

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 8 FEBRUARY 2011
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOMS - TOWN HALL
CONTACT:	Gemma George, Senior Governance Officer Telephone: 01733 452268 e-mail address: gemma.george@peterborough.gov.uk
<i>Despatch date:</i>	<i>31 January 2011</i>

AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor North (Chairman), Councillor Lowndes (Vice Chair), 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, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl

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 11 January 2011

Members Present:

Councillors – Lowndes (Vice Chair), Hiller, Serluca, Winslade, Ash, Lane and Harrington

Officers Present:

Nick Harding, Group Manager, Development Management
Julie Smith, Highway Control Team Manager
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors North (Chairman), Thacker, Todd and Burton.

Councillor Winslade attended as substitute.

2. Declarations of Interest

There were no declarations of interest.

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

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

4. Minutes of the Meeting held on 23 November 2010

The minutes of the meeting held on 23 November 2010 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 10/01503/FUL – Construction of 4 bed, 2 storey house with detached double garage – Plot B at The Haven, Second Drift, Wothorpe, Stamford

The proposed development was a four bedroom house with a detached double garage. The house proposed was of two storeys, consisting of a main block with projecting gable-end features to the front and rear. The proposed dwelling would be about 11.5 metres wide, set 7 metres from the boundary with the neighbouring plot (Cromwell House) and about 3 metres from the boundary with Plot A. The height to the eaves would be about 5.2 metres and the height to ridge about 9 metres.

Access was proposed via a new entrance from Second Drift, which would be shared with the dwelling already previously approved on Plot A.

The application site was part of a plot known as The Haven. The site had already been divided, with the rear part of the garden to be developed as a single dwelling. The front part of the site was split into two plots known as Plot A (a dwelling on Plot A had been approved by Committee on the 12 October 2010) and Plot B (the subject of the current application). The application site comprised an area of about 40 metres deep and 18 metres wide. The front section of the plot comprised an existing verge and hedge line and located behind this would be the garage and shared access and turning area, with the house and garden situated behind that.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, the impact on the character of the area and the impact of the proposed development on the amenity of neighbouring dwellings. The planning recommendation was one of approval.

There had been a previous scheme consisting of two dwellings which had been refused and was subsequently appealed against by the applicant. The appeal had been unsuccessful for the reasons highlighted in the appeal decision letter, contained in Appendix A to the committee report.

The Planning Officer gave an overview of the previous refused scheme and highlighted the changes in relation to the current scheme. Members were advised that the houses were much smaller, not so deep and not so wide. The plot was therefore much more spaciouly presented and this was indicative of the settlement form in that area of Wothorpe.

Members were advised that the previous refused scheme, which had been appealed, had received negative comments from the Inspector with regards to the plots having garages at the front. However, it was highlighted to Members that there were other developments along the street with this layout and therefore the current proposal, which comprised a front garage, was considered to be acceptable by officers.

With regards to the design of the property, Members were advised that windows were proposed for inclusion on the side elevation of the property which faced Cromwell House. These windows would be minor and there would also be a side utility door. The windows would be restricted opening and there was also proposed to be a fence erected along the side of the property which would prevent people being able to look out of the windows into Cromwell House.

The site was a sloping site and the property would sit higher than Cromwell House, however given the gap between the two, it was considered that the relationship was acceptable.

Members' attention was drawn to additional information contained within the update report. There had been a written objection received from Councillor David Over, Ward Councillor, stating that the proposed development posed a threat to the character of Second Drift and it was inappropriate for the top half of Second Drift to be made up of near-identical designed properties built in stone. The issue of sustainability as a location had also been ignored and the area had very few and poor quality services.

Members were further advised that condition C9, as highlighted in the committee report, which stated '*prior to occupation of the dwelling a fence shall be erected along the north-west boundary parallel to the side elevation of the dwelling, to a height of 1.8 metres above the internal ground floor level of the dwelling*', could be

interpreted to mean that the entire boundary fence was required to be 1.8 metres in height. This was not the case, therefore if the Committee was minded to grant the application, it was requested that officers be given delegated authority to amend condition C9 to make its meaning more clear.

Mr Marshall, an objector and local resident, addressed the Committee. In summary the concerns highlighted to the Committee included:

- Development at The Haven was not opposed as long as it did not alter the unique character of Second Drift
- The application was overdevelopment and speculative building
- The two main objections to the proposed property on Plot B were the damage to the local character and the appearance of the area and the adverse effect on the neighbouring properties
- The application was against Local Development Plan Policies DA1 and DA2
- The proposed property would only be 4 metres away from the house at Plot A, which had previously been approved for development
- Apart from the reduced hedge at the front of the proposal, all trees and shrubs had been removed to create the impression of a wider space, and with the close proximity of the properties there would be little opportunity to replace them
- The mass of the development on Plot B had increased from that which had been proposed and rejected. In order to be consistent, surely this application should also be rejected?
- The garage had previously been integral and it was now an external building, this could lead to further attempts to add living accommodation over the top of the garage
- Although the width and depth of the property had been reduced, the habitable area had been increased
- The height of the house was of serious concern. The plans showed enough space for a loft development to be incorporated at a later date. The existing Haven property had a much lower roof ridge, therefore why did the current proposal have to be so high?
- The dwelling most affected would be Cromwell House. It had already lost its privacy to the house at the rear of the site
- The incline of The Drift in conjunction with the proposed height of the dwelling would mean that Cromwell House would be towered over
- The Lyllandi hedge at Cromwell House would not provide suitable screening, as previously suggested, as the owners of the property did not wish for the hedge to grow much more
- The proposed dwelling would have a ground floor which would look onto the terrace of Cromwell House
- The reduction of privacy experienced by Cromwell House was felt to be completely unacceptable and it was disappointing that planners did not recognise this fact

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

- The initial idea for further executive homes at Wothorpe had come from a meeting held in 2009 between the Interim Head of Planning Services, a small group of developers and Barker Storey Matthews. The brief had been to find locations for prestigious executive properties within the Peterborough area. The Haven had been one location discussed at the meeting

- A letter had been received in October 2009 from the then Principal Planning Officer agreeing to the removal of the existing front house at The Haven and replacing it with two properties, along with a rear property which had already received planning consent at the time
- Subsequent concerns had been highlighted with regards to the scheme and that had resulted in the refusal and subsequent appeal
- With regards to the current application, all issues had been addressed in the committee report by the Planning Officer and the proposal was consistent with the provisions of the Development Plan
- The Planning Officer had advised that previous concerns over the development had been satisfactorily addressed and the proposal maintained the semi-rural character of the area
- The property was 2000 square feet and the previous proposal had been 2600 square feet
- With the slope of Second Drift, all of the properties along the road stepped. The proposed dwelling would therefore be no different
- The Planning Officer had clarified that the total of three high quality houses in natural stone with slate roofs would not be detrimental to the character of the area

Following a question to the Planning Officer with regards to whether having a garage located at the front of the property was normal, Members were informed that having garages located at the front of properties was not a common design feature in the area, however it had been found acceptable to have garages at the front of recent developments and therefore there was no justification for moving away from what had been previously acceptable. Consistency was required.

Following debate, Members commented that it appeared that the revised application addressed the Planning Inspectors concerns to a satisfactory degree. The proposal was an attractive modest house, which would replace a non-attractive property.

A motion was put forward and seconded to approve the application, with delegated authority being given to officers to amend the wording of condition C9 to make its meaning more clear. The motion was carried unanimously.

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

1. The conditions numbered C1 to C8 as detailed in the committee report
2. The delegation to officers to revise condition C9
3. 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 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 site was within the settlement boundary
- A dwelling could be accommodated without unacceptable detrimental impact on the amenities of occupiers of neighbouring dwellings
- A suitable level of amenity could be provided for residents, including access and parking

- The proposed dwelling would not affect the character of the area to an unacceptable degree
- The applicant had made provision to meet the infrastructure needs arising from the development

The proposal was therefore in accordance with Policies H16, T1, DA2, DA6 and IMP1 of the Peterborough Local Plan 2005 (First Replacement).

5.2 10/01202/LBC & 10/01258/FUL – Conversion of barn to 3 bed dwelling with separate garden area at Elms Farm, Great North Road, Wittering

The proposal was to create a self contained three bedroom property from the conversion of a listed barn / outbuilding. This would require the insertion of a first floor and balcony, the removal of part of the internal dividing wall, insertion of internal room partitions, re-location of the metal animal drinking bowl and two roof lights to the east and west roof elevations.

The site was an isolated former farmstead accessed from the south bound A1. The site included the listed building, Elms Farm, and a number of barns in various states of repair. The barn subject to the application was curtilage listed.

The application site was a cart barn, slightly rectangular in plan, of symmetrical appearance with a hipped pantile roof. It was an open cart barn/byre (east and west elevations) with a central dividing wall providing internal shelter of just over 3 metres. The southern side wall was jointly the common boundary wall of Elms Farmhouse. The northern side wall had an opening which had a three way metal animal drinking trough making this also accessible from the crew yard. The cart barn had typical supporting cast iron posts under large timber lintels (east and west elevations). The building was in very poor condition having had partial roof collapse and was showing signs of other structural failure. In summary, this was a simple and subservient agricultural outbuilding in the former crew yard flanked by principle farm barns and implement buildings.

The wider area was characterised by the presence of the principal barns set around a crew yard in a 'C' shaped configuration with an additional barn to the west of the application site effectively creating a closed circle of barns, with the application site lying in the centre, ancillary to the larger barns.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that previous listed building consent had been granted for the range of barns to be brought into residential use. The main issues for consideration were the impact of the development upon neighbouring dwellings, the impact on the character of the site as a whole and on the listed buildings, the level of amenity offered to the occupants of the proposed property, the vehicular access to the development, the limited level of amenity proposed for the dwelling, parking provision on site and the insufficient separation distance between dwellings. The planning recommendation was one of refusal for both the listed building consent application and the planning application.

The current barn was a listed building of very simple structure and poor condition, and the proposed conversion works would require considerable adaptation of the building. The view of the Conservation Officer was therefore that the level of works required would be excessively intrusive and detrimental to the relatively simple character of the building. The proposed construction proposed a mezzanine to create a first floor level and this was the main concern of the Conservation Officer.

The proposal would be subjected to a lack of privacy due to the surrounding land being very open and the car park serving the property would be located a considerable distance away from the dwelling. This was highlighted as being out of keeping with planning policy.

Members' attention was drawn to additional information contained within the update report and it was highlighted that there had been comments received from Highways expressing concern at the amended car parking arrangements for the dwelling.

The Planning Officer further advised Members that contained within the committee report, 'reason for refusal R2' was a repeat of 'reason for refusal R4', therefore if the Committee was minded to refuse the application it was suggested that reason R2 be deleted.

For clarification, Members were advised that with regards to the listed building application, there was only one reason for refusal highlighted. This was because only considerations around listed building design and works matters could be taken into account. No other matters could be looked at when dealing with listed building applications. With regards to the wider planning application, both the design and structural issues, as per the listed building consent, and all other material planning considerations could be taken into account.

After debate, a motion was put forward and seconded to refuse the listed building consent. The motion was carried unanimously.

10/01202/LBC - RESOLVED: (Unanimously) to refuse the application for listed building consent, as per officer recommendation and:

1. The reason R1 as detailed in the committee report

A motion was put forward and seconded to refuse the application for the conversion of the barn to a 3 bed dwelling with separate garden, and to delete 'reason for refusal' R2 as highlighted in the committee report. The motion was carried unanimously.

10/01258/FUL - RESOLVED: (Unanimously) to refuse the application, as per officer recommendation and:

1. The reasons R1, R3 and R4 as detailed in the committee report

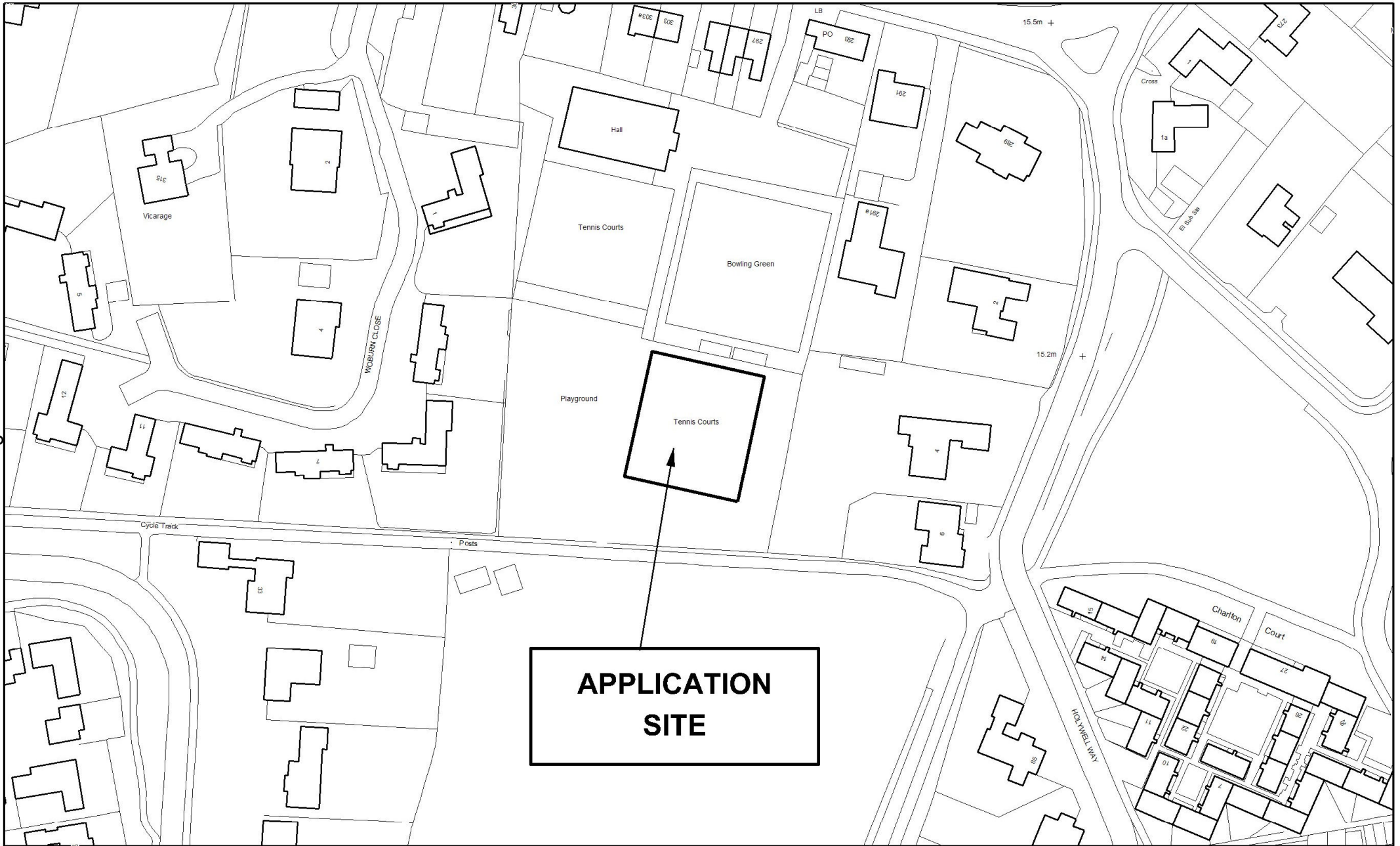
Reasons for the decision:

Subject to the imposition of the conditions, 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 proposal would significantly harm the character and appearance of the simple barn building and the building should remain subservient in appearance and use to the adjacent principal barns
- The proposal did not provide a convenient area of amenity space with reasonable privacy
- The dwelling would harm the amenity of the occupiers of the neighbouring dwellings and it would suffer from unacceptable levels of overlooking and overbearing
- The parking area proposed was too far from the proposed dwelling and was not likely to be used for the purposes of parking

1.30pm – 2.20pm
Chairman

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LOCATION PLAN 10/01598/FUL

Longthorpe Memorial Hall, 295 Thorpe Road, Peterborough

Scale 1:1250 Date 27/1/2011 Name MKB Department Planning Services

PCC GIS



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10/01598/FUL: INSTALLATION OF EXTERNAL DOWNLIGHTING TO TENNIS COURTS 3 AND 4 AT LONGTHORPE MEMORIAL HALL, 295 THORPE ROAD, PETERBOROUGH, PE3 6LU

VALID: 22 NOVEMBER 2010

APPLICANT: MR KENNETH WAPPAT

AGENT: MR GRAHAM WALKER

REFERRED BY: CLLR M DALTON

REASON: IMPACT ON RESIDENTIAL AMENITY

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

TELEPHONE: 01733 454439

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Lighting design and the impact on the character and appearance of the Longthorpe Conservation Area
- Impact on the amenity of neighbouring properties
- Highway implications and car parking
- Trees
- Ecology
- Other matters raised by objectors

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

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

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.

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.

DA12: Light Pollution

Permission for lighting schemes will only be granted if the level of lighting does not exceed the minimum necessary to achieve its purpose, the installation minimises glare and light spillage and does not adversely affect the amenity of an area.

CBE3: Development affecting Conservation Areas

Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.

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.

LNE19: Protection of Species

Permission will not be granted for developments that would cause demonstrable harm to legally protected species. Where it is granted conditions or an obligation will be sought to help protect or relocate the population.

National Planning Policies**Material Planning Considerations****Planning Policy Statement 1 (PPS1) 'Delivering Sustainable Development' (2005)**

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

Planning Policy Statement 5 (PPS5) 'Planning and the Historic Environment' (2010)

The PPS states: 'It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.'

Planning Policy Guidance 17 (PPG17) 'Planning for Open Space, Sport and Recreation' (1991)

Open spaces, sport and recreation underpin people's quality of life and the provision of well designed and suitable recreation facilities supports the broader objectives of Government. With regards to floodlighting, the guidance requires Local Authorities to ensure that local amenity is protected.

Planning Policy Guidance Note 24 (PPG24) 'Planning and Noise' (1994)

Provides Local Authorities with advice on the use of their planning powers to minimise the adverse impact of noise. Noise can have a significant effect of the environment and on the quality of life enjoyed by individuals. The planning system has the task of guiding development to the most appropriate locations.

