

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 22 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>14 February 2011</i>

AGENDA

PAGE NO

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting held on 25 January 2011** 1 - 6
5. **Development Control and Enforcement Matters**
 - 5.1 **10/01622/WCPP & 10/01644/WCPP - Land Off Thorney Road, Eye, Peterborough** 7 - 18
 - 5.2 **10/00966/FUL - 98 Dogsthorpe Road, Peterborough** 19 - 26
 - 5.3 **10/01518/FUL - Land to the rear of 68 to 72 Thorpe Lea Road, Peterborough** 27 - 44
 - 5.4 **10/01735/R3FUL - Longthorpe Primary School, Bradwell Road, Netherton, Peterborough** 45 - 54



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

MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

Councillor North (Chairman), Councillor Lowndes (Vice-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 25 January 2011

Members Present:

Councillors – North (Chairman), Hiller, Serluca, Thacker, Todd, Winslade, Ash, Lane and Harrington

Officers Present:

Simon Machen, Head of Planning, Transport and Engineering Services
Nick Harding, Group Manager, Development Management
Janet Maclennan, Senior Development Management Officer
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Lowndes (Vice Chair) and Burton.

Councillor Winslade attended as substitute.

2. Declarations of Interest

4.2 Councillor Thacker declared that she knew Mr Drewnicki, a speaker on the item, but this would in no way affect her decision.

3. Minutes of the Meeting held on 7 December 2010

The minutes of the meeting held on 7 December 2010 were approved as a true and accurate record.

4. Development Control and Enforcement Matters

The Committee agreed to vary the speaking scheme for item 4.2, Land to rear of Cowgate / King Street, Queensgate Shopping Centre. There were numerous objectors in attendance who had registered to speak therefore the scheme was varied to allow up to 10 minutes for the objectors and 10 minutes for the applicant.

- 4.1 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, and;**
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

The Committee was advised that the item had been withdrawn from the agenda and would be considered at a forthcoming meeting.

4.2 10/01426/FUL – Extension to provide additional retail floor space, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations – Land to the rear of Cowgate / King Street, Queensgate Shopping Centre, Westgate, Peterborough

Planning permission was sought for an extension to the Queensgate Shopping Centre. This would provide new floor space at the upper ground floor and first floor levels (over the existing service road) and the re-configuration of existing floor space. The development would also comprise a new service corridor and new lift shaft into the existing basement service yard. The proposal also included the erection of a new mansard roof which would be situated over the proposed extension and existing flat roof to help form additional retail floor space. A new mansard roof was also proposed over the existing management suite to help form ancillary office accommodation. The provision of new floor space along with the re-configuration of existing floor space would create one large unit which would be accessible from the existing malls and between floors. A smaller unit would be provided over two floors. Some changes were proposed to the elevations, in King Street this included the replacement of the Argos 'Customer Collection Point' with a shop front and in Queen Street the glazing above the existing entrance to Argos from Queen Street was to be removed and infilled with brick to match existing. The existing doorway to Argos from Queen Street, which currently provided a public access into the shop unit, would be replaced with a new shop window

The application site was located on the southern edge of the Queensgate Shopping Centre in the heart of Peterborough City Centre. The rear of the properties which fronted onto Cowgate were located immediately to the south of the site and located to the west was a service road leading to the roundabout at its junction with Bourges Boulevard. The application site was comprised of existing retail units in the shopping centre. The site was within the central retail area and just north of the City Centre Conservation Area.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the policy context and the principle of development, the design and visual amenity, whether the proposal would impact on the historic environment, whether the proposal would enhance the public realms of the city centre, highways implications and S106 contributions. The planning recommendation was one of approval.

Members were advised that with regards to the proposed internal changes to the building in King Street, no planning consent was required. There had been a number of objections received against the proposal which stated that there was the opportunity for greater permeability between the Queensgate Shopping Centre and Cowgate. This could be achieved by including an additional entrance point between the Centre and King Street. However, because planning consent was not required for the internal changes at ground floor level it would be unreasonable for the authority to refuse planning consent because an additional entrance door was not to be created.

Members were further advised that the additional new build, which would provide 1500 square metres of additional floor space, and the internal changes to the existing floor space, would improve the range of scope of retail offer in the city.

