELEPHONE: 01733 454442  
 E-MAIL: theresa.nicholl@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the departure from the local plan and the principle of the development is acceptable
- The scale and design of the proposal in its context
- Landscape and ecological implications
- Transport and sustainable travel
- Archaeology
- Contamination
- Flood risk and drainage
- Waste
- Infrastructure/Section 106

The Head of Planning Transportation & Engineering Services recommends that the application is **APPROVED** subject to conditions and the entering into of a 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.

#### The Peterborough Local Plan (First Replacement)

- OIW3 Business parks** – planning permission will only be granted for B1 uses  
**OIW4.01 Allocates the site for employment use within Bretton Business Park**
- DA7 Design of the Built Environment for Full Accessibility**  
**DA11 Design for Security** – planning permission will not be granted unless vulnerability to crime has been satisfactorily addressed  
**DA12 Light pollution** – planning permission will only be granted if the level of lighting does not exceed the minimum required for its purpose, it minimises light spillage and does not adversely affect the amenity of the area

- LNE4**      **Layout and Design to Safeguard Landscape Character** – where it adjoins the countryside
- LNE6**      **Buffer Zones for Development Bordering the Countryside** – where development borders countryside or other open landscape setting, an appropriate buffer zone will be required.
- LNE7**      **Areas of Historic Landscape or Parkland** – planning permission will not be granted where there is loss or unacceptable harm to such an area as shown on the Proposals Map
- LNE9**      **Landscape Implications of Development Proposals** – Planning permission will not be granted unless it makes adequate provision for protection of trees and other natural features that make a positive contribution to the environment and landscaping provided as an integral part of the development.
- LNE10**     **Detailed Elements of Landscaping Schemes** – sets out the details that will be required as part of the proposal or perhaps a condition to be submitted as part of a landscaping scheme.
- LNE11**     **Ancient, Semi-Natural Woodland and Veteran Trees** – planning permission will only be granted where it does not adversely affect these areas/trees.
- LNE16**     **Sites of Local Nature Conservation Importance** – planning permission will not be granted where there is likely to be an adverse affect on a Local Nature Reserve/County Wildlife Site unless there are demonstrable reasons for the development which outweigh the nature conservation value of the site. The LPA will ensure via conditions/S106 that nature conservation interests on the site are protected and enhanced.
- LNE19**     **Protection of Species** – Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.
- T1**        **Transport Implications of New Development** – Planning permission will only be granted where appropriate access is made to the site in accordance with the Transport User Hierarchy (of the Local Transport Plan) and there is no unacceptable impact on the transport network
- T2**        **Development Affecting Footpaths and Public Rights of Way**
- T3**        **Accessibility to Development – pedestrians and those with mobility difficulties**
- T5**        **Accessibility to Development – Cyclists**
- T7**        **Public Transport Accessibility to Development** – Planning permission will only be granted for development with significant transport implications if it is well served by public transport or if infrastructure/service improvements are made to create safe and convenient access to public transport
- T9**        **Cycle Parking Requirements** – To be provided in accordance with the standards set out in the Local Plan
- T10**      **Car and Motorcycle Parking Requirements** – To be provided in accordance with standards set out in the Local Plan
- CBE2**     **Other Areas of Archaeological Potential or Importance** – Planning permission will only be granted where the need for the development outweighs the intrinsic importance of the remains and where satisfactory arrangements are made for preservation or investigating and recording those remains
- U1**        **Water Supply, Sewerage Disposal and Surface Water Drainage**
- U2**        **Sustainable Surface Water Drainage**
- 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:

**Peterborough Site Allocations Development Plan Document** – Submission Document – Policy SA2 would allocate the site (Bretton DC01) for residential use for up to 69 dwellings. (Presently the DPD is a Preferred Option, the proposed Submission Document is being presented to this Committee on 26 October 2010 and to Full Council on 8 December 2010).



## **Wildlife and Countryside Act 1981 – statutory protection for wildlife species**

**Natural Environment and Rural Communities Act 2006** – Section 40 states that Local Authorities must have regard to the purpose of conserving biodiversity – Section 40(3) also states that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”

### **Circular 05/05 Planning Obligations (see below)**

<b>PPS 1</b>	<b>Delivering Sustainable Development</b>
<b>PPS 5</b>	<b>Planning for the Historic Environment</b>
<b>PPS 9</b>	<b>Biodiversity and Geological Conservation</b>
<b>PPG 13</b>	<b>Transportation</b>
<b>PPS 23</b>	<b>Contamination</b>
<b>PPS 25</b>	<b>Development and Flood Risk</b>

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 purpose of the development is to provide continuing and critical care for persons with a range of neurological health care needs. This care is provided to the 18 – 65 age groups. It is 24 hour care and requires specialised personnel and will help to free up intensive care space in the hospitals. In addition, there are 37 proposed “assisted living units” which are self contained one or two bed units set over 3 floors. These will be occupied by elderly people who can maintain a degree of independent living whilst being part of the larger complex. The applicant estimates that the development will create approximately 180 full time equivalent posts, 90 – 95% of which will be sourced within a 3 kilometre radius of the site. These assumptions are based on the applicant’s existing care facilities at Milton Keynes and Bletchley.

The proposal comprises a complex type development of mainly two and three storey buildings. The buildings are arranged in three large “elements” each comprising a varied configuration and form and are arranged around a central courtyard area which houses the main reception to the development. The buildings are arranged so as to provide a built frontage to Bretton Way and turn to provide a continuous frontage to the Bretton Way roundabout from which the site is accessed. This being said there is a

landscaped area including garden areas and balancing pond between the buildings and the public highway and footpath. As can be seen from the plans, the proposal provides for a varied and interested pattern of development and roof form. The proposed materials schedule is set out in the Design and Access Statement and includes:

- Roof Tile – Cembrit Westerland fibre cement slate in graphite (a dark grey flat concrete slate)
- Buff render on some second and third floor elevations
- Reconstituted stone cills and window surrounds
- Facing Brickwork – Bradgate light buff brick with sandcreased face and natural mortar (buff brick with a “weathered looking” face)
- Softwood doors, windows and screens painted white
- Aluminium rainwater goods, dormer surrounds, pressed copings and projecting feature doors in lead grey
- Aluminium copings to parapets in buff/cream
- Glass Juliet balconies

The proposals provide 10,495 square metres of gross internal floor space. As stated the buildings vary in height but the proposed three storey buildings are up to approximately 12.8 metres in height.

There is a single point of access for both vehicles and cyclists/pedestrians which is off the western spur of the Bretton Way/Flaxland roundabout. All the parking and servicing is located to the rear of the site, adjacent to the western boundary of the site and the open countryside to the west. There are 60 proposed parking spaces including 4 disabled spaces, a minibus space, 6 motorcycle spaces and 20 cycle spaces (10 stands).

The proposal provides for landscaped gardens and edges to the development.

#### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site comprises 1.32 hectares of vacant land, presently covered in scrub and grass. To the south of the site is a two storey office building, to the south and east (on the opposite side of Bretton Way) is residential development off Flaxland and the Bretton Centre. Immediately to the north of the site is Grimeshaw Wood, an area of ancient woodland that is designated as a County Wildlife Site. To the west is open countryside and approximately 800 metres further west is the edge of Milton Park, designated as an historic park and garden. A public footpath runs along but outside the western boundary of the site and continues through Grimeshaw Wood to the residential development further north. The site appears to be very self-contained and well screened and separated from neighbouring development and residential areas. The site contains a mature oak tree which is protected by a tree preservation order and it is proposed to retain this tree and incorporate it into the landscaping scheme as a feature.

The site is accessible by public transport (buses) and by cyclists and on foot but there is room for improvement as discussed later. There are three nearby bus stops, at Bretton Way, Flaxland and the Bretton Centre.

#### **5 PLANNING HISTORY**

<b>Application No.</b>	<b>Description</b>	<b>Decision</b>
99/01227/OUT	Erection of four buildings for use as retail foodstore (use class A1), pub/restaurant (use class A3), offices (use class B1) and dental surgery	Withdrawn
04/00645/OUT	Development of a mixed use scheme comprising the creation of a business park with a discount retail foodstore	Refused
05/00036/REFPP	Development of a mixed use scheme comprising the creation of a business park with a discount retail foodstore	Withdrawn
06/00979/OUT	Mixed use development incorporating a business park and Class A1 foodstore	Withdrawn

The comments below represent a summary of all the comments received resulting from amendments to the scheme and negotiations.

### **INTERNAL**

**Travel Choice** – No objection. Travel plan is acceptable. Require contributions of £500 per annum for 10 years to monitor the travel plan. A compromise on the bus stops to be improved is acceptable - £40,000 is requested to provide real time information at the Bretton Centre stops.

**Rights of Way Officer** - No objection. The footpath along the western boundary (managed by PCC) is an important link between the Bretton Centre and the housing NW of Grimeshaw Wood. The path should not be enclosed by solid fencing and must remain unobstructed.

**Parish Council** - No objection. However, questions the adequacy of the service access, the height of the tallest building on site and whether it is in keeping with the area, the type of fencing to be used near the footpath and what external lighting will be in place.