3 DESCRIPTION OF PROPOSAL

The application seeks planning permission for the installation of flood lighting to existing tennis courts (Nos. 3 and 4) at Longthorpe Tennis Club. The installation comprises nine no. 6.7 metre high lighting columns around the courts. It is proposed that three of the columns to be sited between the pitches would have double luminaires with the remaining six having single luminaires. Each lamp is proposed to be angled at the horizontal and fitted with side and rear baffle plates in order to reduce the level of light spillage and glare as far as is practicable. The applicant proposes the lights to be in use until 20.30 Monday – Saturday with a maximum of two evenings per week until 21.30 and up to 18.00 on Sundays and Bank Holidays.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application courts are situated within the Longthorpe Memorial Hall grounds which comprise a community centre, car park, four no. tennis courts, a bowls green, play area and playing fields. This complex is situated at the heart of the urban village of Longthorpe, a predominantly residential area of varied character and form. The properties surrounding the site are predominantly large detached two storey dwellings with rear gardens facing on to the site, albeit there are terraced properties facing on to Thorpe Road. The site is located within the identified Longthorpe Conservation Area.

Parking is provided to the front of the site in an area of car park accessed from Thorpe Road adjacent to the Post Office. This is a shared facility between the Tennis Club, Memorial Hall and bowls green. A public footpath runs to the south of the site.

Planning permission was recently granted for the installation of all weather surfacing on Courts 1 and 2 (retrospectively) and Courts 3 and 4 to allow usage of the courts throughout the year.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/00546/FUL	Demolition of existing hall and erection of new community hall	17.07.07	PERMITTED
09/00504/FUL	Extension of footpath adjacent to playing area, steel container to be positioned on existing hardstanding for use by cricket and football area	06.07.09	PERMITTED
09/00590/FUL	Summer pavilion to replace temporary building	23.07.09	PERMITTED
09/01435/FUL	Construction of all weather surface for tennis courts 1-2 (retrospective) and tennis courts 3-4. Movement of fence to enlarge court to LTA standard and removal of shrubs and one Cherry tree	22.01.10	PERMITTED
10/00108/FUL	Demolition of existing steel and timber stores and replacement with brick storage building	19.03.10	PERMITTED

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – No objections subject to the imposition of a condition restricting visibility of illuminated from the public highway.

Conservation Officer – No discernable impact on setting of Conservation Area or nearby listed building (The Post Office) due to separation distance.

Environmental Protection Officer – Recommend condition requiring compliance with Institution of Lighting Engineers document ‘Guidance Notes for the Reduction of Obtrusive Light (Revised) (2005)’.

Tree Officer – No objections. Existing vegetation on the site should not be affected by the proposal.

Wildlife Officer – No objections. The scheme would not have any adverse impact on the local bat populations.

NEIGHBOURS

21 letters have been received (19 in objection, 1 of support and 1 stating no objections to the principle of development, but has concerns associated with the proposal in terms of visitors leaving the site in a quiet manner). The objections to the proposal were based on the following grounds:

- Unacceptable precedent for light pollution into a traditionally dark area
- Harmful impact upon the character and appearance of the Conservation Area
- Increased demand for car parking and associated highways dangers as a result
- No need for the lighting has been proven
- No statement on the carbon footprint of the lighting has been provided
- Visual intrusion due to the height of the columns representing an eyesore
- Consideration of players leaving the courts after the cut off time
- Noise impact upon residential amenity
- Light spillage and glare would be detrimental to neighbour amenity
- Nearby facilities are available for use and will only be of benefit to Members not the wider community
- Harmful impact on wildlife
- Would set a dangerous precedent for other similar installations in the area
- Adverse impact on property values

COUNCILLORS

Councillor M Dalton – Significant representation has been received from local residents who object to the proposal.

7 REASONING

a) Design and impact on character and appearance of Conservation Area

The floodlighting proposed is to be situated on the south eastern most corner of the wider Longthorpe Memorial Site within Courts 3 and 4 of the tennis complex. The lights will surround both courts with three no. single luminaires sited along both the eastern and western boundaries and three no. double luminaires between the courts. In total there will be nine columns and twelve luminaires sited. The lighting columns are proposed to stand at a maximum height of 6.7 metres with the luminaires angled at the horizontal and fitted with side and rear baffle plates.

The lighting has been designed so as to minimise the impact upon the visual amenity of the surrounding locality and the Longthorpe Conservation Area within which the site is situated. The courts are enclosed by 2.75 metre high steel weld mesh fencing and the lighting columns will stand approximately 4 metres higher than this. The lighting columns when taken by themselves, are no taller than the surrounding built or natural form and will not appear unduly obtrusive or incongruous within the locality. They have been designed so as to appear as low profile as possible and will be coloured in dark green in order to better assimilate into the area.

However, it is acknowledged that the lighting columns once lit will be a prominent feature within the site and visible from the immediate surrounding area. At present, the wider site is an area of mixed recreational uses and intrinsically dark in character with no lighting. It is the view of the Local Planning Authority that lighting is to be expected from such a sporting facility and the proposal been designed so as to minimise the visual impact. When lit, the courts will be shielded from much of

the surrounding residential properties by existing landscaping and as shown on the accompanying light spillage diagram, much of the visible light glow will be contained within the confines of the site itself. As such, it is felt that the visual impact of the proposal will be kept to a minimum.

The Conservation Officer has concluded that the lighting proposed is sited a sufficient distance from the streetscene along Thorpe Road (approximately 70 metres) that it will not have a discernable impact upon the character, appearance or setting of the Conservation Area. In addition, there will be no harm caused to the setting of the nearby listed Post Office building.

b) Impact on the amenity of neighbouring properties

Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation clearly states that 'in considering application for floodlighting, local authorities should ensure that local amenity is protected'. With regards to the proposal, the majority of neighbour objections have focused upon the impact on residential amenity in terms of noise and light spillage/glare, each will be discussed in turn.

Noise impact

A Noise Assessment Report has not been submitted as part of the application submission and it is not considered that this is necessary in order to fully assess the proposal. At present, tennis is played on all courts during summer months until the light fails (at peak approximately 21:00 hours) and in the winter during daylight hours and when the weather conditions permit. During the winter and with the all weather surfacing, tennis cannot be played in frost or when the courts are wet.

The application proposal would allow tennis to continue being played throughout the year until 20.30 hours, with two evenings per week to 21:30. It is considered that the proposal would not significantly increase the intensification of the use of the site. Only two out of four courts would be equipped with lighting to allow for extended hours of play and this will still be dependent on weather conditions. The use of the courts would extend hours of play throughout the Spring, Autumn and Winter months and not beyond the hours of Summer play that currently take place.

The surrounding residential properties are situated, at closest proximity approximately 30 metres (to the rear of the building) from Courts 3 and 4. It is considered that there is sufficient separation distance therefore that a statutory noise disturbance would not take place. The extended hours of operation are therefore unlikely to give rise to any significant increase in noise disturbance to surrounding residential properties.

One letter of objection received from a local resident has raised concern regarding noise disturbance arising from players congregating at the Memorial Hall to the front of the site. It is understood from the applicant that this is the normal meeting place for users of the tennis courts. Whilst there will be some disturbance caused to occupants of surrounding residential properties in close proximity to the meeting place, this would not be significantly greater than the existing situation. Furthermore, the number of users of the court is far less than the capacity of the Memorial Hall itself which runs evening classes, social groups and functions where users gather outside in the same area. Therefore, it is considered that the resultant impact would be negligible in terms of noise disturbance.

Light spillage and intrusion

It is proposed that the lighting columns, at a height of 6.7 metres, will have luminaires set to the horizontal and be fitted with side and rear baffle plates in order to prevent outward light spillage to the surrounding area. Whilst it is acknowledged that the lights will be powerful (1000 Watt), the applicant has provided a detailed Lighting Assessment and associated light spillage diagram (Annex 1) with indicative lighting levels spilling out of the site. This diagram clearly shows that some spillage beyond the courts will occur as a result of the proposal and this is to be expected.

However, the diagram shows that the level of lighting that will reach neighbouring residential properties will be limited to only 0.3 Lux or lower (brightness of a full moon on a clear night). The level indicated is far lower than that of standard street lighting which has an average level of between 3 and 15 Lux. The level proposed is in line with the Institute of British Lighting Engineers Guidance (ILE) for light intrusion into residential properties. The area is considered to fall within

category E2 (dark urban areas) as at present, the area is unlit but has some sky glow by virtue of the street lighting to the residential area surrounding. The ILE guidelines clearly state that in this type of area light trespass into windows should be limited to 5 Lux pre-curfew (23.00) and post-curfew to 1 Lux. Therefore, it is anticipated that the impact from the floodlights will be minimal.

The applicant is proposing for the lighting to be in operation up to 20:30 hours Monday to Saturday and 18:00 hours on Sundays and Bank Holidays. It has also been proposed that up to two nights per week, the lighting stay on until 21:30 hours. Whilst it is considered that the lighting will not have a significant impact upon residential amenity up to 20:30 hours, two evenings per week up to 21:30 hours would be unacceptable. Therefore, it is proposed by the Local Planning Authority that the hours of use be suitably conditioned and with only one evening per week (Monday to Sunday) up to 21:30 hours. All times are before the standard curfew of 23:00 hours as set out in the ILE Guidance.

c) **Highway implications and car parking**

There have been several neighbour objections received with regards to the car parking and access implications of the proposal. The Local Highways Authority has not raised any objections to the proposal and it is not considered that the proposed floodlighting will have a harmful impact upon highway safety.

At present, car parking is provided in a car park to the front of the site shared between the Memorial Hall, bowls club and Tennis Club. This is accessed from Thorpe Road via a narrow access at the side of the Post Office. It is considered that the proposed floodlighting will not significantly intensify the use of the site or generate significant additional demand for car parking. During Summer months, the pitches can be used late into the evenings and the application proposal will allow this to continue throughout the year. Therefore, it is unlikely that the proposal will result in any increase in the number of visitors to the site at peak times i.e. when the Memorial Hall and bowling green are in use.

Highway Officers have requested a condition preventing light spillage and glare to the public highway. However the light spillage diagram clearly indicates that this is not likely to occur. Nonetheless, a condition is being imposed to require the floodlighting to be implemented as per the approved plan.

d) **Trees**

The Tree Officer has not raised any objections to the proposal. Whilst the trees on the site are of a local benefit to the visual amenity of the site, none are affected by the proposed floodlighting.

e) **Ecology**

An Ecology Report was submitted as part of the application, assessing the impact of the proposed floodlighting of the local bat population. The Report concludes that the application site and immediately surrounding area is unlikely to be used as either a commuting route or foraging area albeit some bat activity was detected along the southern boundary hedge line and open grass area. These bats (common Pipistrelle) are unlikely to be affected by the Lux levels generated by the proposed floodlighting.

The Wildlife Trust have provided comments on the submitted report and are content that the survey, assessment methodology and conclusions reached are acceptable and that there is therefore no ecological constraint to the proposed development.

f) **Other matters raised by objectors**

- *Adverse impact on property value / The proposal is not a public facility and is therefore not in the public interest / There are other facilities in the near vicinity that could be used instead / Approving the proposal would set a dangerous precedent*
All of the above are not material planning considerations and therefore cannot be considered as part of the determination of this application.

- *No statement regarding the carbon footprint and energy efficiency of the proposal have been provided*

Whilst National planning guidance requires development proposals to be sustainable, the application scheme is not of a sufficient size to require the submission of an energy statement.

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 weighing against relevant policies of the development plan and specifically:

- The proposed floodlighting will give rise to no detrimental impact on the amenities of occupants of neighbouring residential properties;
- There will be no unacceptable impact on the character or appearance of the area or the Longthorpe Conservation Area;
- There will be no unacceptable impact upon the highway network or highway safety; and
- There will be no detrimental impact upon the local bat population.

The proposed development is therefore in keeping with Policies T1, DA1, DA2, DA12, CBE3, LNE9 and LNE19 of the Peterborough Local Plan (First Replacement) 2005.

9 RECOMMENDATION

The Head of Planning Transport and 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 Prior to first use of the floodlights hereby approved, a schedule of operational hours shall be submitted to and approved in writing by the Local Planning Authority. The lights shall only be operated within these times unless otherwise agreed in writing by the Local Planning Authority (see Informative 1).

Reason: In the interests of protecting the amenity of the surrounding area in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

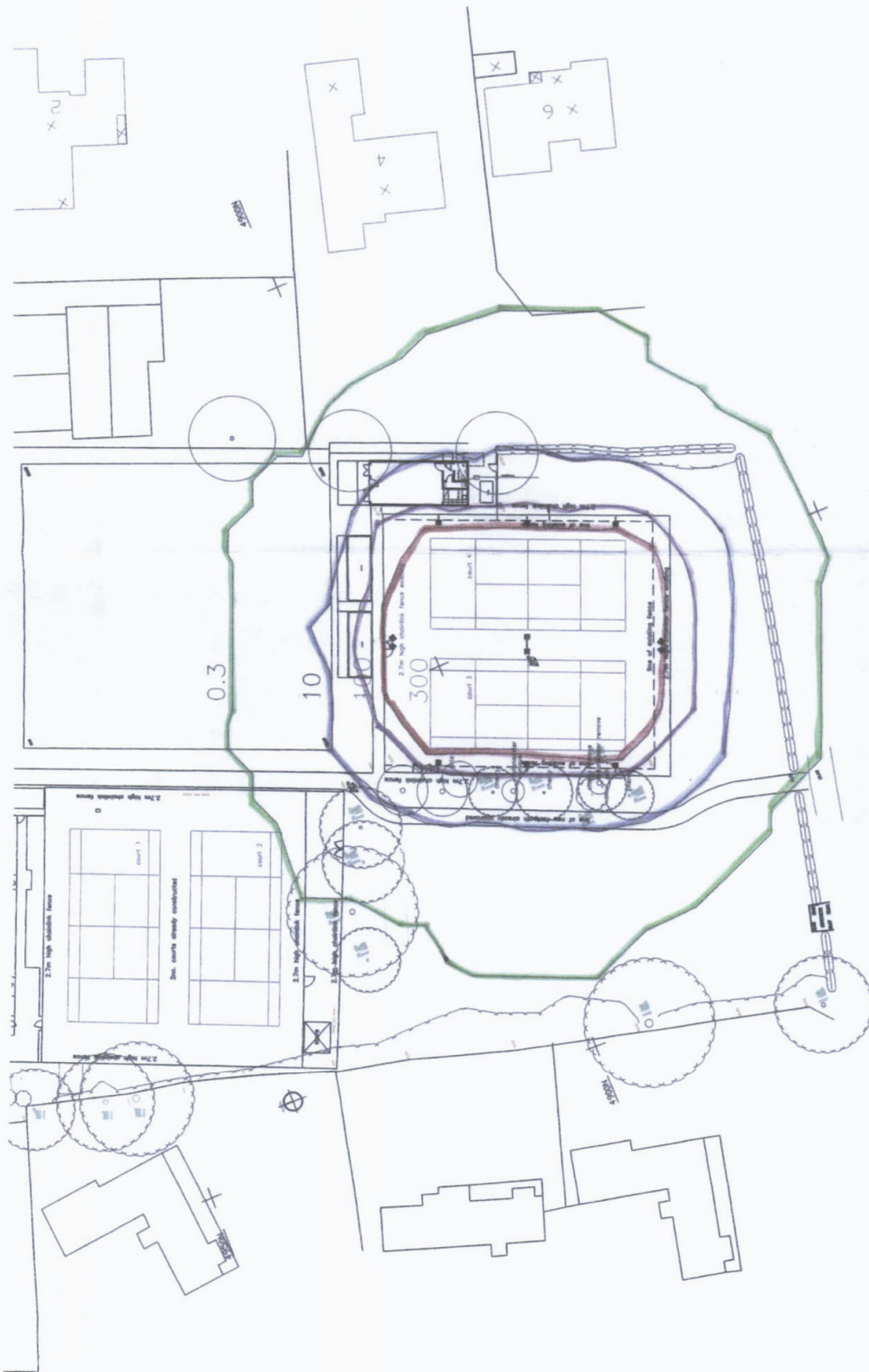
C3 The floodlights shall be operated in strict accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority and in any event, shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution (Revised) (2005) Category E2. Prior to the lights first coming into use, a report shall be submitted to the Local Planning Authority to demonstrate compliance with this condition.

Reason: In the interests of protecting the amenity of the surrounding area in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

Informative 1

In relation to Condition C2 above, the floodlights hereby approved should not be illuminated before 09.00 and after 20.30 Monday to Saturday; and before 09.00 and after 18.00 on Sundays and Bank Holidays. The floodlights may be illuminated up to 21.30 on any one day once per week (between Monday and Saturday).