In summary, the Planning Officer stated that the principle of development was in line with local and national planning policy and guidance. The scale and design of the extensions to the development were in keeping with the current appearance of

the Queensgate Centre and would not detract from views of the Cathedral or have a detrimental impact on the appearance of the Conservation Area. The extension would not reduce the existing level of permeability and accessibility between the Queensgate Centre and the surrounding area and the site was accessible by a range of means of transport. The development proposal had been supported by a Transport Statement and a Travel Plan and there was no indication that the development proposal would result in any adverse highway implications. During the construction phase there would inevitably be some disruption, but this was unavoidable, as with any development in the city centre. Members were informed that a Construction Management Plan had been conditioned.

Members' attention was drawn to additional information contained within the update report. It was highlighted that following re-consultation for revised plans which showed minor amendments, two further letters of objection had been received. Each of these letters advised that original objections submitted against the proposal still stood.

Mr Mark Mann, an objector and Planning Consultant from Savills, acting on behalf of GE Capital Real Estate, addressed the Committee. In summary the concerns highlighted to the Committee included:

- GE Capital Real Estate owned a number of properties in Cowgate and King Street and whilst the development was generally supported, there were concerns with regards to the lost opportunity to enhance this part of the city
- Policy PPS4 'Planning and Sustainable Economic Growth' outlined the Government's Policy towards economic growth. It stated that 'its overarching objective was sustainable economic growth' and that priority should be given to regeneration
- In Policy EC10, the guidance advised that authorities should adopt a positive and constructive approach towards planning applications, and applications that secured sustainable economic growth should be treated favourably
- An opportunity to improve the character and quality of the area had not been taken
- It was a missed opportunity with regards to the revitalisation of Cowgate
- Policy CS14 in the emerging Core Strategy encouraged retail development in the city centre on the basis that 'it would enhance the vitality and viability of the city centre as a whole', there were doubts whether this proposal would do so in this instance
- Policy CS15 promoted improvements in the public realm, with particular focus on the pedestrian environment. This proposal was not consistent with this Policy
- The City Centre Action Area Plan along with the Peterborough City Centre Public Realm Strategy set out a number of key principles that needed to be applied to new developments including, 'a finer grain of street and spaces would be created in new developments to add vibrancy and to reflect the city's medieval street pattern'. The historic grain of this part of the city had been ignored with the building of the Queensgate Centre
- King Street originally linked Cowgate to Westgate, and the provision of an enhanced access into Queensgate from King Street would help to re-address this loss
- It would be possible to provide a new entrance into King Street that would not involve having to go directly through a unit. Details of stairs and lifts had yet to be outlined and a new access could be provided from King Street directly into the main atrium of the Queensgate Centre. This would alleviate concerns which had been highlighted by the applicant with regards to security in the larger unit if an entrance was provided

Mr Tony Barker, an objector from Barker Storey Matthews, representing the Cowgate Traders Association, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The Cowgate Traders Association welcomed the additional floor space in the city centre
- The existing door from Argos onto Queen Street was to be removed and replaced with a shop front. This would mean that the only access to the store would be from the Queensgate Centre itself
- The existing access, although only a customer collect access, from Argos was to be removed
- When the Argos store had first opened, nearly 20 years ago, it had been conditioned that there would be an entrance directly onto King Street. This had been removed by a subsequent application
- By removing a direct access from the existing Argos store onto Queen Street and the new St John's Square, there would be an adverse impact on traders located in Exchange Street, Queen Street, Church Street, Cowgate and King Street
- By removing the doors, the scheme would reduce the permeability
- Putting a new entrance point into King Street would be a great opportunity for the local authority to ensure the regeneration of that part of the city centre. There were, at that point in time, a number of vacant shop units in Cowgate
- There was a concern around the window displays, as the drawings only highlighted metal shutters. True window displays were needed as blank windows would do nothing for retail in the area