**Transport and Engineering Services** - No objection. Requests conditions. Suggest that the existing 2.0 metre wide cycle/footpath between the site and the Bretton Way crossing (into the Bretton Centre) be widened to 3.0 metres. It is however, recognised that if this were to be upgraded several trees would be lost. The current width meets Department for Transport minimum standards. The bus stops at Bretton Way and the Bretton Centre fall outside the recommended 400 m walking distance but do not object to the latter being improved. The closer stop at Flaxland is accessed via an unlit footpath. Segregated and safe access for pedestrians into the site should be provided and the cycle stores stands should be readily accessible.

**Wildlife Officer** - The bat survey has not been undertaken in line with best practice guidance so there is the concern that lighting from the development may be detrimental to bats. Ideally a resurvey should be undertaken to properly inform the decision on the application. Whilst a condition limiting light levels to no more than 2 lux in the area between the building and the woodland edge could be used as an alternative, this would bring the risk of:

- The occupier not being able to comply with the condition
- The occupier wishing to subsequently to have a higher level of illumination

both of which may result in detriment to the bats. Suggest revisions to some of the plant types to be used in the landscaping scheme.

**Landscape Officer** – No objection. Request conditions re service routes and methods for installing pipes within the root protection area (rpa) of the Oak Tree (subject to TPO) and how the footpath will be installed within the rpa. Species proposed in the landscaping plan are still not entirely appropriate for the setting i.e. a natural woodland edge.

**Archaeological Officer** – No objection. Following trial trenching works it is recommended that a condition is imposed to secure the excavation of part of the site in accordance with a brief to be issued by the Council.

**Waste Management** – No objection.

### **EXTERNAL**

**Environment Agency** – No objection.

**Natural England** - No objection. The site is directly adjacent to Grimeshaw Wood which forms and County Wildlife Site and Local Nature Reserve. Refers to standing advice on the survey and mitigation requirements regarding protected species. Welcomes the range of planting and ponds contained within the development but these will need to be secured by a management plan to retain the biodiversity value.

**Police Architectural Liaison Officer** – No objection.

**The Woodland Trust** - Object due to the proximity of the site to the ancient woodland. Particular concerns raised with regard to affect on habitat networks, noise and light intrusion, changes in hydrology, dust impact on plant life and effect on wildlife.

**Fire Service** – No objection. Not known at this time if additional water supplies for fire fighting will be needed at the site.

## **NEIGHBOURS**

**Two letters were received raising the following:**

- No objections as long as mud cleaned off the road by the builders
- The existing screen of poplar trees to the western boundary may cause problems in relation to roots, suckers and secondary growth and shrinkage of soil due to moisture deficiency. We would want conditions imposed to ensure that these problems do not arise necessitating the removal of the trees, the site is visible from the public footpath and the green wheel route
- The height of the buildings to the west side of the site is excessive and we prefer the buildings adjacent to the open countryside be limited to two storey, materials should be natural, colour of materials is important in minimising views from open countryside and the light rendering on certain elevations should not be permitted.

## **7 REASONING**

### **1. Principle of Development**

As set out above, the site is allocated in the Peterborough Local Plan for B1 business use. The site has been vacant for a long time and no suitable user has come forward. The Site Allocations Development Plan Document (proposed submission) allocates the site for residential use. It is apparent that the site could be suitable for either an employment use or a residential use. The application under consideration is for a “residential institution”, Class C2 use (under the Use Classes Order 1995 as amended). Sites are often not allocated for specialised uses such as this proposal but that does not mean that a site is not suitable for such a use. It is considered that in principle this site is very suitable for the neurological care centre: it is well located with regards the primary road network and public transport, it is not far from Edith Cavell hospital, the proposed use provides a necessary facility in addition to 37 residential units and importantly, the proposal will provide up to 180 full time equivalent jobs requiring a variety of skills. The proposal will result in a potential loss of up to 32 residential plot allocations if the proposed DPD policy were to be progressed but it is considered that the value of the development to the overall provision of health care facilities in Peterborough plus the creation of jobs outweighs the potential of a fairly limited (in terms of numbers) housing allocation.

Whilst the proposal is therefore a departure from policies OIW3 and OIW4.01 of the Peterborough Local Plan, the proposal is acceptable in principle.

### **2. Scale and Design**

There is no particular built form character in the immediate vicinity of the site from which to seek design cues. The site presents an opportunity to develop a stand alone building of an individual design. However, coupled with this is the need to preserve the TPO'd oak tree and to assimilate the development into a site bounded on two sides by open countryside and ancient woodland. The architect of the scheme has chosen to maximise the potential for floorspace by splitting the development into three wings. This provides the visual benefit of having a built form which addresses Bretton Way and the roundabout. The adjacent office building is two storey and apart from this there is no obvious visible scale as the site is screened from the nearby residential estates by trees. Whilst the site borders open countryside, this boundary is screened by mature poplar trees. The majority of the frontage to Bretton Way is two storeys with some two and a half storey elements. The assisted care units located to the back of the site are three storeys in height.

Due to the complexity of the design, in particular the roof plan, the submitted drawings and illustrative isometric drawings give a clear picture of the proposed complex and location of the various elements – much better than can be described in words in this report.

An objection has been received from the Milton Estate that the scale/height of the proposed three storey buildings together with the proposed materials will detract from the visual appearance of the open countryside and Milton Park and will not sit comfortably with the urban/rural edge.

The officer understands the sensitivity of the site's location but does not consider that this objection is valid. The application proposes an interesting building which addresses the active street frontages. The majority of the rear most built edge is separated from the open countryside by the parking and servicing area. The building will be partially screened by the tall poplar trees but will inevitably be visible from the open countryside in the winter in particular. The park, at 800 metres away from the site, is sufficiently distanced to avoid the proposal being obtrusive. The suggestion of a lower, darker coloured building would disguise the proposal further from views from the open countryside. However, this site is primarily viewed in the context of Bretton Way and the area deserves a building that is interesting and of a quality befitting the site's location. This proposal delivers on these aspects. As the site is well contained, there are several options for materials. The lighter colours of buff brick and render will work better than dark colours given the expanse of building proposed. In terms of the use of the building, dark colours would be oppressive and "institutionalised".

The relevant development plan policies are DA7, DA11, DA12, LNE4 and LNE7.

The proposal meets policies DA7 and DA11 as it is designed for full access. As it will be manned 24 hours a day, the potential for crime is reduced. The grounds are well overlooked. Regular security fencing will not be appropriate for the use but will not be necessary. The Architectural Liaison Officer has not objected to the scheme. Details of fencing will be required by a proposed condition as will a lighting scheme. Lighting and light pollution will be discussed under the next heading. Policy LNE4 requires a buffer to be provided where development adjoins open countryside. As set out above, it is considered that the proposal is adequately screened and set back from the countryside. Policy LNE7 states that planning permission will not be granted where there is unacceptable loss or harm to historic landscape or parkland. Given the distance from Milton Park, it is considered that there is no significant harm to the setting of the park by this proposal. It must be remembered that the site has been allocated for employment use and therefore the principle of development adjacent to the open countryside, park and ancient woodland was deemed acceptable. With regard to the woodland edge, the building is set back by approximately 11 metres at its nearest point and on average by approximately 15-16 metres. The landscaping will be graduated in terms of species to help assimilate the development into the woodland edge and this is considered to be acceptable in principle. The oak tree on site has been retained as a design feature as part of the overall design of the proposal.

The submitted Design and Access Statement demonstrates that a logical approach has been taken to achieve the current layout and design and accords with design objectives set out in PPS 1.

In terms of scale and design, the proposal provides a visually pleasing and stimulating environment and is acceptable in policy terms.

### **3. Landscape and ecology implications**

The relevant development plan policies are LNE4, LNE6, LNE7, LNE9, LNE10, LNE11, LNE16 and LNE19. In addition, the Local Authority has statutory duties under the Wildlife & Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006 ("NERC") to ensure that protected species nor their habitats are harmed unless there is adequate mitigation. The NERC Act also places a duty on LA's to look to improving biodiversity.

Detailed landscaping plans have been submitted with the proposal which include more formal courtyard and roof top gardens and less formal gardens/grounds around the edge of the development. The principle of the landscape layout and strategy is accepted but there are further details/amendments that are required. Some of the proposed species are not suitable for the ancient woodland setting and need to be replaced. With regard to the existing oak tree, its retention and inclusion in the scheme is

welcomed but further details will be required to demonstrate that service routes can be accommodated without damaging the tree roots and that the proposed path around the tree can be suitably accommodated. These issues can be covered by imposition of conditions. This being the case the landscaping of the scheme is acceptable and meets the landscaping policies of the Local Plan.

The issue of how the ecology of the area has been dealt with has been the most contentious matter throughout negotiations and discussions with the applicant. Given the location of the site adjacent to the ancient woodland edge, the advice given to the applicant at pre-application stage was that a bat assessment/survey will be required and that this should identify any bat and roosting activities/patterns within and on the periphery of the site. A bat and reptile survey was initially submitted with the application, however, the bat survey element was insufficient to inform a decision on the application.