Copy to Councillors S Dalton, M Dalton, Arculus

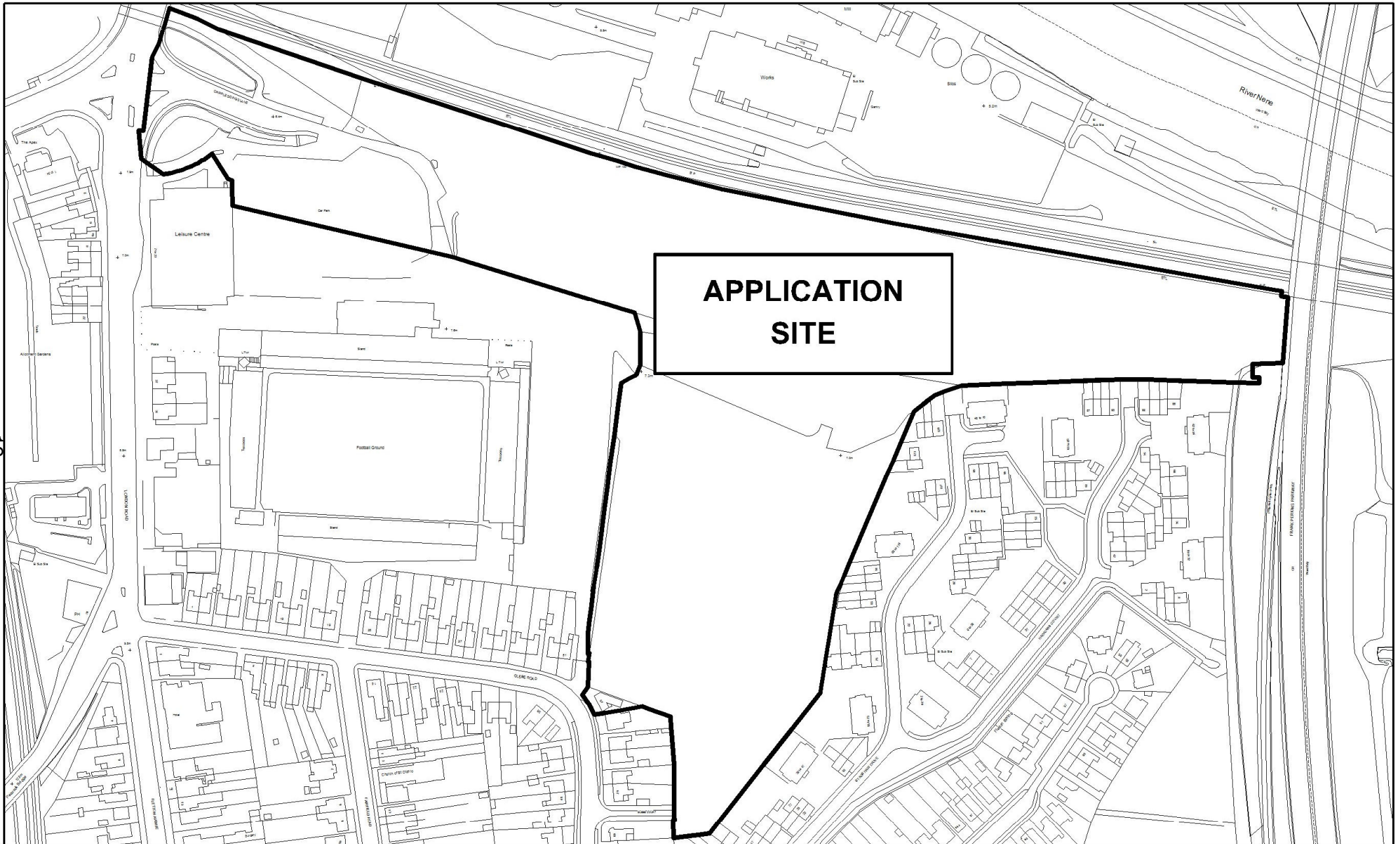


LONGTHORPE LAWN TENNIS CLUB Graham Walker : Chartered Architect
 28 Melford Close
 Longthorpe PE3 9NG
 Peterborough b. 01733 265738
 S: 01733 265738
 E: gwalker@walkeruk.demon.co.uk

EXTERNAL DOWN LIGHTS : LIGHTING PLAN

Scale: 1:500 Date: 08/08/10 Drawn: CW Checked: Drawing Number: 00024/SK03

Annex 1



**APPLICATION
SITE**

LOCATION PLAN 10/01267/FUL

Carbon Challenge Site, Glebe Works, Glebe Court, Fletton

Scale 1:2500 Date 27/1/2011 Name MKB Department Planning Services

PCC GIS



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10/01267/FUL: CONSTRUCTION OF 294 RESIDENTIAL UNITS, A1 FOOD STORE, AND ASSOCIATED INFRASTRUCTURE AT CARBON CHALLENGE SITE, GLEBE WORKS, GLEBE COURT, FLETTON.
VALID: 14 SEPTEMBER 2010
APPLICANT: MORRIS HOMES LIMITED
AGENT: BROWNE SMITH BAKER
REFERRED BY: HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES
REASON: IN THE WIDER PUBLIC INTEREST
DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY
TELEPHONE: 01733 454416
E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The proposed design and layout
- The impact on neighbouring sites
- Highway Impacts and car parking
- Drainage
- The impact of the development on trees
- S106 Planning Obligation

The Head of Planning, Transport and Engineering Services recommends that the application is **APPROVED**, subject to a planning obligation being signed.

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

- DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.**
- DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.
- DA7 The needs of people with disabilities must be met in terms of access and provision of appropriate facilities.
- DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.
- DA12 Lighting schemes must be designed and installed to minimise the impact on neighbouring sites.
- LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.
- LNE10 Suitable landscaping schemes should be secured by development.
- LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.

CBE2 Archaeological potential and importance must be evaluated and appropriately mitigated where appropriate.

CC11 South Bank Opportunity Area

CC17 Cathedral Views

- T1 Seeks to ensure that new development will not unacceptably impact on the transportation network.
- T3 New development should be safely and easily accessible by pedestrians and those with mobility difficulties.
- T4 New development should not prejudice or cause inconvenience to, cyclists using the cycle route network.
- T5 Safe and convenient access for cyclist should be secured
- T8 Development must safely connect to the existing highway network.
- T9 High quality cycle parking should be provided
- T10 Car and motorcycle parking provision
- T11 Parking provision for motorist with mobility difficulties
- U2 Sustainable surface water drainage
- U9 Pollution of Watercourses and Groundwater
- IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Emerging Peterborough Core Strategy Development Plan Document Submission (April 2010)

Material Planning Considerations

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

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

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

PPS9 , Biodiversity and Geological Conservation, seeks to ensure that biological diversity is conserved and enhanced as an integral part of any development.

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

PPS25 Development and Flood Risk seeks to avoid inappropriate development in areas at risk of flooding.

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

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

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

Full planning permission is sought for 294 residential units, an A1 foodstore (278 sqm/3000sqft) together with access, open space, car parking and landscaping. The 294 residential units consist of 220 residential houses (64 x 2 bed, 82 x 3 bed, and 74 x 4 bed) and 74 apartments (all 2 bed).

The apartments are all located within a single 7 storey high apartment block at the entrance to the site fronting on to London Road. This block contains undercroft parking, cycle parking, the A1 retail foodstore, the 74 apartments and roof gardens.

The residential houses are a mixture of detached, semi-detached and terrace properties, and are 2, 2.5 and 3 storey high.

40% of the residential units, 120, will be affordable, 48 apartments and 72 houses. This is an additional 10% provision above the normal 30% policy standard.

All of the dwellings are to be designed to meet Code Level 6, of the Code for Sustainable Homes.

The site would be accessed from London Road, via Cripple Sidings Lane and a new access from Glebe Road.

A green wall is to be erected to reduce the impact of noise from the railway on the houses proposed adjacent. Also space is being provided for the future provision of a pedestrian/cycle bridge over the railway.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site covers an area of approximately 6.9 hectares (17 acres). It is located to the south of the River Nene and city centre, and falls within the city centre boundary and South Bank opportunity area.

The site is bounded to the north by the Birmingham to Norwich railway line, and to the south by the Peterborough United football ground and residential housing. The Frank Perkins Parkway is located to the east of the site and London Road to the west. The residential housing that bounds the site is a mixture of two storey housing and 3 storey residential apartments.

The site has been cleared of the former factory buildings on site. The site is currently vacant and is a mixture of hardstanding, car parking and rough scrubland.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
06/00419/OUT	Redevelopment of the site for residential development comprising approximately 145 new homes, open spaces and modified access	08.07.2009	Withdrawn
05/01739/OUT	Redevelopment of the site for residential development comprising approximately 145 new homes, open spaces and modified access	14.03.2006	Withdrawn
00/00581/FUL	Use of land for temporary storage of portable buildings	07.07.2000	Permitted

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – No objection in principle, detailed comments awaited.

Archaeology – No objection. The site falls within an area of archaeological interest. The imposition of a standard archaeology condition is recommended.

Drainage - No objection subject to detailed drainage information which can be secured by condition.

Landscape Officer – Considers the tree belt on the eastern boundary worthy of a Tree Preservation Order. Has requested an updated tree protection plan, specific tree protection details of a few plots and a shade impact assessment.

Pollution Control – Recommends conditions be imposed in respect of contamination. Requests additional information in respect of noise and vibration to support the reports submitted. An update will be given at the meeting.

EXTERNAL

Police Senior Architectural Liaison Officer – No objection to the principle. The footbridge design as part of a subsequent application will have to address various issues to design out vulnerability to crime. The impact of football parking and coaches needs to be considered. Some comments are made in respect of details of the layout and boundary treatments however it is considered that the issues raised can be dealt with by planning conditions.

Environment Agency – No objection subject to the maintenance of the sustainable urban drainage being secured in the legal agreement, tests to support the Flood Risk Assessment and further ground water sampling. An update will be given at the meeting.

Anglian Water – No objection, subject to the imposition of planning conditions for foul and surface water drainage.

Natural England – No objection. It is unlikely that the proposed development would have any adverse impact on the interest features of the Nene Washes. The scheme should aim to provide good access to surrounding natural green space.

Peterborough Civic Society – Objects to the height, scale, and design of the apartment block 1. Considers the impact on Cathedral views and visual dominance of this high building in its surrounding context has not fully been assessed and demonstrated. Considers there is a need for a city buildings height policy to assess such proposals. Considers 5 storeys should be the maximum height for buildings on this site. Considers this could set a precedent for very tall buildings in this part of the city. Welcomes the removal of the energy centre, the quality of the low rise building design, treatment of public space and proposed management arrangements.

Network Rail - No objection in principle to the development. They provided a list of their detailed requirements on drainage, use of crane and plant, excavations/earthworks, security, access, and play areas, due to their close proximity to the railway line.

NEIGHBOURS

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

- Extra traffic and congestion, particularly on Glebe Road
- Dangerous junction on to Glebe Road
- Parking problems
- Impact on local community
- Noise
- Affect peace and quiet
- Do not need shop or community centre [Committee should note that the community centre is no longer part of the proposal]

COUNCILLORS

No comments received.

7 REASONING

a) Introduction

The Carbon Challenge initiative is being promoted by the Homes and Communities Agency on behalf of Communities and Local Government with the aim of supporting the house building industry to acquire the skills and technologies needed to deliver the Government's target that all new homes will meet Level 6 (the highest sustainability level) by 2016. By fast tracking a number of sites ahead of 2016 the initiative hopes to gather evidence and experience to assist developers to roll out Code Level 6 across mainstream projects. This is the second Carbon Challenge site in the country, and Morris Homes were selected as the preferred developer for the site.

b) The proposed design and layout

The design concept behind the proposed layout was splitting the site into three main character zones. An urban zone, adjacent to London Road containing the higher density apartment development, the central suburban zone, and the eastern rural zone, with the lower density detached properties. Two main avenues are proposed through the site, west to east, and north to south, with smaller residential courts located off these. A central area of open space is proposed to provide a focal point to the development.

Another strong design proposal is the fen and dyke concept, which proposes a gabion wall structure to act like a dyke along the northern boundary of the site, parallel with the railway line. This would provide a visual statement, a bund to mitigate noise pollution, a raised area from which a bridge link could be formed in future and an ecological corridor.

The design and layout of the site has undergone a number of amendments through the course of the application. The main changes have been a reduction in the total number of units from 344 to 294 units, the introduction of more on site open space, the deletion of the community building with apartments above and apartment block 2, the reduction in the size of the retail floorspace, and alterations to apartment Block 1 to reduce the height and improve the design of its elevations. It is considered that these changes have improved the design and layout of the scheme and as a result would create a higher quality public realm and amenity areas for residents.

The apartment block 1, has been reduced in height at London Road by approximately 6.5m, by reducing the height of the retail unit, reducing the floors of apartments above from 8 to 7 levels and deleting the sloping roof. The elevations have been revised with changes to distribution of materials, balconies etc to break up the massing of the building and add some more visual interest and improve its appearance. The building will be significantly higher than any immediately surrounding it, however there are other large buildings in the vicinity i.e. the large apartment block of Apex House opposite the site and the Peterborough football club stands, so it is not considered the building would appear out of context with the area. Whilst lower height buildings are generally more characteristic of this area it is not considered that this higher building would have an adverse visual impact or be incompatible with its surroundings.

The character of properties in the surrounding vicinity of the site is a mixture of ages, styles and heights. Therefore it is considered that this proposed development would add to rather than detract from the surrounding character of development. It is considered therefore that the proposed development would be in accordance with Policies DA1 and DA2 of the Local Plan.

c) The impact on neighbouring sites

The application site bounds existing residential development on its eastern and southern sides. The rear boundaries of the properties in Stagshaw Drive, Hadrians Court and Glebe Road back on to the site. These existing properties are a mixture of two storey properties and three storey high apartments.

This application proposes 2, 2.5, and 3 storey residential properties. The majority of the proposed properties along the adjoining boundary with existing residential sites would be 2 storey high. The development would reduce existing privacy levels of residents as currently there is no housing development behind them. However it is considered that the relationship between the new properties and the existing properties would be acceptable, in terms separation distances and resulting overlooking and privacy levels, and that no unacceptable impact would result.

The concerns of residents that it will disturb their peace and quiet and be noisy are considered to be unfounded in planning terms as proposed residential uses adjacent to existing residential uses are considered to be compatible land uses in terms of noise generation.

The proposal is therefore considered to be in accordance with Policy DA2 of the Local Plan.

d) Highway Impacts and car parking

The principle access to the site will be from the existing London Road access, via Cripple Sidings Lane and a new access from Glebe Road.

The Local Highway accepts the findings of the submitted Transport Assessment that the junctions on to London Road and Glebe Road would provide acceptable to the site in highway capacity and highway safety terms.

The site is accessible by sustainable travel modes such as public transport, walking and cycling and is close to the city centre. The scale and nature of the development proposed are such that no significant or adverse impacts on the use of the pedestrian, cyclist or public transport networks, infrastructure or services are likely to occur in the surrounding area.

The approximate car parking ratio proposed on site is 1 space for 2 bedroom dwellings. 1.5 spaces for 3 bedroom dwellings and 2 spaces for 4 bedroom dwellings. This is a lower provision than that of the Peterborough City Council maximum car parking standards which would require 2 spaces for 3 bedroom properties, however the site is located within the city centre where lower parking standards can be viewed more favourably due to the sustainable location. The travel plan submitted will help to encourage people to use more sustainable travel modes, however if these measures are not promoted and encouraged it could lead to significant on street parking. The proposed community management company will need to strongly promote the use of sustainable travel modes and also carefully consider how they deal with on street parking particularly on football match days. However on balance, as the site is located within the city centre and the development is being promoted as a sustainable lifestyle scheme, the car parking provision proposed is considered to be acceptable.

The internal roads have been designed specifically to keep traffic speeds low through the use of things such as shared surfaces, but there would be space for buses to serve the site.

e) Drainage

The majority of the site falls within flood zone 1 in accordance with the Environment Agency records, with a small proportion, 3.5%, of the site within flood zone 2. The site is therefore not at risk of flooding from the 1 in 100 year plus climate change event. The vast majority of the site (96.5%) is also above the 1 in 1000 year plus climate change event. The site does not form part of any flood plain or washland.

The most likely risk of fluvial flooding comes from out of bank flows from Fletton Spring. The 1 in 100 year plus climate change food level on Fletton Spring is given as 5.42m AOD. Finished floor levels within the development therefore should be set a minimum of 600mm above this level, which gives a minimum finished floor level of 6.02m AOD. Ground levels within the site may need to be raised to comply with this minimum finished floor level.

Sustainable urban drainage techniques are proposed to deal with surface water drainage on site. A series of detention ponds and a pond are proposed in the north of the site. Infiltration techniques are proposed in the central part of the site, to help ensure that surface water run-off is controlled as far as

possible at source with no additional impact on surrounding infrastructure. A surface and foul water pumping station is required in southern part of the site.

The Environment Agency has requested additional information to support the Flood Risk Assessment and contamination and subject to these being resolved have no objection to the proposal. Members will be updated of the outcome of this at the Committee meeting.

f) The impact of the development on trees

There are a number of existing trees on eastern and southern the site boundaries which are worthy of retention and offer a valuable green boundary treatment to the site. It is proposed that these trees will be retained as part of the scheme and planning conditions would be recommended to ensure these trees are protected and retained as an integral part of the development.

During the course of the application concern has been raised about the proximity of the development to the boundary trees and the potential shading impacts for future residents. The layout has been re-designed to move the properties further from the trees and orient the properties to minimise the impact of shading. It is considered on balance that the layout would now be acceptable subject to conditions to ensure tree protection and retention.

New planting is proposed as part of the proposed development, particularly by the creation of new street trees and in the areas of proposed open space.

It is therefore considered that the proposal is in accordance with policies LNE9 and LNE10 of the Local Plan.

g) Unilateral Undertaking Planning Obligation

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

In this case the development triggers a requirement for:-

- Affordable housing
- Sustainable Urban Drainage maintenance
- education/community infrastructure as there is evidence of a under capacity in the locality
- S106 monitoring fee

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

The applicant has submitted a financial appraisal of the development costs of the scheme and this has demonstrated that it cannot afford to pay the level of contribution that would be sought on a development of this size. This is due to the high development costs associated with the scheme as a result of it being built to Code Level 6, on contaminated land, and it having a high proportion of affordable housing.

The proposed contribution level is £500,000 and this is proposed to be spent on the provision of additional school places and community infrastructure provision with emphasis being towards the provision of school places.

The Unilateral Undertaking is also to cover access etc to enable the construction of the pedestrian/cycle bridge over the railway line in future, and the setting up of management company for SUDS maintenance and public open space.

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 amendments to the layout and design of the development have enhanced the visual appearance of the scheme and provided a better quality public realm and environment for residents. This is in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) 2005.
- Whilst there would be an impact on the current privacy and amenity enjoyed by neighbouring sites, it is not considered unacceptable. It is therefore considered the development is in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.
- A safe and convenient vehicle access to the site would be provided and the highway network could accommodate the traffic generated by the development without any adverse impact on highway capacity or road safety. This is in accordance with Policy T1 of the Peterborough Local Plan (First Replacement) 2005.
- Subject to the agreement of additional information to support the Flood Risk Assessment by the Environment Agency, the scheme would accord with the requirements of PPS25 'Development and Flood Risk'.
- Subject to the agreement of additional information to support the contamination report by the Environment Agency, the scheme would accord with Policy U9 of the Peterborough Local Plan (First Replacement) 2005.
- The detailed layout can be designed around the existing trees on the edge of the site in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- The impact of the proposed development upon the ecology of the site is considered to be acceptable. It, therefore, accords with policy LNE19 of the Peterborough Local Plan (First Replacement).
- The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

a) The resolution flood risk, contamination and noise issues with the Environment Agency and Pollution Control;

b) 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 Prior to the commencement of development, or within another such period as may be agreed in writing with the Local Planning Authority, details of all materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**
Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**
- (a) A phasing scheme and schedule of the proposed works;**
 - (b) Provisions to control construction noise and vibration emanating from the site;**
 - (c) A scheme for the control of dust arising from building works and site works;**
 - (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
 - (e) A scheme of working hours for construction and other site works**
 - (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival;**
 - (g) The site compound (including site huts) and parking for contractors and other employee vehicles;**
 - (h) Details of the number and nature of vehicles visiting the site during the construction period, and**
 - (i) A traffic management strategy for the access points to the site.**
- The development shall be carried out in accordance with the approved construction management plan.**
Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).
- C5 No occupation shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C6 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. Development shall be carried out in accordance with the approved details.**
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement).
- C7 Details of the surface water and foul drainage systems for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.**
Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 of the Peterborough Local Plan (First Replacement).
- C8 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning

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

- C9** Prior to the commencement of construction, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground and finished floor levels of all dwellings/buildings to be constructed. Details of all changes in levels must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, and to ensure compliance with the Flood Risk Assessment, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) and PPS25 Development and Flood Risk.