Mr John Drewnicki, an objector and Chairman of the Cowgate Traders Association, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Approximately 30 years ago, the Council had made a fundamental error in judgement in making the current Queen Street mall the back doors to an enlarged C&A store
- Shop windows should not be blanked out with security shutters, or just left completely blank. This would do nothing for the area and would not be conducive to good local trading
- The Cowgate Traders welcomed a larger retailer to set up in Peterborough, but consideration should be given to all planning matters especially around allowing unrestricted access to all areas, thus ensuring full integration and increased footfall in all areas
- It was felt that there had been no consideration for the traders outside of Queensgate

Mr Neil Crawford, a Senior Project Manager from Hammerson, representing the applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The investment was extremely important for the city centre as a whole. It represented a £13 million pound investment which would create 100 jobs and help to attract a new major retailer to the city centre
- More shoppers were needed in the city centre in order to compete with Cambridge, Leicester and other cities
- This development would meet the need for modern retailer accommodation in the city centre

- This development would increase the number of shoppers and would increase the dwell times of those already visiting. This would benefit the whole of the city by improving its competitiveness
- The opportunity did not exist to create a public access as part of the proposals. The constraints faced with regards to implementing an access were outlined in detail in the committee report
- There was no public access from King Street at the present time and the situation would not change as a result of the proposal
- The entrance to Argos, which was to be made into a shop front, was located about 5 metres away from the mall entrance onto Queen Street. It was therefore highlighted that it was unlikely to have a negative impact on the shoppers footfall
- The new floor space being promoted in the area would mean that footfall passing through the mall entrance and along Cowgate was likely to increase significantly to the benefit of all
- It was believed that the proposal would bring further momentum to the revitalisation of the city centre following the works carried out in Cathedral Square

The Head of Planning, Transport and Engineering Services addressed the Committee and stated that sympathy was extended to the traders situated along Cowgate and there were discussions currently being held in order to identify what could be done to assist them in general terms, outside the bounds of the current planning application. However, with regards to the current application, if it was refused on the grounds of there not being an entrance into King Street where there wasn't one currently, this would potentially leave the decision open for judicial review.

The Planning Officer addressed the Committee in response to questions raised by Members. It was highlighted, that in the Planning Officer's opinion, the door to Argos had not previously been closed off due to the nature of Argos' operation in that it did not have stock displayed where it would be easy for it to be stolen. Members were also advised that if they were minded to approve the application, an additional condition could be imposed requiring the new shop fronts to have active window displays in them.

Following debate, Members commented that, although it could be perceived as a missed opportunity, an additional access could not be insisted upon to resolve a mistake made many years ago. Going forward, sympathetic retail development was to be encouraged, particularly in the city centre and if Peterborough was to grow during these challenging times this proposal should be welcomed.

Following further debate, a motion was put forward and seconded to approve the application, with an additional condition to be added requiring the new shop fronts to have active window displays in them. The motion was carried unanimously.

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

1. The conditions numbered C1 to C7 as detailed in the committee report
2. The imposition of an additional condition requesting that the new shop fronts have active window displays in them