Natural England also referred to standing advice on survey and mitigation in their response. The reason for the importance of the bat survey is to establish the types of species of bats present in and around the site edge, their flight and roosting patterns and then depending upon the findings, design the external lighting scheme of the development accordingly.

A lighting scheme has not been submitted with the application. Further survey work was carried out in August which established several species of bats on site, one of which is very sensitive to light.

However, again, the surveys were not carried out in accordance with best practice issued by Natural England. The applicant has stated that the developer will accept a condition limiting the external lighting on the relative parts of the site to a maximum of two lux. This would be an acceptable lighting level in order to minimise impact upon the bat habitat. However, if the external lighting can be designed to a maximum of two lux this will be acceptable but the risk to the Council is that once planning permission is granted/the development is constructed, there may be other issues such as site security and health and safety which put pressure on the Council to relax the standard. It would have been preferable for these matters to be concluded up front. The applicant has stated in writing that such matters will not become an issue and they are willing to accept lighting to 2 lux. If Members are happy to accept such a condition, the officer considers that it should be made clear to the developer that any future proposals to amend this condition will be resisted in the absence of robust evidence to support any changes. If Members were not happy with such a condition or this approach, the officer would not be able to support the application being permitted.

In order to retain/enhance the biodiversity value of the site, Natural England recommends that the proposed landscaping scheme and maintenance thereof is secured by and landscape management plan. This can be secured by condition.

Subject to conditions being imposed to cover landscaping detail, root protection and service/footpath construction detail near the oak tree and the lighting scheme, the proposal is considered acceptable in terms of the above local plan policy.

#### **4. Transport and Sustainable Travel**

A Transport Statement and Travel Plan have been submitted with the application. The access arrangements and parking have already been set out in this report. The Highway Officer is happy with the vehicular and pedestrian access into the site as long as it is segregated and suitably conditioned. The parking and servicing areas should also be conditioned so as to be provided in accordance with the approved plans. The proposed parking and cycle provision is acceptable. There are no set parking standard for C2 uses, each being assessed on merit.

A revised travel plan was submitted in August 2010 following discussion with the Council's Travel Choice Officer. The travel plan sets ambitious targets over the first five years of occupation to reduce single occupancy car journeys from 72% of the workforce to 52%. Most of the measures set out in the plan are "softer" measures such as car sharing schemes, on site minibus, travel packs, guaranteed lift home etc. All of these are acceptable and standard practice.

The site is served by bus stops although only the Flaxland stop is within the recommended walking distance from the site. However, this stop is not sheltered. Following discussions with the applicant and

the Highways and Travel Choice Officer, it was agreed that it would be best to encourage staff to use the Bretton Centre Stops as these are sheltered and well lit and populated being in the Bretton Centre. There is also likelihood that the staff may use the shops as part of their journey to and from the bus stops. In line with the Council's Transport Plan, improvement to the bus stops has been required. To this end the provision of real time passenger information at the Bretton Centre stops will be paid for by the developer through a Section 106 contribution of £40,000. This is a "hard" measure to compliment those set out in the travel plan.

Discussions have also been had regarding the upgrade of the existing 2.0 metre wide footpath/cycleway from the site to the toucan crossing over Bretton Way to the Bretton Centre. The Highway Authority would prefer this to be 3.0 metres wide to make the dual use for cyclists and pedestrians safer. However, constraints to this include the land required being CRA land and the widening would result in the felling of a number of mature trees within the grass verge. On balance, the officer concludes that widening of the footpath is not essential and not worth the loss of the trees. However, in order to assist users of the path, the developer should provide two further advisory signs at either end of this segment of path which point out dual use but a narrow path. This was offered up by the developer as an alternative to widening the path. This can be covered by imposition of a "Grampian" type condition.

It is considered that the combination of these physical improvements together with the measures set out in the travel plan make the site a sustainable place to travel to work.

The relevant local plan policies relating to transport and travel are T1, T2, T3, T5, T7, T8, T9 and T10. It is considered that the proposal is in accordance with these policies.

## **5. Archaeology**

The relevant local plan policy is CBE2 as set out above. Planning Policy Statement 5 was issued in 2010 and sets out the means for assessing whether a "heritage asset" might be affected by development. With regards to undesignated sites, such as this, the preference is still to keep archaeological remains in situ, or otherwise require the developer excavate and record if there is a possibility of anything significant within the site. A proportionate approach must be taken.

In this instance a desk based assessment was carried out followed by trial trenching which produced evidence of enclosures and a roman coin. In 1992 site stripping produced further evidence of roman/iron age activity. The Council's archaeologist advises that the findings do suggest enough evidence of settled activity to warrant a targeted excavation of the undisturbed part of the site. This amounts to about a third of the site area. The Council's archaeologist is preparing a brief which will set out what will be required of the developer. This can be secured via a planning condition and is acceptable and in accordance with the above policies.

## **6. Contamination**

A geological/environmental report was submitted with the application. This was carried out on behalf of Aldi Foodstores when they submitted a previous application for a new retail store. The work carried out therein in relation to foundations and protective measures for buildings may not therefore be appropriate for residential use, however, these matters can be dealt with under the Building Regulations.

The site was found to be at low risk with regard to contamination. It has not been developed previously and is not in a high risk area (except radon). In accordance with PPS 23, it is not considered necessary for further contamination work to be carried out but it is suggested that a condition be imposed which sets out steps the developer would be required to take should contamination be found during the course of construction. The Environment Agency has raised no objections to the proposal.

## **7. Flood risk and drainage**

The relevant local plan policies are U1 and U2 and relevant national policy is within PPS 25. A flood risk assessment was submitted with the application which demonstrated that the site is not within a high risk flood area. No objection has been received from the Environment Agency and in this regard the proposal is acceptable.

A strategic drainage plan has been submitted which sets out the means for disposal of the foul and surface water into the mains system. Two underground attenuation tanks will hold surface water to ensure that the flow out from the site into the mains is at an equivalent to green field run off rate. The landscaping of the site also provides for a balancing pond. The final means of drainage should be conditioned to ensure that any deviations from this plan do not unacceptably impact on the oak tree or other areas.

## **8. Waste disposal**

The submitted plans were amended to take into account comments made by the Waste Officer. The Service Yard area now provides a refuse area (integral to the main building) for the waste produced by the neurological care part of the development and a separate stand alone, enclosed bin store for use by the residents of the assisted living units. Both areas are accessible by a refuse lorry via the service yard area. The refuse areas are accessible to staff and residents and the Waste Officer now considers them acceptable.

## **9. Infrastructure/Section 106 Requirements**

If the application is approved, the applicant will need to enter into a Section 106 agreement in order to provide for the following infrastructure requirements:-

- The upgrade of the 2 Bretton Centre bus stops so that they have real time displays
- £500 for 10 years for travel plan monitoring
- 2% of the total contributions i.e. £900 for Section 106 monitoring

It is considered that these contributions are necessary given the level of employment generated by the site, and the developer ambitions with regard to employing local people and reducing single car occupancy by 20% over five years. Employees will need to be encouraged to use the public transport and bus stops at the Bretton Centre in order to achieve these targets. The contributions should be made prior to the first occupation of the building.

## **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 as set out above. The proposal represents an exciting and welcome opportunity to develop the site for a specialised health care use provided within a high quality building which makes the most of the site's position. Concerns about the handling of the ecological aspects of the proposal have been set out in full above and officers have taken a pragmatic approach – if approved it will be for the developer to fulfil the requirements of the lighting condition.

All other outstanding matters can be dealt with by the imposition of conditions.

## **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 sustainable travel requirements of the development, the Head of Planning Transportation & Engineering Services be authorised to grant planning permission subject to the following conditions:

**C1 The development hereby permitted shall 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 Prior to the commencement of development, a programme of archaeological work shall be undertaken in accordance with a Written Scheme of Investigation to be submitted to and approved by the Local Planning Authority.**



Reason: An evaluation of the proposed development site by trial trenching was carried out last June (2010). It produced evidence for agricultural activity in the form of enclosures/field systems dating to the Roman period that are in a good condition of preservation. The condition is to ensure that features of archaeological interest are properly examined and recorded in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE2 of the Peterborough Local Plan (First Replacement).

**C3 During the construction of the development, no lighting in the area between the proposed building and the boundary of the site adjacent the wood shall exceed 2 lux.**

Reason: The area referred is subject to bat activity and a higher level of lighting is likely to be detrimental to this protected species. The condition is in accordance with Policy LNE19 of the Peterborough Local Plan (First Replacement).

**C4 Prior to the first occupation of the development an external lighting / floodlighting scheme shall be provided (and thereafter retained) that shall accord with details that shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme to be submitted shall demonstrate that no lighting between the buildings and the woodland edge shall exceed 2 lux. Notwithstanding the approved details, during the operation of the development, no lighting in the area between the proposed building and the boundary of the site adjacent the wood shall exceed 2 lux save for emergency situations arise in which there is immediate danger to life or property. No additional external lighting shall be erected other than that shown on the approved scheme unless agreed beforehand in writing with the Local Planning Authority.**

Reason: The area referred is subject to bat activity and a higher level of lighting is likely to be detrimental to this protected species. The condition is in accordance with Policy LNE19 of the Peterborough Local Plan (First Replacement).