- C10** 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).

- C11** No construction 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 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: To ensure that the development complies with approved details in the interests of Human Health and Controlled Waters, in accordance with planning Policy Guidance (PPG23 Planning and Pollution Control).

- C12** The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of Human Health and Controlled Waters, in accordance with planning Policy Guidance (PPG23 Planning and Pollution Control).

- C13** 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 14 days to the Local Planning Authority, unless otherwise agreed in writing, 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.

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 11.

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 must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 12.

- C14** Prior to the occupation of any of the flats a scheme to provide communal access for each flat to satellite and/or television reception will be submitted to and approved in writing by

the Local Planning Authority and the approved scheme shall be implemented in full and retained as such thereafter.

Reason: In order to prevent a proliferation of such equipment to the detriment of the visual appearance of the development, in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

- C15 All residential units hereby approved shall be constructed to Code Level 6 of the Code for Sustainable Homes, and 40% shall be affordable housing (as defined by the Peterborough Local Plan Policy H21) and shall thereafter be maintained as such.**

Reason: This is because the planning obligation has been negotiated on this basis, in accordance with Policy IMP1 of the Peterborough Local Plan (First Replacement).

- C16 Prior to the occupation of any dwelling a phasing plan for the provision of the public open space areas on site shall be submitted to and agreed in writing with the Local Planning Authority. The public open space shall thereafter be provided in accordance with the approved phasing details unless otherwise agreed in writing by the Local Planning Authority, and these areas shall not thereafter be used for any purpose other than as public open space.**

Reason: In order to provide adequate open space facilities for occupiers of the site and in the vicinity in a manner that is not detrimental to the amenity of the area, in accordance with Policies LT1, DA2 and DA11 of the Adopted Peterborough Local Plan (First Replacement).

- C17 Prior to the construction of each phase of development details of the proposed noise mitigation measures for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. These measures shall be fully implemented prior to the occupation of each dwelling and thereafter retained as such.**

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

- C18 Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing a scheme of enhancements to the main spine road through the site to ensure vehicle speeds are constrained shall be submitted to and approved by the Local Planning Authority. The spine road shall be implemented in accordance with these approved plans.**

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C19 Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing revised road widths between plots 80 and 86 shall be submitted to and approved by the Local Planning Authority. The road shall be implemented in accordance with these approved plans.**

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C20 Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing a minimum width of 6.5m for the road and turning head serving plots 99-113 shall be submitted to and approved by the Local Planning Authority. The road shall be implemented in accordance with these approved plans.**

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C21 Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing the layout of the bus stops adjacent to the open space including hard-standing for passenger waiting areas, shelters, information poles and RTP1 provision shall be submitted to and approved by the Local Planning Authority. The bus stops shall be implemented in accordance with these approved plans.**

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C22** Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing vehicle-pedestrian visibility splays of 2m x 2m either side of dropped vehicular crossings serving shared accesses/roads where they meet the primary roads/footways and 1.5m x 1.5m either side of single vehicular accesses/parking spaces where they meet the primary roads/footways shall be submitted to and approved by the Local Planning Authority. The splays shall be implemented in accordance with these approved plans and thereafter be kept clear of any obstructions over 600m in height.

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C23** Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing vehicle-vehicle visibility splays of 24m x 27m at the junctions of all roads/shared drives with the main spine road shall be submitted to and approved by the Local Planning Authority. The splays shall be implemented in accordance with these approved plans and thereafter be kept clear of any obstructions over 600m in height.

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C24** Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, plans showing a minimum width of 4.5m for the private access parking court serving plots 33-36, 46-54, 81-85 and 108-110 and a minimum width of 5m for the private accesses serving plots 8-13, 15-26, 27-32, 194-201, 218-221 and 185-190 shall be submitted to and approved by the Local Planning Authority. The accesses shall be implemented in accordance with these approved plans.

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C25** Prior to the commencement of any development hereby approved, or within another such period as may be agreed in writing with the Local Planning Authority, details shall be submitted to the Local Planning Authority showing the road levels, form of construction, surface materials, drainage, street lighting street furniture, highway structures and the tying on the new roads to the existing public highway. The highways shall be constructed in accordance with the approved plans.

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C26** Prior to the occupation of any of the dwellings the footway linking that dwelling to the existing adopted footways shall be completed to binder course level and the carriageway linking that dwelling to the existing adopted carriageways shall be completed to base course level.

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

- C27** Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, revised plans showing parking bays perpendicular to the highway being minimum of 5m in length (clear of the adoptable highway) and bays parallel to the highway being a minimum of 6m in length shall be submitted to and approved by the Local Planning Authority. The parking spaces shall be implemented in accordance with these approved plans.

Reason: In the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

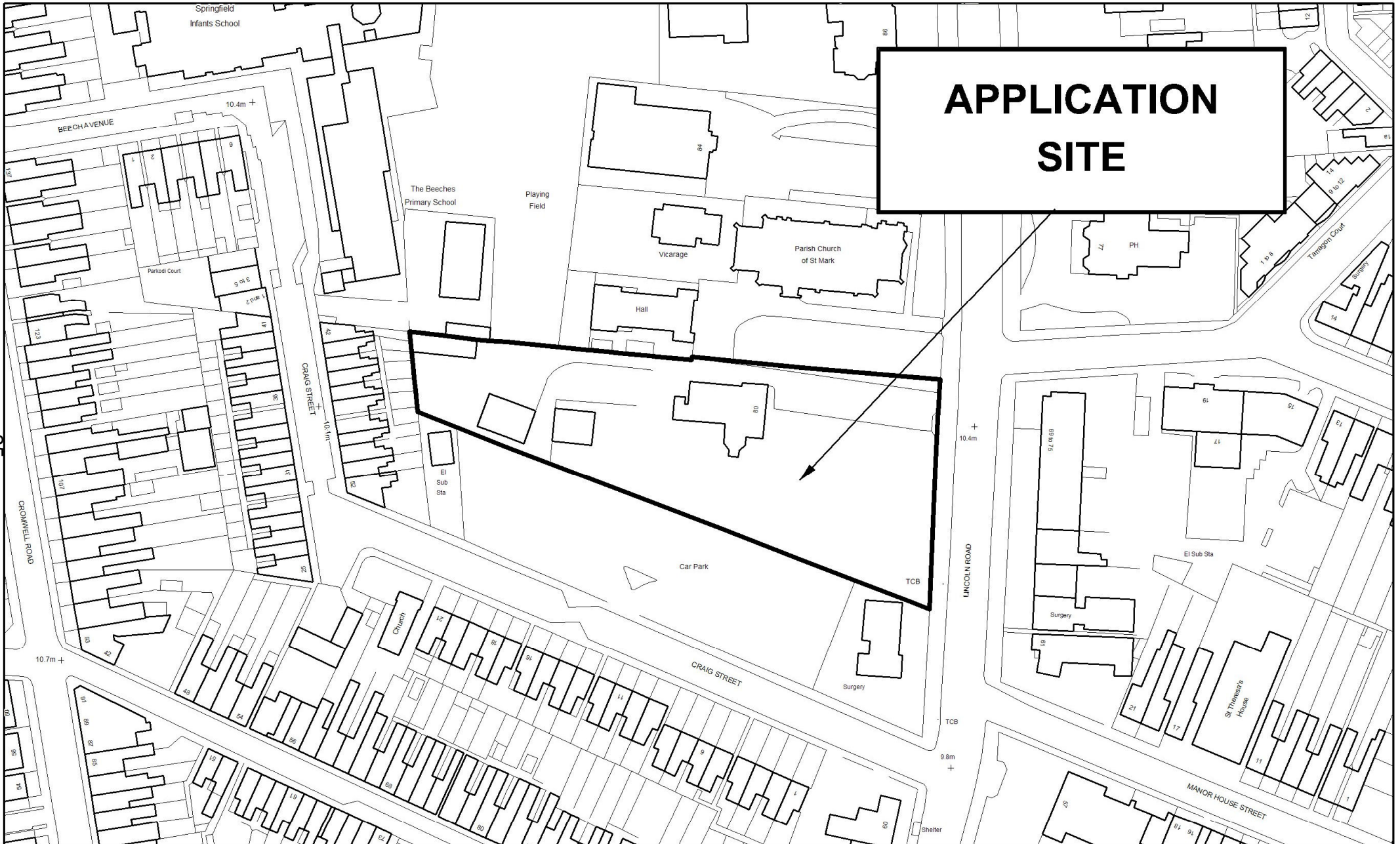
- C28** Prior to the commencement of any development hereby approved or within another such period as may be agreed in writing with the Local Planning Authority, revised plans showing the parking bays serving plots 218-219 repositioned 2m towards the southern site boundary shall be submitted to and approved by the Local Planning Authority. The parking spaces shall be implemented in accordance with these approved plans.
Reason: In the interests of providing adequate turning facilities and in the interests of the safety of users of the roads in accordance with Policy T1 of the adopted Peterborough Local Plan (First Replacement).

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

- R1** A request has been made by the Local Planning Authority to secure community infrastructure 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 Benton, Lee, and Serluca

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**APPLICATION
SITE**

LOCATION PLAN 10/01345/FUL and 10/01346/CON

80 Lincoln Road, Peterborough

Scale 1:1250 Date 27/1/2011 Name MKB Department Planning Services

PCC GIS



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10/01345/FUL:	PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS (2X1 BED AND 2X2 BED FLATS); FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS (6X2 BED HOUSES, 2X3 BED HOUSES, 1X4 BED HOUSE, AND 12X2 BED FLATS) TOGETHER WITH ACCESS, CAR PARKING AND LANDSCAPING
10/01346/CON:	PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS; FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS AT 80 LINCOLN ROAD, PETERBOROUGH
VALID:	28 SEPTEMBER 2010
APPLICANT:	ACCENT NENE LTD
REFERRED BY:	HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES
REASON:	PREVIOUS COMMITTEE INVOLVEMENT
DEPARTURE:	NO
CASE OFFICER:	AMANDA MCSHERRY
TELEPHONE:	01733 454416
E-MAIL:	amanda.mcsherry@peterborough.gov.uk

1 OUTLINE OF THE MAIN ISSUES & CONSIDERATION

The PEP Committee, at its meeting on 23rd November 2010, resolved to approve the two applications subject to the signing of a Section 106 Legal Agreement in order to secure a contribution (of £213,550) to assist in covering the social and physical infrastructure impact of the development. At that time, the proposal was for a mix of private and affordable housing, with 30% of the units being affordable.

Since November 2010, the applicant has been busy securing the funding for the development and has been fortunate enough to be able to secure enough funding to enable all of the units to be affordable rather than just 30%. Whilst this is good news in respect of helping to meet the unmet demand for affordable housing, the consequence is that the scale of the contribution towards meeting the social and physical infrastructure impact of the development is much reduced. The applicant has put forward an economic appraisal of the revised scheme and the Council's Development Implementation Manager (Paul Smith) has evaluated it and confirmed that a reduced Section 106 contribution of £21,000 is acceptable. It is typically the case that 100% affordable schemes are unable to meet the normal Section 106 requirements and the Council has previously been content to accept contributions in or around the £1000 per dwelling mark given the pressing need for affordable housing and the finance restrictions of such developments.

These two changes to the scheme (it now being 100% affordable instead of just 30% affordable and a Section 106 contribution of £21,000 instead of £213,550), are the subject of public consultation. The consultation period closed on 21st January 2011.

One letter of objection has been received, this being from Stewart Jackson MP. The objection raises the following issues and a response is made adjacent to each heading:

a) Allowing only 14 days is insufficient time for reconsultation on the application, particularly given the level of public interest.

Whilst the original (refused) application was the subject of significant objection, few objections expressed concern over the fact it was a 100% affordable housing scheme. For this reason it was felt that a 14 day consultation was appropriate.

b) The proposal is contrary to Policy IMP1 of the Local Plan as there is no basis or policy that allows reduced Section 106 contributions to be paid.

The supporting statement to Policy IMP1 states, '...the viability of development will also be taken into account in preparing such [Section 106] agreements'. This demonstrates that it is legitimate for the Council to allow appropriate discounts in the scale of developer contributions that reflect the relative viability of a development proposal.

c) Is the development cost appraisal submitted by the applicant and methodology used by officers to assess the information available for public scrutiny and or available to Committee Members.

The appraisal is not available for general public consumption as it contains commercially sensitive information. However, it has been made available to Committee members. The applicant has submitted the information using an established methodology created by the Homes and Communities Agency. The Section 106 Officer has checked the key assumptions in the document (such as build cost, loan costs, design costs, profit) are on a par with industry standards. He is satisfied that a reduced Section 106 contribution is justified.

d) When were officers asked to consider the change to the scheme by the applicant?

We were advised by the applicant on 6th January 2011.

A copy of the Committee report dated 23rd November 2011 and an extract from the update sheet have been attached as Appendix 1. Please note that the differences between the conditions in the report in the Appendix (revised wording to C4 and new conditions C15 – C18) and as now recommended are as a result of changes verbally presented to and resolved to be approved by the PEP Committee on 23 November 2010.

As the scheme is unchanged in all other respects, it would not be appropriate to consider any planning matters other than the issue of the proposal to make the scheme 100% affordable and to reduce the size of the Section 106 financial contribution.

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)

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

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

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

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

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 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposed changes are acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan.

Specifically,

- The increase in the provision of affordable housing is supported as it assists in housing the very large number of people on the housing waiting list in Peterborough which is over 9000.
- Although the Section 106 contribution is much reduced, a economic appraisal has been submitted by the applicant and this has demonstrated that the scale of the contribution that can now be afforded is limited to just £21,000. This has been assessed by the appropriate officer and confirmed.

4 RECOMMENDATION

RECOMMENDATION 1 - 10/01345/FUL

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990, the Head of Planning Transportation and Engineering Services be authorised to grant planning permission for 10/01345/FUL 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 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials (including window and doors) to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C4** Prior to occupation of development hereby permitted the vehicle to pedestrian visibility splays shown on the plan no. 945/P/210 Rev A of the following dimensions 2.m x 2.m on both sides of the access shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the highway boundary.

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

- C5** The areas shown on plan 945/P/210 for the parking and turning of vehicles shall be provided prior to occupation of the dwellings and shall thereafter be used for other purpose other than the parking and turning of vehicles in connection with the dwellings.

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C6** Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

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

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

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

- C7** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.

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

- C8** Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-

- i) arboricultural Method Statement
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;
- iii) measures to promote biodiversity in accordance with the Protected Species Survey dated July 2009. These measures should bird, bat, insect and hedgehog boxes/homes;

The hard and soft landscaping work shall be undertaken in accordance with the approved details within 18 months of the commencement of development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C9 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).

- C10 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 6 years from commencement of development.**

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

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

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

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

- C11 Development shall not begin until a scheme showing the provision and location of fire hydrants has been submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.**

Reason: To ensure adequate provision of fire hydrants, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement).

- C12 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement).

- C13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, of a Method Statement detailing the remediation of this unsuspected contamination.**

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

C14 Details of the surface water drainage system for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 of the Peterborough Local Plan (First Replacement).

C15 Prior to occupation of development the areas/spaces shown on drawing no. 945/P/210 Rev A shall be laid out for cycles to park and those areas shall not thereafter be used for any purpose other than the parking of cycles (in accordance with PCC standards attached).

Reason: In the interest of Highway safety, in accordance with Policy T9 of the Adopted Peterborough Local Plan (First Replacement).

C16 No dwelling shall be occupied until the roads and footways connecting that dwelling to the existing public highway have been completed to base course level.

Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5, T7 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C17 The vehicular access hereby approved shall be un gated. The access road/driveway shall be constructed in accordance with the approved plans. The pedestrian gate adjacent the parking area shall open inwards and not outwards onto the adoptable highway.

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

C18 Development shall not commence before details of the levels, form of construction of the highways and details of the piped surface water drainage and street lighting systems thereof have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the new highways are adequately constructed, drained and lighted, in accordance with Policies T1, T3, T5, T7 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C19 All of the dwellings on the site shall be 'affordable' as defined in the supporting statement to Policy H21 in the Peterborough Local Plan (First Replacement) 2005.

Reason: As a result of the development being 100% affordable, it has been demonstrated that the development would not be viable unless a reduction in the scale of contribution required by Policy IMP1 of the Peterborough Local Plan (First Replacement) 2005 and the associated Planning Obligation Implementation Strategy (2010) is given.

HOWEVER, if the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Transportation and 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 a S106 contribution, 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).

RECOMMENDATION 2 - 10/01346/CON

The Head of Planning Transportation & Engineering Services recommends that 10/01346/CON is application is APPROVED subject to the following conditions:

C1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C2 The demolition hereby approved shall not be commenced until such time as a contract for carrying out the works of residential redevelopment has been made and detailed planning permission granted for the development to which the contract relates.

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

Copy to Councillors Hussain, Khan, Jamil

P & EP Committee: 23 NOVEMBER 2010

ITEMS NO 3

10/01345/FUL: PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS (2X1 BED AND 2X2 BED FLATS); FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS (6X2 BED HOUSES, 2X3 BED HOUSES, 1X4 BED HOUSE, AND 12X2 BED FLATS) TOGETHER WITH ACCESS, CAR PARKING AND LANDSCAPING

10/01346/CON: PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS; FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS

AT 80 LINCOLN ROAD, PETERBOROUGH

VALID: 28 SEPTEMBER 2010

APPLICANT: ACCENT NENE LTD

REFERRED BY: HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES

REASON: PREVIOUS COMMITTEE INVOLVEMENT

DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY

TELEPHONE: 01733 454416

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is to convert (with selective demolition) 80 Lincoln Road into 4 flats, to fully demolish all outbuildings and construct 21 dwellings (12 flats and 9 houses).