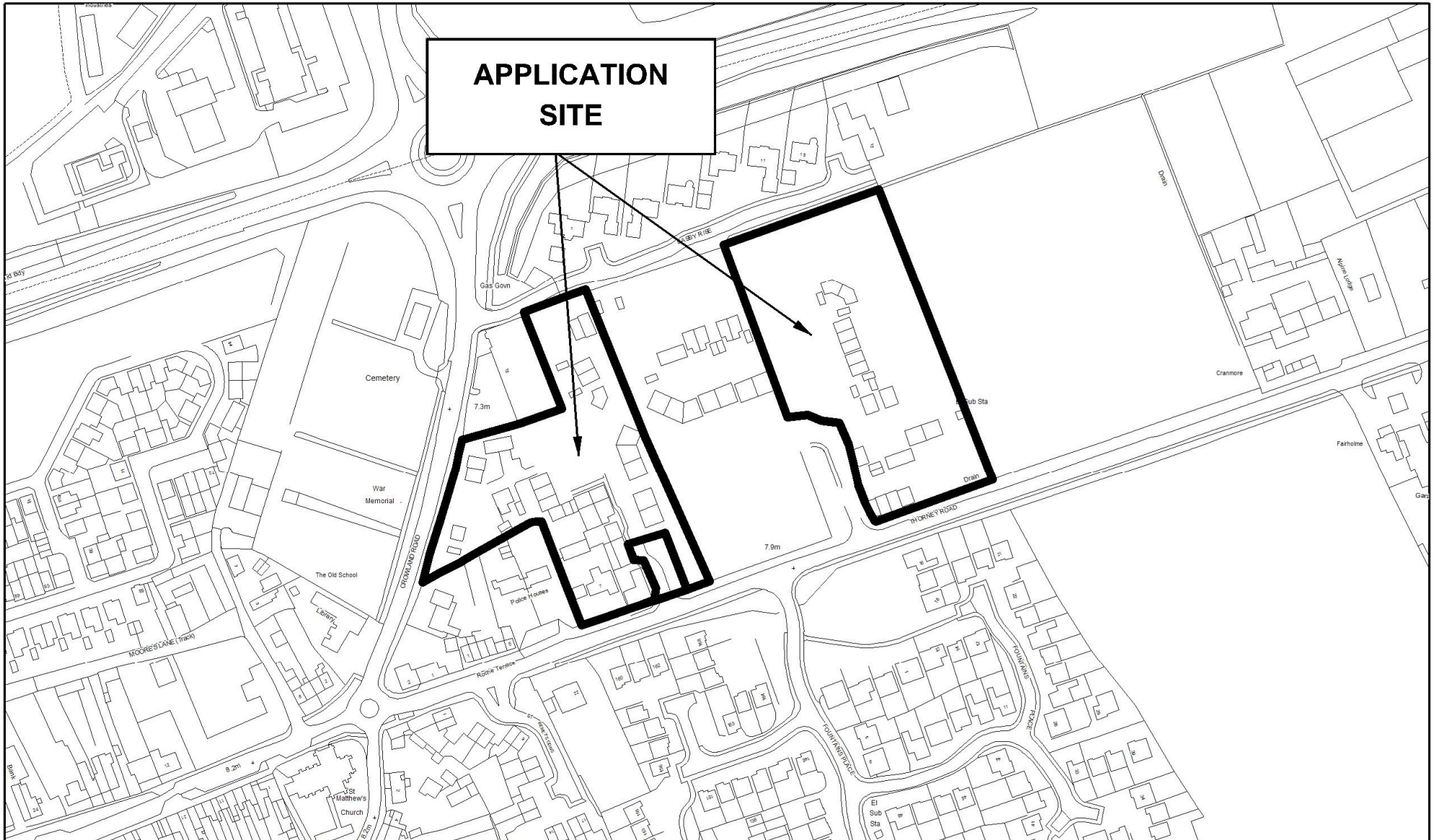
Reasons for the decision:

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

- the principle of additional retail floor space within the city centre was supported. The development would add to the viability and vitality of the central retail area and the city centre as a whole;
- the scale and design of the extension would be in keeping with the Queensgate Centre and would not detract from views of the cathedral and would leave the character and appearance of the Conservation Area unharmed;
- the extension would not reduce the existing accessibility and connectivity to surrounding city centre locations; and
- the site was accessible by a choice of means of transport and the proposal was supported by a transport statement and travel plan and would not result in any adverse highway implications.

Hence the proposal was in accordance with policies CBE2, CBE3, CC1, CC15, CC17, DA1, DA2, DA7, DA19 and T1 of the Adopted Peterborough Local Plan (First Replacement) 2005 and PPS1, PPS4 and PPS5.

13.30 – 14.40
Chairman



LOCATION PLAN 10/01622/WCPP AND 10/01644/WCPP

Land Off Thorney Road, Eye, Peterborough

Scale 1:2500 Date 11/2/2011 Name MKB Department Planning Services

PCC GIS



This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2009.