**C5 No development shall take place until full details of:**

- a. hard and soft landscape works and associated materials,
- b. A landscape management plan (which shall set out how the biodiversity of the site shall be retained and/or improved in perpetuity)
- c. the routes of proposed utility services below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.) in relation to any tree root protection areas,
- d. fences and boundary treatments,

have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The development shall be carried out in accordance with the approved details prior to first occupation of the development unless agreed otherwise with the Local Planning Authority

Reason: In order to improve the visual amenity of the areas and to retain/improve the biodiversity of the site, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement), Section 40 of the NERC Act 2006 and PPS 9

**C6 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.**

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

**C7 The development shall be constructed in accordance with the submitted tree protection plan details.**

Reason: To accord with Policy LNE11 of the Peterborough Local Plan (First Replacement) and to protect the Tree Preservation Order tree from damage.

**C8 Prior to the commencement of the development (or by an alternative timescale agreed in writing by the Local Planning Authority) a surface water drainage scheme shall be**

**submitted to and approved by the Local Planning Authority and the scheme shall be completed and maintained as approved from when the development is first occupied.**

Reason: In the interest of flood prevention and to accord with Policy U1 of the Peterborough Local Plan (First Replacement) and PPS 25.

- C9 No development shall take place until details of how vehicle, pedestrian, and cyclists movements are to be managed at the entrance to the development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of segregating vehicles and pedestrians and providing safe crossing over Flaxland immediately adjacent to the entrance of the site. The development shall not be occupied until the approved details have been implemented in full.**

Reason: In the interest of highway safety.

- C10 The areas shown on the approved plans for parking and turning provision shall be made available for such use from when the development is first brought into use and shall from then on be retained and available for such use unless otherwise agreed by the Local Planning Authority.**

Reason: To accord with Policy T10 of the Peterborough Local Plan (First Replacement) and in the interest of vehicular / pedestrian / cyclist safety.

- C11 Prior to the first occupation of the development a scheme for the provision of secure storage / parking of cycles shall be provided (and retained thereafter) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To accord with Policy T9 of the Peterborough Local Plan (First Replacement), the submitted Travel Plan and in the interest of crime prevention.

- C12 The refuse storage / collection areas shown in the approved plans shall be operational prior to the first occupation of the development and retained for that use thereafter.**

Reason: In the interest of the collection of waste and the convenience of site users.

- C13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.**

Reason: To ensure that the development complies with approved details in the interests of 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).

- C14 No development shall take place until details of additional advisory signage to the footpath cycleway between the site and the toucan crossing to the Bretton Centre have been submitted to and approved in writing by the Local Planning Authority. The approved signs shall be erected prior to the first occupation of the development.**

Reason: In the interest of highway safety in accordance with policies T3 and T5 of the Peterborough Local Plan (First Replacement).

- C15 Prior to the commencement of development a construction management plan shall be submitted to an approved in writing by the Local Planning Authority. The Plan shall set out the location of site compounds, how construction traffic shall be managed to minimise impact upon the free flow of the public highway and to prevent mud and debris from being deposited on the highway. The development shall not take place other than in accordance with the approved Construction Management Plan unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order that the construction of the development does not have an unacceptable impact upon the highway network in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

**C16 The development shall not be constructed other than in accordance with the list of external materials as set out in the submitted Design and Access Statement unless otherwise agreed beforehand in writing with the Local Planning Authority.**

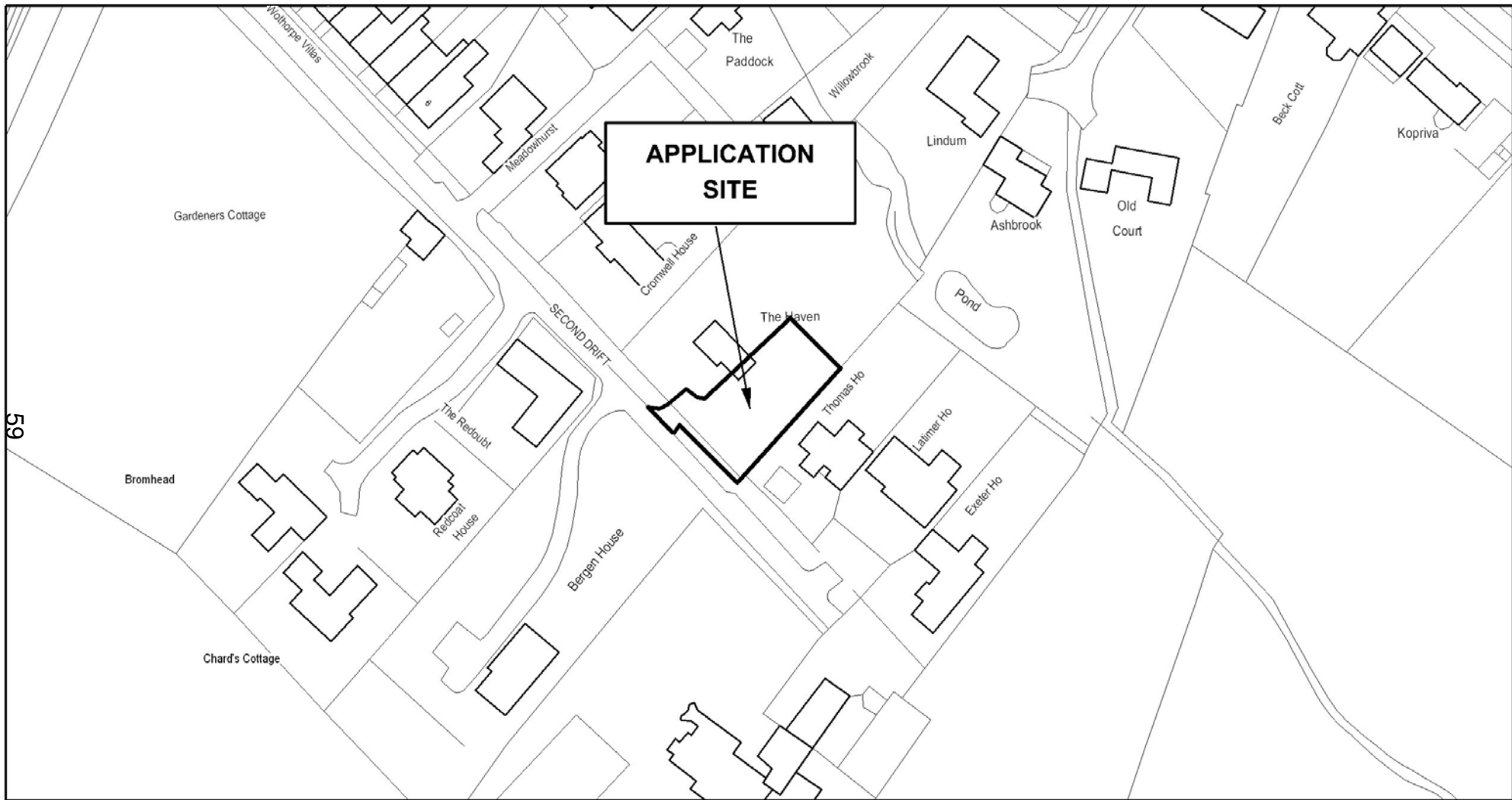
Reason: To achieve a satisfactory external appearance in accordance with policy DA1 of the Peterborough Local Plan (First Replacement) and the principles of PPS1.

If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Transportation & Engineering 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 real time display improvements to the two Bretton Centre bus stops, a travel plan monitoring contribution of £5000 and Section 106 monitoring contribution of £900, 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).

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**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



**PETERBOROUGH**  
CITY COUNCIL

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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 Transport and Engineering 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.

The application was initially for a 5 bed dwelling. This has now been changed to a 3 bed property on planning officers' advice.

### **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
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
10/00872/FUL	Erection of dwelling with detached garage and studio above	23.09.2010	REF

10/00688/FUL is perhaps the most relevant historic application in respect of the current proposal. Permission was refused for 2 dwellings for the following reasons:

*R 1 The volume and extent of development was considered to be overdevelopment, with a detrimental impact on the character of the area. The proposed plot sizes would be the smallest in the area and the houses would occupy about half of each plot. The overall footprint of development on The Haven would increase from about 100 square metres to about 365 square metres, and the entire plot width, at the front, would be developed, leaving significantly reduced separation between dwellings. The submitted street scene drawing showed that both dwellings would be cut into the slope of the hillside in order to accommodate their height.*

[Members should note that as part of the current application detailed information on levels has been submitted which shows that the amount of cut and fill would be less significant than the street scene indicates].

*These considerations all lead to the conclusion that the proposal constitutes overdevelopment which would have a significant detrimental impact on the character of the area. The proposal is therefore contrary to Policies H7(e), DA2 and DA6(a) and (b) of the Peterborough Local Plan 2005 (First Replacement) which state:*

*R 2 The application was also refused on the basis that no S106 agreement had been entered into. The applicant is willing to enter into agreements as necessary in order to secure contributions towards infrastructure.*

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

Highways & Transportation – No objection.