This is a revised scheme following the refusal at Full Council of a development of 34 dwellings (27 flats and 7 dwellings) and the complete demolition of 80 Lincoln Road (Thurston House).

The main considerations are:

- The impact of the development on the Conservation Area and 80 Lincoln Road
- The impact of the development on trees and ecology
- The proposed design and layout
- The impact on neighbouring sites
- Car parking provision
- Housing provision
- S106 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

Relevant policies are listed below with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

CBE3 Development affecting a conservation area is required to preserve or enhance the character or appearance of that area.

CBE4 Demolition of unlisted buildings which make a positive contribution to the character or appearance of a conservation area will not be granted, unless there are overriding reasons, or there are replacement proposals which make an equal or greater contribution.

LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.

LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.

DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.

DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.

DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.

DA7 The needs of people with disabilities must be met in terms of access and provision of appropriate facilities.

CC8 New residential development in the city centre is supported provided suitable amenity for residents is provided.

CC15 Controls the provision of new city centre car parking for proposed developments.

CC16 New city centre development, should provide secure, safe, convenient and high quality parking for cycles.

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

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

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

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

PPS5 Planning and the Historic Environment, seeks to protect historic buildings, conservation areas and the historic environment.

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

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

- vi) relevant to planning;
- vii) necessary to make the proposed development acceptable in planning terms;
- viii) 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)
- ix) fairly and reasonably related in scale and kind to the proposed development;
- x) 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.

There is relevant guidance in the Park Conservation Area Appraisal.

3 DESCRIPTION OF PROPOSAL

This is a joint committee report to cover:

1. 10/01345/FUL, the full application for the proposed residential development, and
2. 10/01346/CON, the conservation area consent for the demolition and partial demolition of buildings on site.

Full planning permission is sought under planning reference 10/01345/FUL for conversion of the existing main building into 4 flats (2 x 1 bedroom, 2 x 2 bedroom), 6 two bed houses, 2 three bed houses, 1 four bed house, and 12 two bedroom flats together with access, car parking and landscaping. Conservation Area consent is sought under reference 10/01346/CON for partial demolition of the main Thurston House/Gayhurst Victorian villa, and full demolition of all the other buildings on site.

A total of 25 residential properties would be provided on the site, 16 flats and 9 houses. 12 two bed flats would be accommodated within Block A. This is a three storey L-shaped block which fronts onto Lincoln Road and its design reflects the large terrace of former houses opposite. 4 flats would be accommodated within the retained Thurston House, 2 one bedroom and 2 two bedroom flats. Each flat would have one car parking space.

Of the 9 houses that would be provided; 3 dwellings are to be accommodated in Blocks D (a two storey high row of terrace properties); 2 dwellings in Block E (a two storey high pair of semi detached properties); and 4 dwellings are located in Block C (a terrace of 3 two storey high and 1 two and half storey properties). Each of the 2 bedroom properties would have one car parking spaces, and the 3 and 4 bedroom properties each have two car parking spaces.

30% of the residential units will be affordable. A total of 32 secure cycle parking spaces are to be provided for the flats and each of the dwellings would have a cycle storage. The site is to be access from Lincoln Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within the city centre boundary and Park Conservation Area as defined by the Local Plan. The site is located on the west side of Lincoln Road. It is positioned to the south of St Mark's Church and Beeches primary school site, and to the north of the Craig Street surface level public car park and NHS building. To the west of the site are the rear gardens of the two storey residential houses on Craig Street.

The site covers an area of 5,070 sq metres. It is occupied by a large substantial Victorian brick built villa, now in commercial use, located in the centre of the plot, along with various minor outbuildings at the western end of the site. The main building has many surviving original features and is a good example of the Victorian buildings that are characteristic of this part of Lincoln Road. The site is also characterised by its mature tree lined southern and eastern boundaries and the spacious nature of the plot.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
10/00502/FUL	Construction of 34 dwellings together with access, car parking and landscaping		Refused
10/00510/CON	Demolition of all buildings on site including offices and garages		Refused
09/00838/FUL	Construction of 8 dwellings, 32 apartments, NHS Recognition Centre (A2 or B1 (a) use together with access car parking and landscaping	29.09.2009	Refused
09/00839/CON	Demolition of all buildings on the site including offices and garages	29.09.2009	Refused
98/01036/FUL	Erection of three prefabricated units for storage of office furniture and equipment	02.11.1998	Approved
97/00756/FUL	Use as office	12.09.1997	Approved
94/P0220C	Renewal of planning permission P1531/88/C/R for residential development comprising of 6 maisonettes and 14 flats with parking	17.11.1994	Approved
P1531'88	Residential development comprising maisonettes and 14 flats with parking	10.04.1989	Approved
P0982'85	Temporary use for furniture storage	23.12.85	Approved
P0464'85	Erection of 24 No. elderly persons flats	18.07.1985	Approved
P0074'80	Continued use as offices	19.02.1980	Approved

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Comments awaited

Environmental Health – Comments awaited

Landscape Officer – Objection - Block A is in close proximity of the tree and so there will be considerable shading and possible pressure for pruning works.

Wildlife Officer – No objection.

Drainage – No objection – Recommend condition requiring full design details of the proposed drainage systems proposed for this development should be forwarded for approval.

Waste Management – No objection – Happy with the location of the underground facility.

Housing Strategy – 7 units to provide the on site 30% affordable housing is acceptable.

Police Senior Architectural Liaison Officer – No objections

EXTERNAL

Fire and Rescue – No objection but comments that a hydrant will be required for this development

English Heritage – Following the previous refusals on site, welcomes the retention and conversion of the original portion of Thurston House. Raises some concerns about the materials, design, scale and massing of Block A and the resulting impact on the Conservation Area and Thurston House. Concerns the brick piers between the proposed railings be deleted.

Peterborough Civic Society – Welcomes the substantial retention of Thurston House, but regrets the loss of the spacious garden setting. However raises no further objection to the principle of the new development. The only concerns that remain are in respect of the vehicle access and landscaping. This particularly in respect of the design and finishes of the access which does little for the setting of Thurston House.

Anglian Water – No objection

Neighbours – No letters of representation have been received

COUNCILLORS

None received

7 REASONING

a) Background

The proposal is a revised scheme following the refusal of permission (by Full Council on 29th 14th July 2007) for a development of 34 dwellings that involved the demolition of the whole of 80 Lincoln Road (Thurston House) and the associated outbuildings.

The application Ref: 10/00502/FUL for construction of 34 dwellings was refused by Full Council for the following reasons:

1. The proposed development fails to preserve or enhance the character of the area being a sensitive area adjacent to St Marks Church in the Conservation Area. This is therefore contrary to Policy CBE 3 of the Peterborough Local Plan First Replacement (2005).
2. Thurston House/Gayhurst is a historically important and significant building which makes a significant positive contribution to the character and appearance of the Park Conservation Area. The proposed replacement buildings (under planning reference 10/00502/FUL) are of insufficient quality to make an equal or greater contribution to the Conservation Area. This is therefore contrary to Policy CBE4 of the Peterborough Local Plan First Replacement (2005).
3. The proposed development fails to provide suitable amenity for residents as there is inadequate provision of shops, open space and suitable leisure provision within the area. This is therefore contrary to Policy CC 8 of the Peterborough Local Plan First Replacement (2005).

Since the last decision the applicant has made the following changes to the submission:

- Retention and conversion of the main part of Thurston House into flats
- Reduce number of units from 27 apartments and 7 dwellings to 16 apartments and 9 dwellings
- Reduction from 36 car parking spaces to 28
- Deletion of Block B apartments (as this is where Thurston House is sited)
- Redesign of block A to allow views through to the retained Thurston House
- 30% units are affordable as opposed to 100% previously

Assessment of the Planning Issues

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

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

The existing building on site 'Thurston House' and nearby buildings (including the St Marks Church and other former Victorian villas), the curtilage and street trees, are identified by the Park Conservation Area (2007) as features which make a positive contribution to the townscape of the Conservation Area. EH9 of PPS5 advises that there should be a presumption in the favour of the 'conservation of designated heritage assets' Policy CBE4 follows a similar line.

A starting point is to consider the character of the area. The Park Conservation Area Appraisal was adopted in March 2007 and provides important planning guidance. The character of the Park Conservation Area is broadly that of large Victorian villa style properties set within large plots with frontage trees. Of relevance to consideration of the proposed demolition the appraisal advises:-

-That there is a general presumption against intensification of plot use and demolition of buildings which make a positive contribution to the character and appearance of the conservation area.

-Plan 7.2 (Townscape Appraisal) identifies buildings that have a positive effect on the conservation area: Thurston House, St Marks Church and other nearby Victorian villas, curtilage and street trees all make a positive contribution to the character and appearance of the conservation area

- "Further loss of original buildings is directly at odds with the conservation area objectives" Section 5.5

Specifically Thurston House has many surviving architectural features and is a good example of the Victorian buildings characteristic of this part of Lincoln Road. Thurston House and nearby buildings make a positive contribution to the townscape of the conservation area. The Council are currently considering whether Thurston House should be added to the revised Local List.

In view of the previous refusals for planning permission and conservation area consent, this scheme now proposes to retain the main part of Thurston House and convert it into 4 flats, and demolish only the rear section of the building. Officers welcome the substantial retention of this traditional building.

Of the other buildings to be demolished only the former stable block to the rear of the site has merit. However, this is not readily visible from outside the site and its contribution to the conservation area is more limited. There would be no objection to the demolition of this building in order to provide development opportunity which consisted of some new build in the curtilage of the retained the principle building.

It is not only the Thurston House building itself that positively impacts on the townscape, but also its extensive grounds and curtilage trees which are typical of the Victorian character. This character is also shaped by the building line, together with consistent eaves and ridge heights on buildings nearby.

The existing building on this does respect the building line and is not dominant in the street scene due to the strong tree presence on the site frontage and the large set back of the building. The set back allows views of the adjacent church and in particular its spire, which is a local landmark feature. This openness and the views that it provides, is also a part of the current character. The design of the new build respects this character. Development is set back within the site. This retains the important treed frontage to Lincoln Road and avoids intruding on views of the spire of St Marks Church viewed from the south.

Block A to the southern part of the site allows the retention of significant views of Thurston House, particularly from Church Walk. The real gain in this proposal is the retention of Thurston House and its presence in the streetscene. It is therefore considered that the proposed development would not cause unacceptable harm to the character and appearance of the Park conservation area.

c) The impact of the development on trees and ecology

Trees

The site is characterised by a line of mature trees that run along the southern boundary of the site, adjacent to the Craig Street car park. All trees on site are protected by their location within the Conservation Area. The eastern boundary of the site fronting on to Lincoln Road also has a tree lined character, however these trees are of more varying maturity, with the more important trees found at the site corners.

The majority of the trees on the southern boundary are category A and B trees. These are trees that have been designated as having a high to moderate value, and as a result are recommended for retention in all new developments, where possible. They comprise mature Chestnuts, Limes and Yews, some of which rise to 18m in height. The proposed development recognises the importance of this mature tree belt on the southern boundary and seeks to retain them as part of the new proposal. The Councils Landscape Officer advises that the retained trees along the southern boundary will cast considerable shade over nearly half the site and that pressure to prune these trees post-development will be inevitable. These concerns were also expressed by the Landscape Officer under the last application, however this application due to the re-siting of Block A, does bring the development closer to the retained trees on the southern boundary of the site.

This aspect, too, has to be weighed against any benefits that arise from the provision of the development here. Officers again consider that the public benefit arising from the development is sufficient to offset the pressure to prune these trees.

Ecology

The ecological assessment accompanying the application identified the need for a more detailed bat survey to be carried out. A second bat report was undertaken, dated September 2009, which updated the first dated July 2009, and addressed the initial concerns. The recommendations of both reports (other than 8.3 and 8.4 of the first report dated July 2009) should be secured by condition in the issue of any planning permission. The other recommendations of the submitted assessment were for the use of native species in the planting proposals, that there be no site clearance or hedge/tree removal within the bird nesting season, and the provision of bird, bat, insect and hedgehog boxes on site. These can be secured by the provision of planning conditions.

The recommendation that 'all mature trees be retained on site' cannot be complied with as the scheme does propose the felling of some mature trees on site.

d) The proposed design and layout

The design of Block A (to Lincoln Road) follows a traditional approach to reflect the Victorian character of the area such as use of the two storey canted bays, yellow stock bricks and eaves detailing similar to the late 19thC buildings. This is not fundamentally out of context with the Victorian character of the immediate locality.

However the revised elevation negotiated under the previous application is preferable and is currently being sought. Some other minor design changes are being sought and Members will be updated of this at Committee. The use of yellow stock bricks, contrasting red brick detailing and stone dressings is appropriate. Should permission be granted a condition is recommended to ensure that the design of the fenestration is appropriate within the Conservation Area.

The boundary to Lincoln Road has been revised to omit short plinth walls and pillars in place of railings throughout. This change is welcomed for the future health of the trees and to avoid an over dominant frontage appearance made by walls and piers.

e) The impact on neighbouring sites

The amended submission reduces the impact on St Mark's Church to the North of the site. It is not considered that the siting, layout and design of the residential dwellings would result in any harmful impact on the neighbouring residential properties.

f) Car parking

12 car parking spaces would be provided for the 9 dwellings on site, and 16 spaces for the 16 apartments. The Local Highway Authority advise that the parking levels are in accordance with PCC maximum standards. Cycle parking in accordance with policy will be secured by planning condition.

g) Housing

The development provides the required 30% affordable housing provision. The achievement of such accommodation, close to the City Centre, is a positive and is a real benefit arising out of the overall scheme.

h) S106 Planning obligation

The S106 contribution required for this development is in accordance with the Peterborough's Planning Obligations Implementation Scheme SPD £106,000 and £107,550 contribution towards public open space. 7 of the units on site will also provide the affordable housing provision for the site.

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

8 CONCLUSIONS

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

The retention and conversion of the main part of Thurston House has addressed previous reasons for refusal of permissions on this site. The density of development has been reduced, as has the massing and height of development by the deletion of Block B. The principal conflict remaining is the relationship of Block A with the adjacent trees and the shading and pressure for pruning that could result. This has to be weighed against the need for the development and the benefits that it will bring to the city.

Specifically:

- The provision of affordable housing which is required to help house the very large number of people on the housing waiting list in Peterborough which is over 9000.
- A high quality designed scheme that takes into account the attributes of the Conservation Area including Thurston House, the trees and surrounding architectural style.

Your officers have concluded that the balance tips in favour of the grant of permission, for both applications.

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, the Head of Planning Transportation and Engineering Services be authorised to grant planning permission for 10/00502/FUL 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 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials (including window and doors) to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C4 The pedestrian visibility splays shown on plan 945/P/210 Rev P10 shall be provided prior to the occupation of the development and thereafter maintained free from any obstruction over a height of 600mm within the area of the splays**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C5 The areas shown on plan 945/P/210 for the parking and turning of vehicles shall be provided prior to occupation of the dwellings and shall thereafter be used for other purpose other than the parking and turning of vehicles in connection with the dwellings.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C6 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**

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

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

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

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**

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

- C8 Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-**

- i) arboricultural Method Statement**
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;**
- iii) measures to promote biodiversity in accordance with the Protected Species Survey dated July 2009. These measures should bird, bat, insect and hedgehog boxes/homes;**

The hard and soft landscaping work shall be undertaken in accordance with the approved details within 18 months of the commencement of development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C9 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).

- C10 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 6 years from commencement of development.**

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

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

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

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

- C11 Development shall not begin until a scheme showing the provision and location of fire hydrants has been submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.**

Reason: To ensure adequate provision of fire hydrants, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement).

- C12 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement).

- C13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, of a Method Statement detailing the remediation of this unsuspected contamination.**

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

- C14 Details of the surface water drainage system for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local**

Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 of the Peterborough Local Plan (First Replacement).

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

R1 A request has been made by the Local Planning Authority to secure a S106 contribution, 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).

2. The Head of Planning Services recommends that 10/01346/CON is application is APPROVED subject to the following conditions:

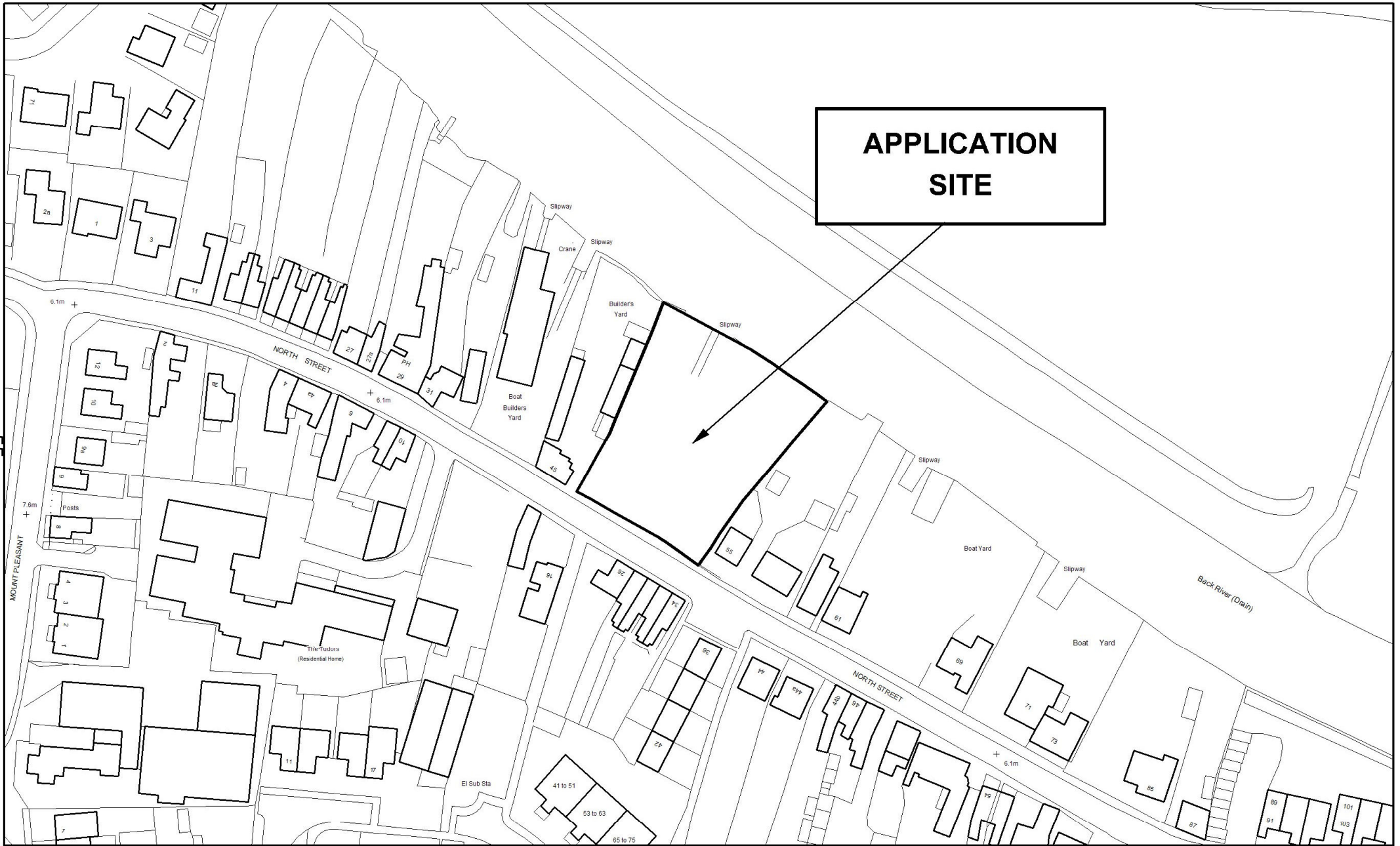
C1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C2 The demolition hereby approved shall not be commenced until such time as a contract for carrying out the works of residential redevelopment has been made and detailed planning permission granted for the development to which the contract relates.