Landscape Officer – No objection.

Wildlife Officer – No objection.

Archaeology Officer – No objection.

Drainage Officer – No objection.

### **EXTERNAL**

**Parish Council** – Objects for the following reasons:

- The front plot has been split into two separate plots with the proposed development 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.
- 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.

### **NEIGHBOURS**

The following comments were received in respect of the now superseded 5 bedrooled dwelling proposal:

- 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 [Members should note that this no longer forms adopted Council planning policy]
- 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

Responses to second consultation for the three-bed house (only new or varied points have been listed; many of the above comments were repeated)

- Confusion/stress caused by numerous applications and changes
- Why has the roofline been kept the same?
- Higher roofline is unacceptable given existing heights of homes in the area
- This will allow third floor to be added in due course
- Why is the middle part of the site not used – this suggests another dwelling will be applied for
- Developer has included a second garage on the site plans
- Two-house design has already been refused, any new dwelling should be placed on the middle of the site
- Three houses are overdevelopment and garden grabbing
- Design of the house is exactly the same but with the SE wing and sun room removed – if approved the developer will return for amendment to add back
- Road is inadequate
- Footprint is smaller [than initially submitted] but height and fact that the house has to be dug into the landscape have not been altered
- Planning department stated that the house was too large and should be reduce to half – the footprint has not been halved
- Existing properties are 4-bed, this 3-bed will be out of character
- Flood risk – underground streams in the area
- Timing of consultation and notice given of committee meeting

## **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.

Cllr Over has since commented, following the revisions made to the scheme, that:

- My overarching comment is these are a series of applications, with others to follow and with an appeal already lodged.
- All the applications need to be gathered together and treated as one process. There is significant opposition to this in Wothorpe especially after similar developments have gone ahead in First Drift and it needs to be treated with care. It is not good enough that individual applications come in, then are re-submitted and then changed again.
- In my opinion this is speculative building for profit which has no regards for the area or the people near by.

## **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 settlement, 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. Once the existing dwelling is demolished the plot will effectively be undeveloped, and therefore two dwellings could, in principle, be accommodated on the front. 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. 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 20<sup>th</sup> 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 identification of Wothorpe as a Special Character Area in the emerging Site Allocations document to the Local Development Framework. As the document is at an early stage of its preparation very little weight can be given to the emerging policy at this time. 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**

**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. There is no policy requirement for the need for a dwelling to be proven before planning permission can be granted and there is no policy requirement for the dwelling to be affordable.

### **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 maintenance is the responsibility of the owner. The concern of the Local Planning Authority and the Local Highway Authority (LHA) is with safety on the adopted Highway, which would not be affected by this proposal. The LHA has raised no objections. Construction traffic will have to be managed by the developer. It should not affect the adopted highway.

### **Condition and provision of services**

Utilities are not normally for the planning system to consider and there is no evidence of there being a lack of capacity in the locality. 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 Scheme, 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.

### **Why has the roofline been kept the same? A roofline that is higher than existing dwellings is unacceptable and it will allow a third floor to be added in due course**

Buildings in the area are variable in height. The proposed dwelling would be similar in height to Thomas House, but lower down the slope and therefore lower overall.

This proposal does not include accommodation in the roof. Should the applicant wish to apply later to secure two and a half storey development then it is open to him, or a future occupant, to do so. This applies equally to the proposed dwelling, the existing dwelling, or any other dwelling.

### **Why is the middle part of the site not used – this suggests another dwelling will be applied for. Developer has included a second garage on the site plan. A scheme for two houses has already been refused, any new dwelling should be placed on the middle of the site. Three houses are overdevelopment and garden grabbing**

The developer has stated that an additional dwelling will be applied for on plot B. That application will have to be determined on its merits when submitted. The second garage referred to, which would probably serve a dwelling on plot B, is shown on the site plan but is not within the red line for this application and therefore would not be part of any approved scheme. The proposal which was refused was for two larger houses, which together filled almost the whole width of The Haven. The current proposal is materially different, and allows for clear separation between the proposed dwelling and the existing development to the south-east. Officers consider that it would be possible to accommodate an appropriate level of development on the other half of the site (plot B), when that comes forward for development.

### **Design of the house is exactly the same but with the SE wing and the sun room removed – if approved the developer will return for amendment to add back**

The revision to the originally submitted 5 bedroom proposal consists of removal of the south east wing and the sun room and the roof accommodation. This is not of itself unacceptable. The larger house was refused (along with a similar house on plot B) under delegated powers in July. It is open to the applicant to submit a revised scheme whatever the outcome of this application. It is the role of the Local Planning Authority to assess the proposal before it, not to determine applications on the basis of what might be applied for in the future. Conditions removing Permitted Development rights have been recommended, so that the Local Planning Authority can retain control over any proposed extensions in the future.

**Footprint is smaller [than originally submitted] but height and fact that the house has to be dug into the landscape have not been altered**

**Planning department stated that the house was too large and should be reduced to half – the footprint has not been halved**

The applicant has recently submitted information on levels on the site (not available during determination of the previously refused application), which shows that the dwelling will not be dug into the ground. The streetscene drawing indicates that significant excavation would be necessary however that drawing does not reflect the varying levels on the site. The levels plan shows that the dwelling would be set on land which varies in level from 37.23m to 38m, and that the finished floor level of the dwelling would be 37.8m. This is considered to be appropriate, given that a house cannot reasonably be built to follow an existing slope exactly. Officers requested, as part of the consideration of the two-house scheme, that the overall footprint of development on the site be reduced by half, and that the height be reduced also. The current application is for a single dwelling on half of the original site, and although on a plot by plot basis the footprint has not been halved, Officers consider that the scale of the development in relation to the plot is acceptable.

**Existing properties are 4-bed, this 3-bed will be out of character**

The number of bedrooms in a house is not a determinant of character.

**Gardens have been removed from definition of brownfield development**

While it is correct that garden land is no longer classed as brownfield land, this does not change the adopted local plan policies against which this type of proposal should be considered.

**Confusion/stress caused by numerous applications and changes**

**Development on the site must be considered as a whole**

**Speculative building**

Members will be aware that the planning system does not allow for applications to be gathered together and treated as one process. Each application must be treated on its own merits, and developers are entitled to submit a series of applications should they wish. If an unacceptable proposal can be made acceptable then it is reasonable to discuss alterations with the applicant should timescales allow it. The assessment of each application at The Haven is made in the knowledge of what has been approved or refused in the past, and taking into account other current applications, however each planning decision must stand on its own and be determined on its own merits. The Local Planning Authority cannot tell the applicant what to apply for. Speculative building for profit is not a planning consideration.

**Flood risk – underground streams in the area / Foul Water**

There is no evidence to suggest that the development will be at flood risk or cause an increase in flooding elsewhere. Surface water is to be disposed of via a soakaway and foul draining is to go to the adopted foul main.

**Timing of consultation and notice given of Committee Meeting**

This application was due to be presented to the Committee on the 7 September 2010, however it was deferred to allow more time for residents to comments on the revised scheme.

## **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, Transport & Engineering 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).
- C3 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. Foul water from the development shall be dealt with by way of a connection to the adopted foul main.**  
Reason: To prevent surface water flooding in accordance with the aims of PPS25 and to secure the appropriate treatment of foul water and to accord with Policy U1 of the Peterborough Local Plan (First Replacement).
- 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 landscape planting scheme shall be implemented in the first planting season following completion or first occupation of the dwelling, whichever is sooner. In the event that any of the new or retained planting fails or is removed within 5**



**years of the completion of the planting scheme, then replacement planting shall be undertaken in accordance with the approved landscape planting scheme.**