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

Copy to Councillors Hussain, Khan, Jamil



**APPLICATION
SITE**

LOCATION PLAN 10/01704/FUL

Land between 45 and 55 North Street, Stanground, Peterborough

Scale 1:1250 Date 27/1/2011 Name MKB Department Planning Services

PCC GIS



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10/01704/FUL: CONSTRUCTION OF SIX TWO BED AND TWO THREE BED DWELLINGS AT LAND BETWEEN 45 AND 55 NORTH STREET, STANGROUND
VALID: 10 DECEMBER 2010
APPLICANT: CROSS KEYS HOMES
AGENT: MR ROB CHIVA, ARCHITECTS DESIGN CONSORTIUM
REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES
REASON: PREVIOUS CASE DETERMINED AT PLANNING AND ENVIRONMENT COMMITTEE
DEPARTURE: NO
CASE OFFICER: MISS ASTRID HAWLEY
TELEPHONE: 01733-454418
E-MAIL: astrid.hawley@peterborough.gov.uk

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
- Ecology
- 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 Statement (PPS) 9 ‘Biodiversity and Geological Conservation’) August 2005

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

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

It should be noted that this is a revised application for a residential development of 8 dwellings following the refusal of the previous application (10/00738/FUL) for 8 dwellings for the following reasons:

- 1) The three storey design of Plots 6, 7 and 8 with its windows in the habitable rooms at third floor level will result in extensive and detrimental overlooking of the gardens of adjacent residential properties. The proposal is therefore contrary to Policy DA2 of the Peterborough Adopted Local Plan (First Replacement) 2005
- 2) The height of Plots 6, 7 and 8 is out of keeping with the form of development in the locality and has an overbearing appearance in relation to adjacent land uses. The proposal is therefore contrary to Policies DA1 and DA2 of the Peterborough Adopted Local Plan (First Replacement) 2005.
- 3) Given the nature of the previous uses of the site, the site is likely to suffer from contamination and therefore a Phase 1 contamination report is required inform the appropriateness of the development, remediation and subsequent necessary undertakings. No such report has been submitted and the proposal is therefore contrary to the provisions of paragraphs 23 and 24 of PPS23 Planning and Pollution Control (2004).
- 4) The applicant has failed to make adequate provision for the infrastructure requirements arising from the development. The proposal is therefore not in accordance with Policy IMP1 of the Peterborough Local Plan (First Replacement) 2005.

The revised application is proposed as an entirely two storey development of one two storey terrace comprising three two bedroom properties and one two storey pair of three bedroom properties fronting onto North Street. A two storey terrace of three, two bedroom properties is proposed to the rear of the frontage development. The block is orientated so that the frontage faces east and overlooks the communal car parking court. All six units are proposed as affordable housing.

The proposed vehicular access is off North Street. A private 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 is 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 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. However, a sycamore tree on the site is to be retained. 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
10/00738/FUL	Construction of three two bed and five three bed dwellings	19.10.10	Refused

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – The Local Highway Authority (LHA) has not objected to the development. Conditions relating to the provision of car parking spaces prior to occupation, the provision and retention of vehicle to pedestrian visibility splays, temporary facilities and wheel wash equipment during the construction phase are recommended for imposition on the decision.

Drainage Engineer – 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.

Tree 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. The applicant has provided tracking that shows Peterborough City Council's (PCC) refuse trucks can access the site to collect refuse directly from the front of the proposed rear block of 3 houses. Given that the road is not intended for adoption the applicant has also entered into an indemnity agreement with PCC indemnifying the Council from any damage arising from collection.

Wildlife Officer – No objection. The evaluation contained within the submitted ecological report is considered acceptable. Native species of trees and shrubs should be used within the landscaping proposals for the site. As suggested at section 5.7 of the report, bird and bat boxes could be provided to the site in order to enhance the ecological character of the area.

Environmental Health (Pollution Control Team) – No objection. The findings of the Site Investigation Report (reference number: C12146A) relating to contaminated land are accepted. Appropriate remediation requirements have been recommended within this report and these should form the basis of a scheme of remediation works. It is recommended that the scheme for remediation, a timetable for carrying out the works and a validation report (post completion of the remediation scheme) is required via the imposition of planning conditions.

EXTERNAL

Police Architectural Liaison Officer – No objection. The security to the rear of the homes should be secured through suitable boundary treatments, lighting and landscaping.

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 and unsuspected 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 – No objection. 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:

- Increased demand 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.
- Potential for parked cars to be damaged by construction traffic.
- Increased, noise, reflection from headlights, nuisance and pollution caused by additional traffic generated by the development (including during construction), particularly for those neighbouring the site.
- Concerns that the submitted speed survey was undertaken at a time when traffic was being diverted to avoid road works at the junction for Church Street and South Street.
- Concerns that the increased traffic when taken alongside other recently approved schemes will present a highway safety issue.
- Concerns that too much car parking will be provided on site and that the level exceeds the Adopted Peterborough Local Plan (First Replacement) 2005 parking standards.
- Securing appropriate enclosure treatments to the development's boundaries.

- Concerns about the long term maintenance of the proposed shared amenity space and communal car parking court.
- Concerns that the rear car parking court will cause noise disturbance to neighbour amenity and result in a detrimental impact on the ecological character of the site given its proximity to the Back River.
- Concerns that the proposal is at a higher density than is compatible with the character of the area and that it constitutes overdevelopment.
- Concerns that controlled access gates could result in traffic waiting on North Street whilst attempting to access the site, causing congestion and resulting in a detrimental impact on highway safety. In addition concern that gates would cause noise disturbance.
- Concerns that the design, form and materials proposed for use in the construction of the development will not be in keeping with the character of the area.
- Concerns about the proximity of the development to the Back River and its impact on views from the Back River/Stanground Wash.
- 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.
- Concerned that the landscape detail is insufficient and fails to preserve the ecological and landscape character of the area.
- Impact on property prices (not a planning issue).

COUNCILLORS

Cllr Walsh and Rush have referred the case to the Planning and Environmental Protection Committee on the grounds that the application fails to respect the character and amenity of the area and will have a detrimental and visual impact on its surroundings. They consider that the proposal for a high density development would constitute overdevelopment and would be out of character with the existing low density dwellings within the 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) 2005. 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) 2005 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. The overriding character is that of two storey development, although the street scene does comprise a number of bungalows. 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 has been dropped in height to two storeys. It is considered that this reduction in height results in a built form that is in keeping with the existing two storey development to either side of the site. Given that the site slopes down in height from North Street and taking account of the ridge height the

rear block will not be visible from the street scene or result in a significantly overbearing impact on the adjacent neighbouring dwellings. It is therefore considered that the reduction in the height of the rear block has addressed one of the reasons for the refusal of the previous application.

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 is of an appropriate density that 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. A condition will also be imposed to secure that suitable materials are used within the construction of the dwellings.

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) 2005.

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) 2005.

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 rear block has been dropped in height from three to two storey. The block is positioned so that it is east/west facing and orientated so that views to those plots proposed to the front of the site or the existing neighbouring dwellings to the south east or south west are at an oblique angle. There is approximately 24 metres separation distance from the front of plot 6 to the rear of number 55 North Street and approximately 21 metres separation distance from the rear of plot 6 and number 45 North Street. It is therefore considered that 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. It is therefore considered that the reason for the refusal of the previous application has been addressed.

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 in terms of noise/nuisance 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) 2005.

e) Highway Implications

The Local Highway Authority (LHA) has not objected to the application. The proposed vehicle to vehicle visibility splays are acceptable in accordance with manual for streets 2.

It is noted that the number of car parking spaces provided exceeds the Adopted Peterborough Local Plan (First Replacement) 2005 parking standards for residential development. Recent revisions to Planning Policy Guidance 13: Transport (PPG13) has however resulted in the removal of maximum car

parking standards in recognition that Local Planning Authorities require greater flexibility in determining the car parking requirements associated with new developments. It is noted that much of the car parking within the vicinity of the site is on street and it is also apparent from the representations received that local residents are concerned that new housing would result in an increased take up of on street parking. It is therefore considered that the overprovision of spaces in this location would address local residents concerns about the increase in the demand for car parking and ensure suitable provision for the future occupiers and visitors to the site, in accordance with the advice provided in PPG13.

The Local Planning Authority usually recommends 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.

It is therefore considered that the proposal is in accordance with Policy T10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

f) Landscaping Implications

The Tree 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) 2005.

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 within Flood Zone 1 and floor levels are set above 6.0 m (Above Ordinance Datum (AOD) residential development would be acceptable.

It is noted that the layout put forward provides finished floor levels to the rear block of houses (north part of the site) at 5.6 m AOD. Notwithstanding the findings of the FRA, The Environment Agency has confirmed that the proposals for the dwellings that are located to the north (back part) of the site to be located at 5.6 m AOD is acceptable, given that all the houses are to be located within Flood Zone 1 with the finished floor levels still to be located above the 1000 year flood event. It is recommended that a condition ensuring that development is carried out in accordance with these finished floor levels is imposed on the decision.

The northern most part of the site falls within Flood Zones 2 and 3 however development in this area is limited to the veranda to the north side of Plot 8 and the communal car parking court only, where it is considered that suitably porous surfacing materials can be used to ensure drainage. The Environment Agency has confirmed that from a flood risk point of view they do not object to this part of the development.

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 provided comments on the previous application (reference:10/00738/FUL), advising that given the former uses of the site the applicant would be required to undertake a phase 1 desk study to establish the risks associated with contamination of the site. In order to assess the risks associated with the presence of ground contamination the linkages between the sources and potential receptors to contamination need to be established and evaluated. The applicant has undertaken a Site Investigation Report (Reference: C12146A) and identified that the linkage between contamination from the existing buildings and drainage will be removed as a result of the construction phase, which will include a scheme of remediation measures including the inspection of existing drains, removal of damaged sections/repair or replacement and the introduction of a capping layer to residential gardens/communal areas.

The Council's Pollution Control Officer has accepted the findings of the Site Investigation Report subject to securing a suitable scheme of remediation works prior to the commencement of development, via the imposition of a planning condition. This scheme will require the applicant to identify all proposed remediation works, a timetable for implementation and the identification of any mitigation measures in the event that they are required. The applicant will also be required to submit a verification report, for approval by the Local Planning Authority, following completion of the remediation works to demonstrate the effectiveness of the remediation measures carried out.

The Environment Agency has advised that based on the findings of Site Investigation Report they consider that the redevelopment of the site poses a low risk to Controlled Waters, and therefore raise no objection, subject to the imposition of the recommended conditions relating to development being carried out in accordance with the Flood Risk Assessment, and that in the event that unsuspected contamination is found to be present during development work ceases until a remediation strategy has been approved by the Local Planning Authority.

It is therefore considered that the third reason for the refusal of the previous planning application (reference: 10/00738/FUL) has been satisfactorily addressed.

i) Ecology

Natural England has not objected to the application. The ecological survey that was submitted with the application noted that there is no constraint to the proposed development from habitats, plants or protected species on site, largely due to its previous uses. It is recommended that a condition requiring a construction management plan, the use of native species in any proposed landscaping and the provision of bird and bat boxes is imposed on the decision in order to enhance the biodiversity of the site.

j) S106

It should be noted that a S106 contribution is required towards the Strategic and Neighbourhood Infrastructure costs arising from the development in accordance with the Planning Obligation Implementation Scheme SPD (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.

k) Other Matters

Maintenance of amenity areas

It is envisaged that the long term maintenance and management of the site will be delivered by the applicant Cross Keys Homes or any subsequent Registered Social Landlords.

Construction Traffic

It is recognised that construction traffic will result in some additional vehicular movements along North Street as well as generating increased noise on site throughout the construction phase. Any disruption will be temporary in nature and last only throughout the development of the site. The contractors will be required to adhere to appropriate working hours and good practice on site, the details of which will be secured via condition as part of the Construction Management Plan. The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works if any future problems arise.

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.
- Vehicular access, turning area and on site parking to serve the development can be provided.
- 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) 2005.

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) 2005.

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) 2005.

C4 No development shall commence on site until a scheme for the soft 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) 2005.

C5 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) 2005.

C6 Prior to the commencement of development, and notwithstanding the approved plans, additional plans showing the existing and finished levels, 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) and the Environment Agency's email from Emma Kirk to Astrid Hawley dated 05.10.10 the ground floor levels of all new buildings shall be constructed above 5.6 m AOD and at least 150mm above surrounding ground or path levels, unless

otherwise agreed in writing with the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

- C7 The car parking spaces for each dwelling as shown on site layout drawing number 104/D (-02 Rev A Received 22.01.11) 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) 2005.

- 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 Rev A Received 22.01.11.**

Reason: In the interests of highway safety in accordance with policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- 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) 2005.

- 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) 2005.

- 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 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.

- C13** 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) 2005.
- C14** 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.
- C15** 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 mitigation measures detailed within the FRA and as varied by the Environment Agency's email from Emma Kirk to Astrid Hawley dated 05.10.10. 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
- C16** 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) 2005.
- C17** 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 Site Investigation Report (C12146A), 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).

C18 The remediation scheme approved under condition 17 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).

C19 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 C17.

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 (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 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 Adopted Peterborough Local Plan (First Replacement) 2005.

C21 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 order to safeguard and protect the visual amenity of the area and the biodiversity of the site in accordance with Policies LNE6 and LNE9 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C22 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, details of a scheme for the provision of bat roosting boxes and bird nesting boxes, including the design, proposed location and number of boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be implemented on site in accordance with the approved details, prior to the first occupation of the dwellings, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to enhance the biodiversity of the site in accordance with Planning Policy Statement 9 (Biodiversity and Geological Conservation) and Policies LNE 15 and LNE16 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Recommended Informatives:

- 1) This permission should be read in conjunction with, and the development is subject to, the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and associated legislation between (to be inserted) and Peterborough City Council dated (to be inserted).

- 2) 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 or contact Allan Bond on 01522 785877.

- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.

- 10) It is noted from the ground investigation report that imported topsoil material will be used. The attached document provides guidance in relation to any soil imported onto the site.

- 11) The responsibility for providing information on whether the site is contaminated rests primarily with the developer.

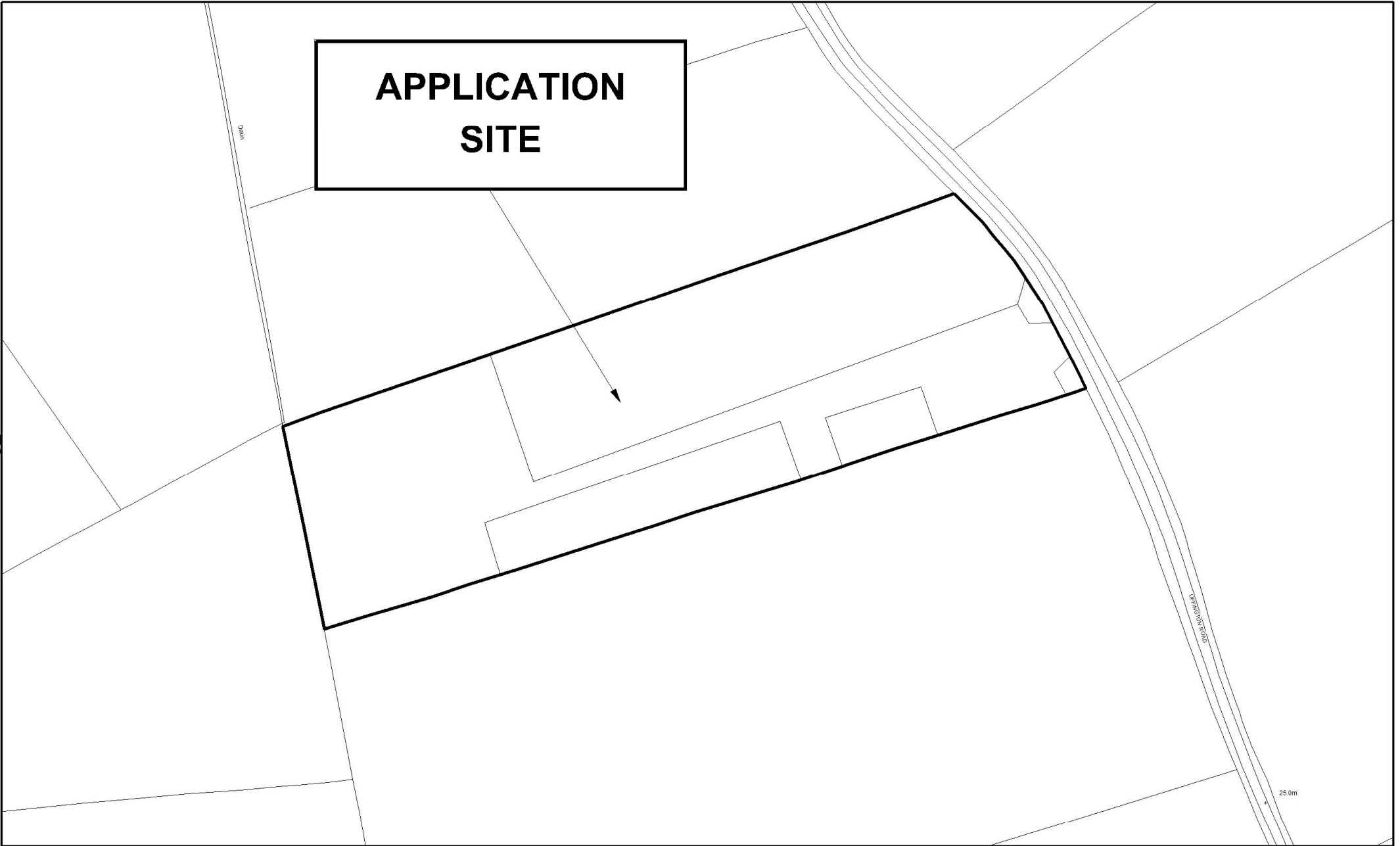
Where Planning Permission is granted for a site on which the presence of contamination is known or suspected, a separate notice should be issued to the applicant stating that the responsibility for safe development and secure occupancy of the site rests with the developer.