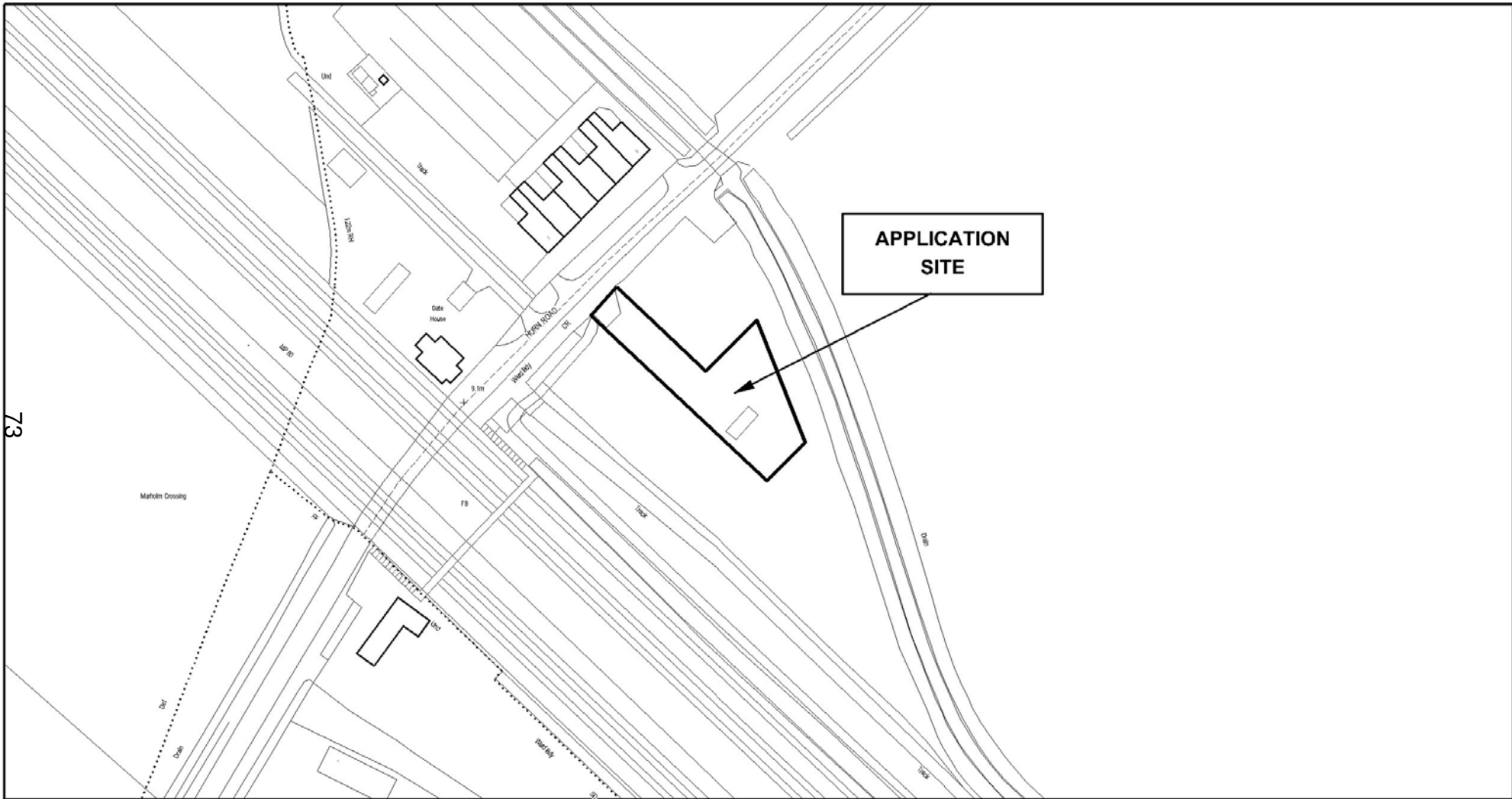
Reason: In order to enhance the visual amenities of the area, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

**C9 Prior to occupation of the approved dwelling, the existing dwelling shall be completely demolished.**

Reason: For the Local Authority to retain control of the site layout and occupation levels, in the interests of residential amenity and the character of the area in accordance with Policies H12, H16 and DA2 of the Peterborough Local Plan 2005 (First Replacement).

Copy to Councillor D Over

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**LOCATION PLAN 10/01065/FUL**

Land Opposite No. 3 Hurn Road, Werrington

PCC GIS

Scale 1:1250 Date 21/9/2010 Name MKB Department Planning Services



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10/01065/FUL: USE OF LAND FOR ONE EXTENDED GYPSY FAMILY COMPRISING TWO RESIDENTIAL CARAVANS AND ONE FAMILY ROOM CARAVAN TO INCLUDE THE ERECTION OF A NOISE BARRIER (REVISED SCHEME) AT LAND OPPOSITE 3 HURN ROAD, WERRINGTON, PETERBOROUGH

VALID: 23 AUGUST 2010

APPLICANT: MR BROWN

AGENT: BARRY NICHOLLS

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES

REASON: PUBLIC INTEREST IN THE APPLICATION

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

TELEPHONE: 01733 454410

E-MAIL: mike.roberts@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology
- Noise – Residential Amenity (occupiers)
- Residential amenities of the occupiers of close by existing residential properties.
- Access to local services

The Head of Planning, Transport and Engineering 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)**

- U1 Water supply, sewage disposal and surface water drainage
- U9 Pollution of Watercourses and Groundwater
- CBE2 Other areas of archaeological potential or importance
- T1 New development should provide safe and convenient access to and from the site
- H16 Residential design and amenity
- DA2 The effect of development on the amenities and character of an area
- DA13 Noise
- LNE1 Development in the countryside
- LNE9 Landscaping implications of development proposals
- LNE10 Detailed elements of landscaping schemes
- LNE19 Protection of species

U1 Water supply, sewage disposal and surface water drainage

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

ODPM Circular 01/06 – Planning for Gypsy and Traveller Caravan sites

ODPM Circular 03/99 – Planning requirement in respect of the use of non mains sewerage incorporating sewerage tanks in new development

Designing Gypsy and Traveller Sites: Good Practice Guide May 2008

PPG24 Planning and Noise

Peterborough Core Strategy – Preferred Options May 2008

- Policy CS7 – Gypsies and Travellers. Which states (post submission of the Core Strategy):-

The criteria which will be used to consider planning applications for new Gypsy and Traveller Caravans and associated facilities are:-

- a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality
- b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities including a primary school
- c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway and adequate space for vehicle, parking, turning and servicing
- d) the site should be served, or be capable of being served by adequate mains water and sewerage connections
- e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of the occupiers of nearby properties or the appearance or character of the area in which it would be situated.

### **3 DESCRIPTION OF PROPOSAL**

The proposal is seeking planning permission for the erection of two static caravans for residential occupation. The application details have stated that the lengths of the caravans would be between 6.42m and 7.95m (depending upon exact model chosen) and widths of 2.29m. A third caravan within the same length options and width are to be used as a shared family room facility. All three caravans are to be used by one extended family. A foul water treatment plant is also proposed with the surface of the site being of permeable materials. The site area is approximately 0.07 hectares and is 'L' shaped in plan form. The vehicular access is proposed directly opposite no.3 Hurn Road and is shown with a width of 8m. Entrance gates are to be set approximately 6m from the edge of Hurn Road. The two 'living' caravans are to be located approximately 27m from Hurn Road to the rear of a grass field. They are to be positioned at right angles to each other and immediately adjacent to each other. The family room caravan is to be located at the very rear of the site approximately 50m from Hurn Road. An underground water treatment plant is to be located towards the south east corner of the site. The surface water drainage of the site is to be via a soakaway. Parking provision is shown for 4 vehicles and a 6m diameter turning circle is identified within the access road. The 'living' caravans are proposed at a distance of approximately 44m from the nearest line of the London to Edinburgh mainline railway and the family room would be approximately 36m away from the same nearest mainline railway track.

The agent has provided evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers.

The original application for the development ref:- 10/00412/FUL was withdrawn by the applicant as a result of a refusal recommendation by the Head of Planning, Transport and Engineering Services. It was considered that the occupation of the site, in very close proximity to the mainline London to Edinburgh railway, would not provide for a satisfactory living environment for occupiers of the site given the

exposure to high noise levels from the passing trains. No measures were proposed in that application to mitigate against the noise from the trains. The current proposal includes a noise barrier along the south-west boundary of the site that would stretch for a length of 40m, beginning at a distance of 14m from the back edge of the highway, and would turn in a north-easterly direction for a further 14m. It is to comprise a 1m high earth bund with a 3.5m high acoustic fence on top. The overall height of the barrier would be 4.5m.

#### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The sole vehicular approach to the site is via Hurn Road which is of a single carriageway width. The road has a mature hedge along its northern side whereas to the south there are clear views into the open countryside. The application site is located within a triangular shaped area of land. This land is generally overgrown with various vegetation including scrub type, shrubs, hedging and small trees. Immediately to the north of the application site is a row of 6 modest sized terrace houses the frontages of which are set back 9m from the vehicle carriageway. A detached dwelling is located very close to the railway line to the west of the terraced row. To the east/south east of the site is arable farmland. The nearest line of the East Coast mainline railway is approximately 35m from the western boundary of the application site. In total there are three mainline tracks with two further railway lines to the west that connect Peterborough with Leicester via Stamford. The Peterborough Green Wheel Footpath/Cycleway passes by the site along Hurn Road to connect Marholm to Werrington.

#### **5 PLANNING HISTORY**

Application ref:- 10/00412/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan - WITHDRAWN

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Section 106 Officer** – No financial contributions would be required from the development

**Head of Building Control** – Building Regulation approval would not be required.

**Archaeology Officer** – No objection - The site is surrounded by crop marks of uncertain interpretation, whilst some of these have in the past been found to represent geological features others could be of archaeological origin. Suitable archaeological mitigation should be attained through, should planning permission be granted, a condition requiring an archaeological investigation of the site prior to the commencement of the development.

**Highways Officer** – No highway objections. The proposal will not generate significant traffic volumes and the proposed access arrangements are acceptable.

**Wildlife Officer** – No objection - The site is close to the Marholm Crossing County Wildlife Site but the proposal would be unlikely to have an impact upon the features for which the site has been designated.