It should also warn the applicant that the local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.

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) 2005.

Copy to Councillors Cereste, Rush, Walsh.



LOCATION PLAN 10/01594/FUL

Land to the West of Uffington Road, Barnack, Stamford

Scale 1:2500 Date 27/1/2011 Name MKB Department Planning Services

PCC GIS



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10/01594/FUL: CONSTRUCTION OF A BARN FOR RABBIT BREEDING AND CONSTRUCTION OF A POLYTUNNEL FOR TREES, SHRUBS AND PLANTS TO THE LAND TO THE WEST OF UFFINGTON ROAD, BARNACK, STAMFORD

VALID: 19 NOVEMBER 2010

APPLICANT: MR PHILLIP KERRY, T&S NURSERIES

AGENT:

REFERRED BY: PARISH COUNCIL

REASON: BUILDING ON THIS LAND IS INAPPROPRIATE, OUTSIDE THE VILLAGE ENVELOPE, IMPACT ON NEIGHBOURS, HIGHWAY SAFETY

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:

- Impact of the development on the Area of Best Landscape
- Impact on neighbours

The Head of Planning Transport and Engineering 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)

LNE1: Development in the countryside

Will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, and outdoor recreation or public utility services.

LNE5: Area of Best Landscape

Development should conserve and where possible enhance the distinctive landscape character, and should not be allowed where development fails to respect local building forms, retain important trees, reflect the relationship between a settlement and its landscape setting, retain important features, safeguard important views and be sympathetic to the local topography.

Material Planning Considerations

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

Planning Policy Statement 7: Sustainable development in rural areas (PPS7). This Statement states that the countryside should be protected for its own sake, but also sets out that development that delivers diverse and sustainable farming enterprises should be encouraged. Much agricultural activity falls outside the planning system, however development proposals which enable farming and farmers to develop and diversify sustainably, as well as diversifying and adapting to changing markets and opportunities, should be supported.

Local landscape designations, such as apply in this case, are supported however acceptable sustainable development and economic activity should not be unduly restricted.

3 DESCRIPTION OF PROPOSAL

The proposal is to erect one polytunnel, for horticultural use, and one barn for the raising of meat rabbits and for the hydroponic production (growing of plants without the use of soil) of their feed. The site would also be used for the raising of plants.

The polytunnel would be almost 27m long and 8m wide, set about 27m back from the roadway. The barn would be 27m long and almost 9m wide, about 6m to eaves and 8m to ridge, and set back from the roadway by about 10m.

It is also proposed to alter/widen the existing access points, and add a third access point, from Uffington Road into the field.

An area of hardstanding would be created adjacent to the barn for the parking and turning of vehicles.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises a field with a width of about 100m and depth of 350m. The field is set at the beginning of a rise in the landscape, with the lowest part of the field along Uffington Road. Currently there are two small access points through the hedged boundary to the road.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/00649/FUL	Erection of boundary fencing, stables, hardstandings and use of land for grazing horses	19/7/2007	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Have no objection if the current access arrangements are unaltered. [Note: this is not currently clear from the submission]

Tree Officer – There are only 2 road side trees on site, both are in fairly poor condition and not worthy of a TPO. As such, I have no objections to this proposal.

Landscape Architect – No objection in principle, subject to further details being approved including landscaping details, appearance, and reduction in number and scale of accesses, if possible.

The block plan suggests extensive trees around the site; landscape proposals are required before any approval is made.

EXTERNAL

Parish Council – objects on the following grounds

Previous planning permission has not been complied with

Housing may be developed in the future

Site is outside village envelope and any building would be inappropriate

No facility shown for storage of manure

Vehicular access dangerous - road is a very narrow country lane

Obvious that a new business is going to be run from the site – will create additional traffic

Why is a septic tank proposed – would not be practical

Conditions of previous permission should be applied

None of the residents have been consulted

NEIGHBOURS

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

- The village envelope should be respected
- Site is an area of best landscape with a ditch which could become polluted with run off from rabbit rearing production
- Development will be visible across the open countryside and will have a detrimental impact just before the entrance to the village
- Will necessitate a number of vehicles accessing the road at a dangerous point
- The same conditions should be placed on this as on the previous application for a stable block
- Why is a septic tank proposed
- Existing owners have not kept to granted planning permission
- Fields are full of wild rabbits
- No need for this development
- Owners already have two accesses instead of one
- House may be applied for next

COUNCILLORS

There has been no Member comment.

7 REASONING

a) Introduction

It is important to note that the activities proposed, being agricultural (horticulture is included in the planning definition of agriculture), do not require planning permission. It is only the structures that require permission. The agricultural permitted development rights for new buildings do not apply as the site is less than 5ha in area, however the provision of sewers, mains etc are permitted development.

Planning Policy Statement 7 encourages farm diversification in the interests of supporting the rural economy and providing jobs. The applicant company appears to be a well-established horticultural business, and the stated intention is to raise plants on the site as well as to diversify the business into raising meat rabbits. Some activity has taken place in terms of planting, but this does not require planning permission.

b) Planning history

Neighbours, and the parish council, have referred to a previous permission for a stable building, and have reported that the conditions appended to that permission have not been kept to. The permission does not appear to have been implemented, and therefore the conditions would not apply.

They have also requested that the same conditions be applied to this application, however the two proposals are materially different and therefore the conditions may not be suitable.

c) Policy issues

Policy LNE1 restricts development in the open countryside, however the proposed development is to support agriculture and horticulture and therefore falls within the allowances of the Policy.

Policy LNE5 controls development within Areas of Best Landscape, and requires that careful consideration is given to development in the area in terms of appearance, scale and landscaping, to ensure that the distinctive landscape character is conserved.

The policy has 6 specific requirements, which are examined in detail in d) below.

d) Impact on area of best landscape

Policy LNE5 has six specific requirements:

a. Respect local building forms in terms of scale, mass, style and materials. It is not considered appropriate to insist that a new barn is built of local stone. Timber cladding would be appropriate, on a building of suitable scale. The applicant has been asked for further information to justify the scale of the building, and has stated that the height is necessary in order to allow gases such as ammonia to rise up into the roof to be vented out.

The polytunnel will be smaller and less obtrusive than the barn, but with a greater potential to become unsightly if it is not maintained. It is therefore recommended that a condition is appended requiring the removal of the polytunnel if it is not in use.

b. Retain trees that form an important element in the landscape. This does not apply as no trees are affected by the development.

- c. Reflect the relationship between a settlement and its landscape setting. This does not apply as the site is not within a settlement, and is not close enough to materially affect the relationship between Barnack and its setting.
- d. Retain important and distinctive features. The only particular feature on the site which would be affected is the hedge along the boundary to Uffington Road. The applicant has been asked to submit further justification for the additional/widened access points and this will be set out in the Update Report.
- e. Safeguard important views. There is undoubtedly a view from Uffington Road across the application site and the neighbouring fields, towards Pilsgate. The Area of Best Landscape is extensive, covering most of the western half of the Unitary area, and the site is close to the edge of the designated area. As the structures would be at the low end of the site, long views would not be significantly affected. Subject to further detail on the appearance of the building, it is not considered that there would be any significant detrimental impact on important views.
- f. Sympathy to local topography. The proposed structures would be at the low end of the site, near to the road, where there is a very gentle slope.

The Landscape Architect has requested further details of landscaping, however it appears that the landscaping on the block plan is inaccurate as trees are shown outside the site where there are no trees. No landscaping is proposed, and it is not considered that any would be necessary as the proposed structures do not have a significant impact on the landscape.

e) Highway Safety

Neighbours have commented on the possible dangers from allowing an increase in activity at the site, however the Local Highway Authority has raised no concern in this respect. Clarification has been sought from the applicant regarding the need for an increased number and width of access points and this will be reported to Members in the Update Report.

f) Possible future housing requirements

Some neighbours and the Parish Council have expressed concern that there might be pressure for residential accommodation on the site in the future, and the applicant has stated that they intend to apply for a mobile home on the site, to accommodate staff to care for the livestock. The Committee should not take into account what future applications may be made, and should determine the proposal on the basis of the information submitted.

g) Other matters

Various comments have been made by neighbours, those which are not covered above include:

Pollution/manure/run off/septic tank

The construction of a building for breeding animals does not of itself require approval under the Building Regulations, however a septic tank, and any heating system required, would be covered. This would ensure that the drainage was to a suitable standard. It is likely that a septic tank would be required to service staff facilities, and also such things as a sink for cleaning equipment.

The applicant has advised that dry manure would be composted down and reused on the site.

Waste water from washing down will be collected in a tank and later used for irrigation. A condition is recommended requiring details of this system.

Rabbits in the fields

Although wild rabbits can be caught and processed for human consumption, this is not sufficient reason to prevent their commercial production, or to refuse this application.

Consultation

Several neighbours commented that they had not been consulted. It is usual to consult adjoining properties to an application site, however in this case there are no directly adjoining neighbours. The nearest residential properties are about 350m away and although residents might be able to see the proposed building from their homes, this is not a valid planning objection. Site notices were posted.

8 CONCLUSIONS

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

The proposal is for buildings to support local agriculture and horticulture

The buildings are of a suitable size and scale for the locality

The character of the Area of Best Landscape will not be unacceptably affected

The proposal is therefore in accordance with Policies DA2 and LNE5 of the Peterborough Local Plan 2005 (First Replacement) and the provisions of Planning Policy Statement 7.

9 RECOMMENDATION

The Head of Planning Transport and Engineering 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 No development shall take place until details of all materials to be used in the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

C3 Should the approved polytunnel remain out of use for growing plants for a period of more than six months it shall be dismantled and removed from the site.

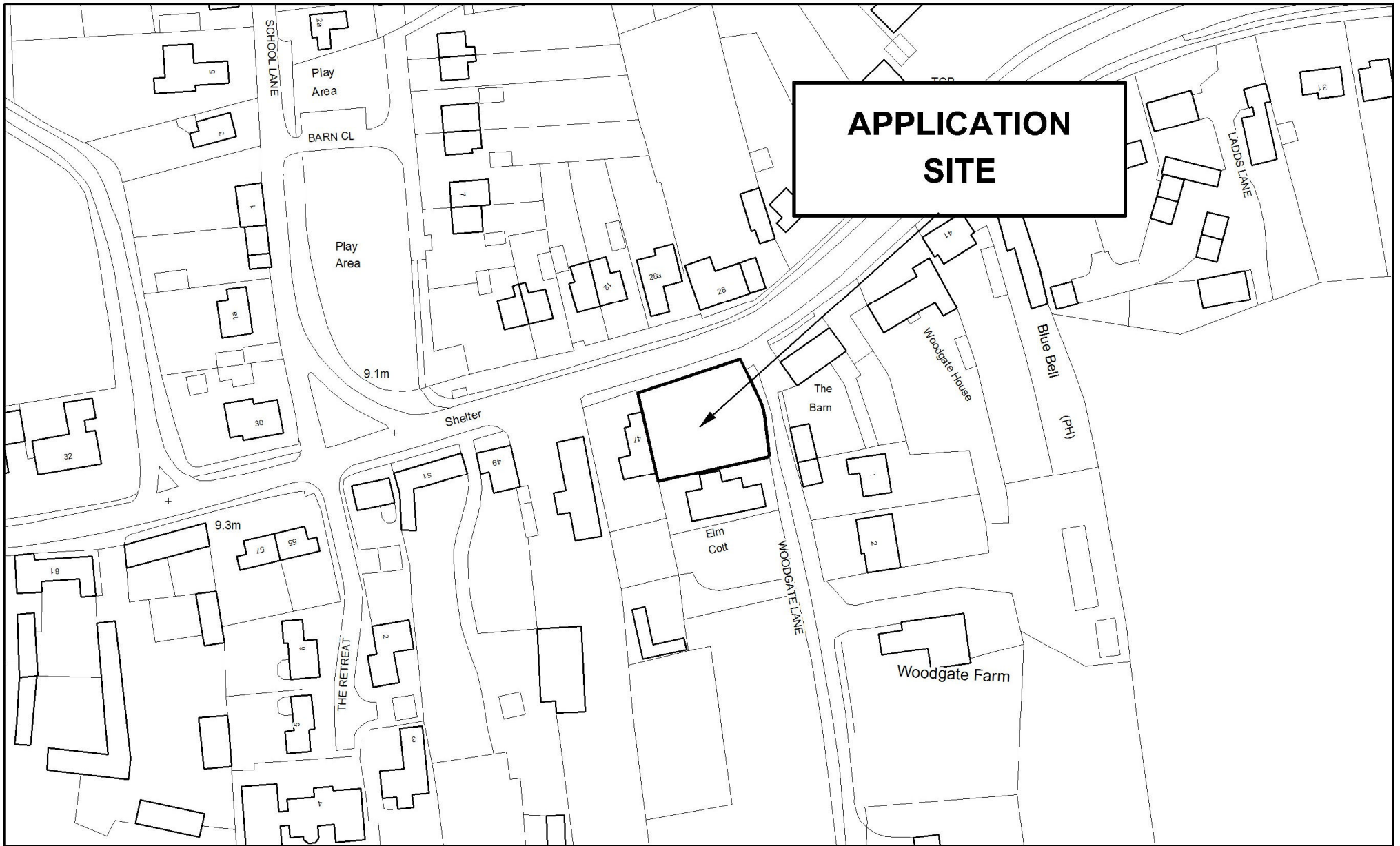
Reason: In order to protect the amenity of the area in accordance with Policies DA2 and LNE5.

C4 Prior to the commencement of development details of the drainage and storage system for liquid waste shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: In the interests of controlling pollution in accordance with Policy U9 of the Peterborough Local Plan 2005 (First Replacement).

Copy to Councillor Over

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LOCATION PLAN 10/01648/FUL

45 High Street, Maxey

Scale 1:1250 **Date** 27/1/2011 **Name** MKB **Department** Planning Services

PCC GIS



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10/01648/FUL: CONSTRUCTION OF 2 SEMI-DETACHED HOUSES AND 1 LINK DETACHED HOUSE (1 X 3 BED AND 2 X 4 BED) WITH PARKING AT 45 HIGH STREET, MAXEY, PETERBOROUGH

VALID: 14 DECEMBER 2010

APPLICANT: SEAGATE HOMES LTD

AGENT: ROBERT DOUGHTY CONSULTANCY LIMITED

REFERRED BY: COUNCILLOR HILLER

REASON: PARKING/HIGHWAY REASONS, OVER-DEVELOPMENT OF THE SITE, IMPACT ON NEARBY LISTED BUILDINGS AND MAXEY'S CONSERVATION AREA

DEPARTURE: NO

CASE OFFICER: MATT THOMSON

TELEPHONE: 01733 453478

E-MAIL: matt.thomson@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Policy context and the principle of development;
- Design and visual amenity
- Whether the proposal will impact on the Historic Environment; and
- Highway Implications

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

- DA1 Townscape and Urban Design:** Planning permission will only be granted for 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 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.
- H11 Group Settlements:** Group settlements have been identified in accordance with the Criteria of Structure Plan Policy SP3/4
- H16 Residential Design and Amenity:** Planning permission will only be granted for residential development if a basic standard of amenity can be secured.
- CBE2 Other Areas of Archaeological Potential or Importance:** Planning permission will only be granted for development that will affect areas of archaeological potential or importance if the need for the development outweighs the intrinsic importance of the remains and satisfactory arrangements can be made for the preservation or investigation and recording of the remains.

CBE3 Development Affecting Conservation Areas: Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character or appearance of that area.

T1 Transport implications of New Development: Planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

T10 Car and Motorcycle Parking Requirements: Planning Permission will only be granted for car and motorcycle parking outside the city centre if it is in accordance with standards set out in Appendix V.

Planning Policy Statement (PPS) 1: Delivering Sustainable Development

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

It states: 'Community involvement is vitally important to planning and the achievement of sustainable development. This is best achieved where there is early engagement of all the stakeholders in the process of plan making and bringing forward development proposals. This helps to identify issues and problems at an early stage and allows dialogue and discussion of the options to take place before proposals are too far advanced'.

Planning Policy Guidance (PPS) 5: Planning and the Historic Environment

The PPS states: 'It is fundamental to the Government's policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.'

'Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area.'

'the setting of a building may....often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration....Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building'.

'The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest'.

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

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

In addition Circular 05/2005 states the following principles:

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

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

Planning Obligations Implementation Scheme – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010 (Cabinet Decision). Prior to adoption, the POIS was the subject of a 6 week public consultation period between March and April 2009. The POIS sets out the Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991).

Associated with the POIS is the Peterborough Integrated Development Programme (IDP). Its purpose is to provide a single delivery programme for strategic capital-led infrastructure which will allow for appropriately phased growth and development in the period to 2031. This document builds on the previous version of the IDP completed in April 2008. The purpose of the IDP is to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and importantly show how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years or so, why we need it, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that we have a coordinated plan of action on infrastructure provision.
- Form the basis for bidding for funding, whether that be from: Government; Government Agencies; lottery and other grants; charities; private sector investment; and developer contributions (s106 and potentially CIL).