**Environmental Health Pollution Control Team** – Objection. The noise monitoring was undertaken at the site over a short 2 hour day time period. This established noise levels within the Noise Exposure Category (NEC) B for day time noise and on the boundary of NEC B and NEC C for night time noise as defined in Planning Policy Guidance Note 24 (PPG24) – Planning and Noise. The advice for NEC B is that “*Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.* The advice for NEC C is that “*planning permission should not normally be granted. Where it is considered that permission should be given, for example where there are no alternative sites available, conditions should be imposed to ensure a commensurate level of protection against noise*”.

Whilst the monitoring period was over a short time, it would take a doubling or halving of the train traffic to alter the noise levels by 3Db. Given the potential accuracy of the noise meter and monitoring and that PPG24 allows for the increase or decrease of the NEC's by 3dB (A), the monitoring period can be

accepted as adequately assigning the site NEC. In addition the noise assessment also concludes a similar noise environment to that established for a nearby site with similar characteristics at Arborfield Mill, Helpston. If the site is accepted as a reasonable location for the siting of a mobile home, suitable acoustic mitigation is required. A noise barrier and mobile home construction have been specified. The suitability, other than for acoustic purposes, of the proposed noise barrier in this location requires consideration. It should also be established that the provision of a mobile home to the specification stated can be adequately enforced and maintained. However whilst adequate noise insulation has been established there has been no consideration of ventilation provision whilst the windows remain closed for acoustic purposes.

A particular concern that has not been addressed is that there may be the resonant excitation of lightweight building elements (the mobile home shaking). Whilst the Environmental Health Officer has been unable to obtain any data to establish whether such an effect exists or otherwise nonetheless such a possibility should be considered since this could potentially have a serious impact upon the habitability of the caravan units.

**Landscape Officer** – No objections

### **EXTERNAL**

**Environment Agency** – No objections. Any culverting of a watercourse requires approval of the Environment Agency. Consent would be required from the Environment Agency for any works/structures within 9 metres of the Brook Drain that runs close to the eastern boundary of the site.

**Network Rail** – No objection to the principle of the development but there are requirements that must be met, especially with the close proximity of the site to the electrified railway. Specifically all surface and foul water must be directed away from Network Rail property. Development for residential use adjacent to an operational railway may result in neighbour issues arising. Every endeavour should be made by the developer to provide soundproofing for each dwelling. The worst case scenario could be trains running 24 hours a day and sound proofing should take this into account. This can be secured in such cases by way of a condition to a planning approval.

**Werrington Neighbourhood Council** – Objection on the grounds that:-

The proposal would result in a significant loss of amenity to the properties overlooking the site, particularly nos.3 to 8 Hurn Road and it would have a significant adverse impact upon the appearance and character of the locality. The surrounding area is rural and notwithstanding the intermittent noise from passing trains the local environment is quiet and secluded. There is concern that as the applicant has indicated that he also owns adjoining land that these areas would be used for activities that may have an adverse impact upon the amenities of the occupiers of the adjacent residential properties. The site has not been identified by the City Council as one which has the potential to be suitable to accommodate a Gypsy family. ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites advises that Local Planning Authorities should have regard, amongst other considerations to noise and other disturbance from the movement of vehicles to and from a site, the stationing of vehicles on the site and business activities. Residential development in the open countryside should only be permitted where there is an overriding need as stated in policy H13 of the Peterborough Local Plan (First Replacement). The proposal would also not meet the criteria of policy H22 of the Local Plan which relates to sites adjacent to Rural Growth or Limited Rural Growth Settlements. The proposal does not satisfy policy H27 (Development of Gypsy Caravan Sites) of the Local Plan as the development of the site would have a general adverse impact upon the amenity, appearance and character of the location with it being situated directly within the environs of existing residential properties. The proposal also does not satisfy the requirements of policy CS7 of the Peterborough City Council Submitted Core Strategy Document on the grounds the development of the site would have an adverse impact upon the amenities of the occupiers of the close by residential properties and would have a detriment impact upon the appearance and character of the area. The requirement to have to provide a 4.5m high barrier along two sides of the site just to make the site habitable demonstrates that the site is not suitable for residential use. There is doubt that the barrier proposal would successfully reduce noise levels day and night having regard to the use of the outside area for living purposes and as an exterior link between the day room and the main accommodation and the need to have open windows day and night at some times of the year. Further



the height of the barrier, at a close distance to the caravans would be unacceptably oppressive and overbearing for the occupiers.

## **NEIGHBOURS**

Objections to the proposal have been received from the occupiers of the terraced row of residential properties immediately to the north of the application site on the grounds that:-

- The occupation of the site would affect the peace and quiet and the general character and appearance of the area
- Hurn Road is only a single lane no through road and cannot accommodate more traffic without it becoming congested at times. This could have implications for emergency service vehicles accessing the existing dwellinghouses and the application site.
- The proposed residential use of the site could lead to vehicles associated with the occupation of site the having to park in Hurn Road to the detriment of the free flow and safety of traffic/pedestrians
- The occupation of the site would lead to a reduction in property values of the residential properties in Hurn Road.
- The occupation of the site with caravans and ancillary structures/materials would detrimentally impact upon the outlook from the residential properties to the north of the site
- The occupation of the site would increase noise levels within an area that is generally quiet other than the long established noise generated by the passing trains on the East Coast Main Line Railway.
- The occupation of the site would give rise to a loss of privacy currently afforded to the residents of the dwellinghouses to the north of the site.
- The site has no mains water supply or sewerage facility. The emptying of the package treatment plant would be problematic
- The site is very close to the East Coast Mainline Railway and there are fears that any children on the site could be at risk were they to trespass upon the railway lines.
- The Greenwheel Cycle route passes the site and the presence of caravans and ancillary structures would detract from the enjoyment of the route by cyclists/walkers
- Hurn Road has no footpaths/pavement alongside it and hence no safe pedestrian route from the application site to the services in Werrington
- The large sized vehicles that are commonly owned by Gypsy's for business purposes would be unsuitable for use along Hurn Road due to its narrow width
- The accessibility to everyday services such as shops, medical facilities and schools is poor from the site.
- The proposal has not met the locational requirements in the Peterborough City Council Strategy for the Gypsy and Traveller population nor those of Central Government
- There have been sightings of Great Crested Newts on the site which are a protected species that should not be disturbed.
- There is the potential for attacks by the dogs of the occupiers of the site on people walking or cycling past the site.
- No mention has been made on with regards to the drainage of surface water off the site.
- There are more suitable sites within which Gypsy's could be located.
- The site is not vacant as stated in the application forms but has been used for agricultural purposes
- The access width would be out of character with the locality
- No petrol interceptor for the drive way/car parking areas
- Approval of the application would set a precedent for other Gypsy caravan sites in the area.
- The site is located adjacent to the mainline railway and the noise and vibration from the passing trains would provide for poor living conditions.
- The occupation of the site by caravans and the necessity for a 4.5m high noise barrier would adversely impact upon the character and appearance of the immediate rural location.

A petition has been submitted, by the occupiers of 8 residential properties in Hurn Road, Werrington objecting to the proposal on the grounds that:-

- The proposal would set a precedent for similar proposals in the area

- Impact upon the residents of the adjacent dwellinghouses
- The water pressure in the road cannot cope with more residential development
- There are no mains sewerage facilities in Hurn Road
- The proposal would devalue the dwellinghouses opposite the site
- The proposals would be inappropriate in view of the proposals for the larger development of the area
- Hurn Road is a single carriageway and cannot cope with more traffic particularly if other gypsy vehicles are attracted to the site
- Planning permission has previously been refused for the residential development of the site
- Would the Local Authority provide waste bins for the residents of the site
- Should fires be lit on the site the prevailing wind would tend to blow the smoke directly towards the occupiers of the dwellings opposite the site.
- The site is only 32 feet away from the boundary of dwellings opposite the site

A letter of support has been received from a member of the Travellers community.

### **Councillors**

**Cllr John Fox** – Objects on the grounds that –

- a) The proposal is not conducive to the area and surrounding houses.
- b) The site is not suitable for caravan living accommodation due to the noise generated from the high speed trains operating along the very close by main line railway tracks which would provide for a poor living environment.
- c) The boundary fence would be too high and a danger in high winds.

## **7 REASONING**

### **a) Principle of development**

The application site is located within the countryside i.e. outside of a village envelope. The site was not one that had been allocated in the emerging Core Strategy. The application should be determined on the basis of the guidance in Government Circular 01/06 (which must be used instead of the superseded Local Plan policy H27) and emerging policy CS7 (a) to (e) of the emerging Core Strategy.

In terms of location, the proposal is considered to be within a reasonable travelling distance of the built up area of Werrington and that it is not so isolated as to be considered unsustainable. Circular 01/06 states that sites on the outskirts of built-up areas may be appropriate and that sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints are acceptable in principle. The key issues relate to detailed evaluation of the site in question and relationship to immediate surroundings and these are considered below;

### **b) Landscape Impact**

The application site is not located in an area of the district that has been identified as having the best landscape value although the immediate area does have a rural quality that affords a pleasing visual amenity. The present condition of the site is somewhat overgrown but it has had a long history of agricultural use and has established itself by way of its hedging and trees such that its condition is considered compatible with the rural nature of the immediate area. This relationship with the immediate area would be significantly altered by the proposal, by the proposed caravans but more significantly by the proposed noise barriers. In seeking to reduce noise levels on the site to provide for a satisfactory living environment for the future occupiers the noise barrier solution is considered somewhat extreme and contrived and would by reason of its 4.5m overall height, its 54m overall length and siting, stand out as an incongruous, dominant and alien structure within the immediate landscape all of which would give rise to a structure that would have a detrimental impact upon the visual amenities and general character and appearance of the immediate area of countryside.