In this context, the IDP is the fundamental bedrock to support two emerging policy documents of the City Council: the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategy priorities and infrastructure items which will enable the delivery of the city's growth targets for both jobs and housing identified in the Regional Spatial Strategy (RSS) (commonly known as the East of England Plan) and the Core Strategy. The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', instead they are well evidenced investment priorities that will contribute in an unambiguous manner to enhancing the area's economic performance, accommodating physical growth and providing a basis for prosperous and sustainable communities.

The IDP is holistic. It is founded on a database for infrastructure provision that reflects delivery by the private sector, the City Council and a range of agencies and utilities. This late 2009 review adds to the programme for Peterborough; and all partners are committed to developing the IDP's breadth further through engagement with a broader range of stakeholders, including those from the private sector.

The document has been prepared by Peterborough City Council (PCC) and Opportunity Peterborough (OP), with the assistance from EEDA and other local strategic partners within Peterborough. It shows a "snap shot" in time and some elements will need to be reviewed in the context of activity on the growth agenda such as the emerging Core Strategy, City Centre Area Action Plan (CCAAP), and the Long Term Transport Strategy (LTTS) plus other strategic and economic strategies and plans that are also identifying key growth requirements. As such, it is intended that this IDP will continue to be refreshed to remain fit-for-purpose and meet the overall purposes of an IDP as set out above.

Other Guidance

Maxey Conservation Area Appraisal (2007)

3 DESCRIPTION OF PROPOSAL

The proposal is to erect 3 dwellings; two 4 bed and one 3 bed dwellings. Each dwelling has 2 off street parking spaces. Each of the dwellings has its own dedicated rear amenity spaces.

Vehicular access to the rear of Plots 1 & 2 has an oversail/bridge unit above it which forms part of the upstairs accommodation to Plot 1.

The application as originally submitted had a shared driveway and parking for Plots 1 & 2 which front and are accessed from High Street. Plot 3 was accessed separately from Woodgate Lane. Highways raised objections to the shared driveway for Plots 1 & 2 on the grounds of highway safety and inadequate access dimensions, not meeting National Highway standards. Revised plans (Rev A) have been submitted to address this issue, the revised plans shows Plot 1 as having its own dedicated driveway from High Street, and Plots 2 and 3 will utilise tandem parking off Woodgate Lane.

At the time of writing this report further amendments have been requested from our Conservation Officer relating to minor architectural detailing of the properties.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site has been subject to several applications for residential redevelopment over the past 5 years. In 2006 the site was host to a 1960's bungalow, now demolished. Footings have been constructed on site, however these were not in accordance with a previous approved scheme and work has since stopped. The site is cordoned off by security fencing and is effectively rough ground.

The site is within Maxey's conservation area and is a key feature in the village street scene. The surrounding land uses are residential with a bus depot/workshop (Shaws of Maxey) to the West.

The Barn on Woodgate Lane, 26 & 28 High Street situated to the immediate North and East are Grade 2 listed buildings.

5 PLANNING HISTORY

05/00535/FUL - Demolition of bungalow and erection of two dwellings with detached double garages (Withdrawn)

06/01923/FUL - Demolition of existing bungalow and erection of two dwellings (Approved)

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Highways objected to the proposal as originally submitted on 2 grounds;

- a) the lack of pedestrian and vehicular visibility splays; and
- b) the inability of 2 vehicles to pass at the entrance to the shared access off High Street.

These issues have been addressed by;

- a) the deletion of the shared access off the High Street; and
- b) provision of visibility splays

Highways Officers have reviewed the revised plans and state the scheme has been altered to overcome the LHA concerns with the width of the shared access. However the required vehicle-to-vehicle and vehicle-to-pedestrian visibility splays are not shown correctly. Nevertheless, the LHA is satisfied that the majority of the issues can be addressed by condition.

Rights of Way Officer – No objection - No recorded right of way in the area.

Conservation Officer – No Objection – request minor amendments to remove bargeboards from the dormer windows and add quoin detailing to Plots 2 & 3.

Archaeology Services – No objection - The proposed development is unlikely to cause significant damage to important archaeological remains.

Environmental Health - No objection – No Observations.

S106 Officer – The proposal will create 2 x 4 bedroom dwellings and 1 x 3 bedroom dwelling. The appropriate POIS charge rate a 3 bed dwelling is £6,000 per dwelling and a 4 bed dwelling is £8,000 per dwelling, hence a S106 contribution of £22,000 is sought using POIS. A 2% Monitoring Fee of £440 also applies.

Education – Have requested £30,700 towards Primary and Secondary Education.

Affordable Housing Officer – No Objection - It is not considered appropriate to expect an on site provision of affordable housing.

EXTERNAL

Parish – Objects for the following reasons;

- Overdevelopment of the site;
- Will lead to parking on the highway;
- Highway safety;
- Loss of amenity to The Barn;
- Frontage of the development; and
- Impact to setting of neighbouring listed buildings and Conservation Area.

NEIGHBOURS

3 letters of objection have been received in response to the initial consultation raising the following issues.

- The plot does not afford the opportunity to subdivide into three separate dwellings;
- Height and scale of the proposal is excessive and overbearing; it is not sympathetic to the surroundings;
- The tunnel is not in keeping with other buildings in the village and significant risk to highway and pedestrian safety;
- Parking on High Street;
- Highway safety;
- Loss of light and view;
- Noise;
- Environmental impact; and
- Contrary to Local Plan and Maxey Conservation Area Appraisal

7 REASONING

a) Introduction

The proposal was the subject of a pre-application enquiry late last year, where the principle of development was supported by officers.

b) Policy context and the principle of development

The principle of development must be considered under Policy H11; Maxey has been identified within the Local Plan for limited housing groups and infill. The site of development is situated within the centre of the village.

c) Design, Layout and Impact on the Conservation Area and adjacent Listed Building

The proposed development is for three dwellings which have a deliberate variation of articulated form, height, arrangement and detailing. This is to ensure that the development 'reads' as three separate dwellings.

Plot 1 is a one and a half storey cottage with a first floor oversail element included, which will create a 4 bedroom dwelling. The floor area of the Plot 1 will be 6.7m x 7.7m and proposes to stand at 3.5m to eaves and 7.1m to highest point. The first floor oversail link will have a floor area of 3.1m x 7.2m and stands at 6.6m to the highest point.

Plots 2 and 3 are effectively one unit utilising a T shape footprint. Plot 2 will have a floor area of 6.3m x 7.65m and Plot 3 will have a floor area of 7m x 10m; together they propose to stand at 4.7m to eaves and 8.2m to highest point.

A number of objections have expressed the view that the proposal represents overdevelopment. The table below shows how the current scheme compares to the previously approved scheme.

	2006 Approval	Current Proposal
Frontage Width to High Street	25.1m	23.2m
Ridge Height	8m	8.2m / 6.6m / 7.1m

Frontages

The frontage of the development will be less overall than the 2006 approval; the frontage onto High Street will be 1.8metres less, and the frontage onto Woodgate Lane will be 1.3metres less.

Roof Heights

The 2006 permission permitted a ridge height of 8m; the design of which represents a uniform barn style design. The proposal will utilise 3 different ridge heights; Plot 1 standing at 7.1m to ridge, the oversail link at 6.6m and Plot 2 & 3 standing at 8.2m on the corner of High Street and Woodgate Lane.

The ridge height of The Barn, to the immediate East, has a ridge height of 7.85m.

Oversail Link

Such links are not common features in villages, however the link is recessed behind the cottage and main two storey element, therefore it is not considered the link will be a distinctive feature that detracts from the overall character or appearance of the street scene and conservation area.

Materials

The development proposes replica Collyweston slate and Stamford Stone, which is in keeping with the local palette of materials. The Conservation Officer has recommended a condition be attached to ensure a lime-based mortar is utilized in accordance with Cambridgeshire Conservation Note 4.

Garden Sizes

All three properties will have dedicated amenity spaces which are proportionate to the size of the dwellings. Please see table below for garden sizes.

Garden Sizes	
Plot 1	8.6m x 7.5m (64.5m ²)
Plot 2	14m x 4.8m (71.28sqm ²)
Plot 3	6.1m x 8.6m (52.46sqm ²)

The development is considered to follow the spirit and context of the area; the proposal will be set close to the front of the site, creating a pinch point along Main Street, the design of which addresses both High Street and Woodgate Lane. The development will utilise replica Collyweston slate and stone, which is in keeping with the local palette of materials. The differentiation in height and form is considered to heighten visual interest, strengthen the village townscape and maintains the experience of varying spaces and uses when travelling through the village.

By virtue of size, scale, design, materials and appearance the proposal is considered to preserve and enhance the character and appearance of the Conservation Area and street scene, and is considered to be in accordance with Policies DA1, DA2, CBE3 and H16 of the Peterborough Local Plan (First Replacement), PPS5 and Maxey Conservation Area Appraisal.

d) **Impact to neighbouring Amenity**

There were concerns that bedroom 2 to plot 3 would overlook the primary rear amenity space of The Barn, located to the immediate East. The distance between this window and the neighbours amenity space is in the region of 16 metres. Following consultation the window has been relocated to face South and has overcome the issue. To maintain architectural interest and a balanced appearance a false window will be utilised on the Woodgate Lane elevation.

28A High Street (Rosewood), directly opposite the site, has raised objections to the proposal stating it will create a loss of light. The distance between the proposal and No.28A is in excess of 18metres, and therefore it is not considered the proposal will overshadow this property and result in a demonstrable loss of light to primary windows.

No. 47 High Street abuts the boundary between the two plots; a dining room window faces onto the proposed rear amenity space of Plot 1. This is a historic relationship that previously existed shared with the 1960's Bungalow. The proposed development is not considered to result in a loss of light or privacy to this window compared to the previous relationship.

By virtue of size, scale and appearance the proposal is not considered to create an overbearing form of development that would detract neighbouring amenity by way of loss of light or privacy, and is considered to be in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

e) **Highway Safety**

Highways objected to the proposal on 2 grounds;

- c) the lack of pedestrian and vehicular visibility splays; and
- d) the inability of 2 vehicles to pass at the entrance to the shared access off High Street.

These issues have been addressed by;

- c) the deletion of the shared access off the High Street; and
- d) provision of visibility splays

Highways have reviewed the revised plans and state the scheme has been altered to overcome the LHA concerns with the width of the shared access. However the required vehicle-to-vehicle and vehicle-to-pedestrian visibility splays are not shown correctly. Nevertheless, the LHA is satisfied that the majority of the issues can be addressed by condition.

f) **S106**

The S106 contribution required by the Planning Obligations and Implementations Scheme (POIS) has been agreed by the Applicants Solicitors. Subject to the granting of Planning Permission a S106 contribution of £22,000 will be sought and a 2% Monitoring Fee of £440 also applies.

Education have requested a contribution of £30,700 towards Primary and Secondary Education. Having discussed the matter with the S106 Officer, POIS includes a contribution towards Education; therefore the POIS calculation should be used in this instance.

g) **Archaeology**

The Archaeology officer responded with no objections to the proposal, stating 'the proposed development is unlikely to cause significant damage to important archaeological remains' – the proposal is considered to be in accordance with Policy CBE2 of the Peterborough Local Plan (First Replacement).

8 CONCLUSIONS

By virtue of size, scale, design, materials and appearance the proposal is considered to preserve and enhance the character and appearance of the Conservation Area and street scene. The proposal is not considered to create an overbearing form of development that would detract neighbouring amenity by way of loss of light or privacy. The proposal is considered to be in accordance with Policies DA1, DA2, CBE2, CBE3, H11, H16, T1, T10 of the Peterborough Local Plan (First Replacement), Planning Policy Statement 5 and the Maxey Conservation Area Appraisal.

9 RECOMMENDATION

The Head of Planning, Transport and Engineering Services recommends that this application is APPROVED for the following reason:

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

- the design of the dwellings are considered of appropriate size, scale and appearance to the context of the village and conservation area, and will not result in any adverse impact on the visual amenity of the area, nor detract neighbouring amenity.

Hence the proposal accords with policies DA1 and DA2, CBE2, CBE3, H11, H16, T1 and T10 of the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Statement 5.

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 Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 Prior to the commencement of development all roof materials shall be submitted to and approved in writing by the Local Planning Authority. Once approved the materials shall be laid in accordance with the manufacturer's specifications and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C3 Prior to the commencement of development samples of the gauged brick to be used in the segmental brick arches shall be submitted to and approved in writing by the Local Planning Authority. Once approved the materials shall be laid in accordance with the manufacturer's specifications and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C4 All facing masonry shall be carried out using locally sourced natural limestone, laid in level courses and pointed using a lime-based mortar finished in accordance with Cambridgeshire Conservation Note 4. No development shall take place until samples of all stone, quoins, lintels and sills have been inspected on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C5 Notwithstanding the submitted plans hereby approved, large scale drawings of the construction of the chimneys shall be submitted to, and agreed in writing by, the Local Planning Authority. Works shall be undertaken on site in accordance with the approved details.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C6 All windows and external doors shall be of timber with the frames set back a minimum of 75mm behind the face of the masonry. Scaled cross section drawings (1:2) and elevation drawings (1:10), or manufacturers details, of all new windows and doors, including details of glazing bars, sills and lintels shall be submitted to, and agreed in writing by, the Local Planning Authority. Works shall be undertaken on site in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. The windows shall be side-hung flush fitting casements and have symmetrical elevations, with fixed and opening lights of the same dimensions. Standard storm proofed joinery will not be acceptable.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C7 Notwithstanding the submitted plans hereby approved, the finish of the dormer cheeks and apex and size and finish of the timber bargeboards shall be submitted to, and agreed in writing by, the Local Planning Authority. Works shall be undertaken on site in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C8 Notwithstanding the submitted plans hereby approved, details of rainwater goods shall be submitted to an approved in writing by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C9 Details of soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C10 All verges, with the exception of the dormers, are to be plainly pointed.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C11 No development shall take place until details of the means of ventilating the roof space, if proposed, have been submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C12 Details of any services which may be visible on external elevations, particularly pipes and extract or ventilation equipment, shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the details shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C13 The dwellings shall not be occupied until the parking shown on the approved plans have been constructed, in accordance with the details submitted to and approved in writing by the Local Planning Authority. The parking shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the dwellings.

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

C14 Surface water shall be disposed of by means of a soakaway, but if found to be unsuitable by way of a satisfactory percolation test an alternative method shall be used that has been approved by the Local Planning Authority.

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

C15 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), planning permission will be required for extensions, openings and dormer windows, porches, outbuildings, hard surfaces, chimneys, flues or soil and vent pipes, microwave antenna, fences and gates.

Reason: In order to protect the amenity of the area, in accordance with Policies DA2 and CBE3 of the Peterborough Local Plan (First Replacement).

C16 The development shall not commence until details of all boundary walls and fences have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such boundary treatment shall be maintained to the satisfaction of the Local Planning Authority.

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

C17 The dwellings shall not be occupied until the areas shown as parking (2 spaces per dwelling) on plan 564-30-SP01 E has been drained and surfaced with a bound material in accordance with details submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwelling.

Reason: In the interest of Highway safety, in accordance with Policies T9, T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

C18 The buildings shall not be occupied until the vehicular accesses have been constructed in accordance with the approved plans.

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

C19 Notwithstanding the details shown on plan 564-30-SP01 E, prior to commencement of development, a revised plan showing the required vehicle-to-vehicle visibility splays at both accesses shall be submitted to and approved in writing by the Local Planning Authority.

- Visibility splays clear of any obstruction over a height of 600mm above verge level at Woodgate Lane, shall be provided on both sides of the access with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 23m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel

line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access).

- Visibility splays clear of any obstruction over a height of 600mm above footway level at High Street shall be provided on both sides of the access with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 43m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access). Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C20 The vehicular access to Woodgate Lane hereby approved shall be un gated.
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

C21 Notwithstanding the details shown on plan 564-30-SP01 E, prior to commencement of development, a revised plan showing the required vehicle-to-pedestrian visibility splays at both accesses shall be submitted to and approved in writing by the Local Planning Authority. Before the dwellings are occupied or the new access brought into use, the vehicle-to-pedestrian visibility splays shall be provided on both sides of the accesses and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 1m x 1m measured from and along respectively the highway boundary.
Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

Notes to Applicant – Recommended Informatives:

1. Building Regulations
2. Vents, which project above the surface of the roof covering, will not be acceptable.
3. Mechanical ventilation and vents to comply with the building regulations should not project above the roof slopes and either appropriate tile vents slates or one way vents in the roof voids should be used.
4. **Numbering and Naming**
Public Health Act 1925 S17-18
The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact Kim Everett on (01733) 453476 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings.
Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.
5. **Vehicular Crossings S184 Access Works**
Highways Act 1980 - Section 184, Sub-Sections (3)(4)(9)
This development involves the construction of new or alteration of existing vehicular crossings within a public highway.
These works **MUST** be carried out in accordance with details specified by Peterborough City Council.
Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Please contact Brian Rowcroft, Area Highway Inspector on 01733 453479 for more information.

6. **NR&SWA 1991**

The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licensed under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Peter Bringham – Street Works Coordinator on 01733 453578.

7. **INF53 S148 Penalty for depositing on highway**
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.

8. **INF54 S149 Penalty for depositing on highway**
Highways Act 1980 - Section 149

If any thing is so deposited on a highway as to constitute a nuisance, the local authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

- No visibility splays have been shown at either access. The annotation is included, but no splays have actually been drawn on the plans.
 - The vehicle-to-pedestrian visibility splays are required at both accesses. At the Woodgate Lane access the splays could not be located within the verge as pedestrians will walk along the verge, particularly when vehicles are approaching.
- The vehicle-to-vehicle visibility splays annotated are inadequate, but adequate splays appear to be achievable.
- It is still unclear on plan 564-30-SP01 E exactly where the site boundary is located and it would appear that there may be an encroachment onto the public highway. The applicant must submit a plan overlaying the site boundary onto the proposed site layout before any development is carried out.
- If the proposed 'car ports' are to remain part of the scheme, it is likely that the individual householders would require a dividing wall between the halves of the car port. In addition, it must be conditioned that no doors can be installed on the car ports as garages are frequently used for storage rather than parking and the LHA would have concerns if less than the maximum standard of parking be provided in this location.

Copy to Councillor Hiller