### **c) Access to Services**

Criteria (b) of Policy CS7 - requires the site to be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school.

The site is within approximately 1.1km from the nearest shops at the Loxley Centre, off Lincoln Road Werrington. The nearest Primary School is William Law School that is 1.5km away from the site. The Primary School in Glinton is approximately 2.6km away. However, the distances are far greater by car (due to the particular nature of the road connections leading to / from the site) which is considered to be the most likely form of transport used. It is considered that these distances are reasonable travelling distances to these services. Circular 01/06 states that issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Other considerations include the wider benefits of easier access to GP's, other health services and children attending school on a regular basis with the provision of a settled base that reduces the need for travel by car. On balance it is considered that the location of the site is sustainable. The site is locationally comparable to that of a Gypsy caravan site proposed off the A47 near to Wansford which the Local Planning Authority (PCC) refused planning permission. The applicant appealed the decision and whilst the Planning Inspectorate dismissed the appeal the Inspector was satisfied the location was sustainable in that the site was within walking distance and only a short car journey away from the services in Wansford which contains various shops and a health centre.

### **d) Highways**

Criteria (c) of Policy CS7 – requires safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing.

The Highways Officers have raised no objection on the grounds that the proposal is for only one extended family which would not materially increase the number of vehicle movements along Hurn Road such that there would be minimal interruption in the free flow of traffic. The road also forms a part of the Peterborough Greenwheel Cycle Route the safe use of which should not be affected by the occupation of the site.

### **e) Drainage**

Criteria (d) of Policy CS7 – requires the site to be served, or be capable of being served, by adequate mains water and sewerage connection.

The Environment Agency raises no objection to this application. The site could be serviced with mains water and the use of a small sewerage treatment plant would be acceptable. The latter could be secured by a planning condition. The proposed structures on the site would all be at least 9m away from the nearby drains.

### **f) Impact on surrounding sites**

Criteria (e) of Policy CS7 – the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

It is considered that the proposed development would adversely impact on the amenities of any occupiers of nearby residential properties and the character and appearance of the immediate countryside location of the site by way of the proposed scale of the noise barrier that would stand out as an adversely incongruous, dominant and alien feature.

### **g) Archaeology**

The Archaeological Officer has advised that the site may contain remains of interest but would not require an archaeological investigation prior to the determination of the planning application. A planning condition could be imposed that sought archaeological investigation works prior to the commencement of development.

#### **h) The Residential amenities of the future occupiers of the caravans.**

It is not desirable to locate residential caravans in close proximity to railway lines, particular close to high speed stretches of mainline railways, where noise levels are high and frequent from the passing trains.

Caravans are afforded limited insulation from these noise occurrences and would provide for a poor living environment in such cases. The submitted noise information and the proposed 4.5m high acoustic screen to be located along a length of the boundary of the site would reduce noise levels within the caravans to an acceptable level. However, this would only be the case provided that all of the doors and windows of the caravan remained closed. Should any be opened, for example, for ventilation purposes during warm weather, noise levels within the caravan would markedly rise to undesirable levels that would not be satisfactory for residential accommodation and could be expected to exceed the minimum advised levels as set out by the World Health Organisation (WHO). It cannot be expected that doors and windows would be closed at all times hence the noise from passing high speed trains would become a noise nuisance.

Further, given the close proximity of the mainline railway tracks to the application site, the construction materials of the caravans, the method by which the caravans would be secured on the ground and notwithstanding the presence of the noise barrier, the high speed passing trains would cause ground vibrations that could be expected to cause the caravans, being lightweight structures and any lightweight contents therein to have a strong potential to vibrate to the detriment of the residential amenities of the occupiers. The immediate noise environment is therefore not considered satisfactory for residential caravan living accommodation despite the mitigation measures proposed.

#### **i) The impact of the proposal upon the amenities of the occupiers of close by existing residential properties.**

Concern has been expressed from residents of Hurn Road that the occupation of the site would adversely impact upon their general amenities for example by way of the activities of the occupiers upon the site, increased vehicle movements to and from the site, many involving larger non domestic scale vehicles and by the necessity for a significantly sized noise barrier.

As the site is located directly opposite existing residential properties the use of the site could be expected to generate levels of activity either from within the site and as a result of vehicle movements to and from the site that could impact upon the general amenities of the occupiers of those properties. However, whilst there will be some impact, consideration has to be given as to whether such impacts would lead to conditions that would cause actual detriment to their amenities. It is anticipated, given the labouring types of trades that travellers are generally involved in, that the vehicles of the occupiers of the site could be generally larger than the private motor vehicle to include, for example, transit vans and small lorries. No objection has been raised by the Highways Officers who are satisfied that given the site is to be occupied by a single extended family would not generate a level of traffic along Hurn Road that would inconvenience existing users of the road either on foot or by vehicle. In addition there would be sufficient space within the application site to permit vehicles to enter and leave in a forward gear such that vehicles generated by the occupation of the site would not have to manoeuvre at the entrance to the site which could otherwise have inconvenience existing residents.

The existing dwellinghouses to the north of the site are to be located 38m away from the two residential caravans and would be located at a distance of 59m away from the family caravan. Given the separation distances the occupation/use of the caravans would be unlikely to have an adverse impact upon the amenities of the occupiers of the existing dwelling houses. Residents have also raised concerns about the possibility that land within and around the site, for example between the caravans and Hurn Road, could become a material store, something that is commonly associated with the travelling community and which could cause detriment to their general amenity and outlook. However, this is a matter that could be controlled by the imposition of a planning condition to prevent this from occurring.

The proposed noise barrier, whilst 25m away from the front of the nearest dwelling, would be clearly visible from the dwellings both from the front facing windows of the dwelling houses and the frontage areas. Given the scale i.e. the height and length of the barrier it would be very prominent and

incongruous in the rural setting to the existing residents and would provide a detrimental outlook and relationship to the dwellings.

#### j) **Miscellaneous**

Objectors have raised a number of other points and these are addressed below:

- The most likely noise source from the site would be that from a generator. Such noise levels could be controlled by the implementation of attenuation measures which could be secured by condition
- The privacy of the occupiers of the residential properties opposite the application site is already affected by the cyclists/walkers on the Peterborough Green Wheel Route that passes directly to the front of their houses and it is not envisaged that the occupation of the proposed site would compromise their existing privacy levels.
- Notwithstanding the latter it is considered that the enjoyment of those walkers/cyclists travelling along the Peterborough Green Wheel Route would be compromised by the presence of the caravan site and the noise barrier, particularly the noise barrier as an alien feature in the rural landscape.
- Concern has been expressed that the safety of children living at the site may be compromised through access to the mainline railway. However, the railway is secured by security fencing along its boundary to restrict access.
- A near neighbour to the site has mentioned that a Great Crested Newt has been seen on the application site although the Wildlife Officer has advised that no such sightings have ever been reported in the past and the environment is not best suited to such newts that tend to inhabit ponds rather than streams that flank the application property.
- Policy H22 of the Local Plan refers to rural exceptions sites for affordable housing and is not relevant to gypsy and traveller sites.

## **8 CONCLUSIONS**

The proposed measures to mitigate against the noise from the high speed train movements, from the close by mainline railway, to secure a satisfactory residential environment for the occupiers of the caravans are considered detrimental to the general character and appearance of the immediate rural scene.

The noise barrier would not reduce noise levels from the high speed train movements to a satisfactory level were windows/doors of the caravan to be open such that the amenities of the occupiers of the caravans would be compromised.

The lightweight structure of the caravans and the method of fixing to the ground could be expected to give rise to incidents where the caravans would suffer from vibrations generated by the passing high speed trains to the detriment of the occupiers of the caravans.

## **9 RECOMMENDATION**

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

R1 The application site is unsuitable for residential occupation by three residential static caravans as the occupiers of the caravans would, despite the provision of an acoustic noise barrier, suffer from significant incidents of noise, specifically at times when windows and doors of the caravans are open and from the vibration effects, from the passing of high speed trains on the adjacent mainline railway. The proposal is therefore contrary to policy H16(c) and (d) of the Peterborough Local Plan (First Replacement) which states:-

H16 Planning permission will only be granted for residential development (including changes of use) if the following amenities are provided to a satisfactory standard:

- a) daylight and sunlight; and
- b) privacy in habitable rooms; and
- c) noise attenuation; and

d) a convenient area of private garden or outdoor amenity space with reasonable privacy.

R2 The proposed acoustic noise barrier, due to its height, length and siting, would stand out an incongruous, dominant and alien feature within the immediate rural setting to the detriment of the character and appearance of the countryside. Therefore the proposal would be contrary to policy DA2 of the Peterborough Local Plan (First Replacement) which states:-

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

Copy to Councillors: Fower, Burton, Thacker