This page is intentionally left blank

10/01622/WCPP: REMOVAL OF CONDITION C13 (PROVISION OF PLAY AREA) OF PLANNING PERMISSION 10/00208/FUL – CONSTRUCTION OF 49 DWELLINGS LAND OFF THORNEY ROAD, EYE, PETERBOROUGH

10/01644/WCPP: REMOVAL OF CONDITION C20 (PLAY AREA / OPEN SPACE) OF PLANNING PERMISSION 04/01978/FUL – RESIDENTIAL DEVELOPMENT COMPRISING 35 DWELLINGS

AT LAND OF THORNEY ROAD, EYE, PETERBOROUGH

VALID: 23 OCTOBER 2010 & 1 DECEMBER 2010
APPLICANT: LARKFLEET HOMES
AGENT: NONE
REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES
REASON: PUBLIC INTEREST IN APPLICATION
DEPARTURE: NO

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the development is acceptable without the approved Local Areas for Play being provided for on site
- Whether the alternative proposal of funding of off site leisure/sport provision in Eye is acceptable

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

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 summarised below)

a) The Peterborough Local Plan (First Replacement)

LT1 Planning permissions will not be granted for residential development of 9 or more dwellings unless open space is provided and laid out in accordance with the minimum standards set out in Appendix Vii (to the Local Plan). If there are particular deficiencies in open space in the surrounding area the Council may seek variations in the component parts of the required provision to overcome them.

LT2 In the following circumstances, planning permission for 9 or more dwellings will be granted if the developer has entered into a planning obligation to meet the open space needs of the development off site:

- (a) If the residential development in itself is of insufficient size to make the provision of certain types of open space within the site; or

- (b) Taking into account the accessibility of the existing open space facilities and circumstances of the surrounding area, the open space needs of the proposed development can be met more appropriately by providing either new or enhanced facilities off site.

b) **Material Planning Considerations**

- Community Infrastructure Levy (CIL) Regulations – April 2010 (S122)

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

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

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.

- Circular 05/05 – Planning Obligations (see below)
- Circular 11/95 – Conditions
- PPS 1 – Sustainable Development

3 DESCRIPTION OF PROPOSAL

This report covers two planning applications to remove condition 13 attached to 10/00208/FUL (49 dwellings) and condition 20 attached to 04/01978/FUL (35 dwellings) which both require a Local Area for Play to be provided on the site. The land which was to be occupied by the LAPS will be conveyed to the nearest residential properties and instead of providing these LAPS on site, the developer has entered into a unilateral undertaking which would oblige him to pay a contribution of £43,500 to be used on open space/leisure/sports provision within Eye Parish.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The sites which are subject to these applications form part of the overall “Larkfleet” residential development site off Thorney Road, Eye. The development is currently under construction. The site was granted permission in various “parcels” and there have been several amendments to the original schemes most notably permission in the centre of the site for an Extra Care Home (09/01025/FUL) and a re-plan of the “right hand” part of the site (when viewed from Thorney Road) under 10/00208/FUL. The

site lies in the north east corner of the village and is bordered by the A47 and Easby Rise to the north, an open field to the east, residential development off Thorney Road to the south and Crowland Road (residential development and cemetery) to the East. The site was an allocated housing site in the Peterborough Local Plan.

A plan will be on display at the meeting which shows the site broken down into the various parcels/applications.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
04/01978/FUL	Residential development of 35 dwellings	6 July 2005	approved
09/01008/DIS	Discharge of conditions C2, C3, C5, C9, C10, C13, C14, C15, C29 and C33	27 Nov 2009	Partially discharged
10/00420/DIS	Discharge of conditions C3, C5, C8, C9, C10, C13, C17, C19, C21, C22, C23 and C30	9 July 2010	Partially discharged
10/01328/DIS	Discharge of conditions C21, C22, C23, C25	25 Oct 2010	Discharged

Application Number	Description	Date	Decision
10/00208/FUL	Construction of 49 dwellings	3 Aug 2010	approved
10/01084/DIS	Discharge of conditions C2, C3, C4, C8, C9, C11	10 Oct 2010	Discharged

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Landscape Officer – No objections

Senior Recreation Officer – No objection with the commuted sum in lieu of the play area provision on site.

EXTERNAL

Eye Parish Council – Originally objected to the proposal but upon clarification that a contribution will be paid towards open space/leisure facilities in lieu of the LAP provision AND that this money will be spent within the Parish of Eye, the objection was withdrawn.

NEIGHBOURS

A total of 21 residences have objected to the proposal for the following reasons which are summarised:

- There is a shortfall of open space in Eye and these play spaces are needed, the situation being made worse by all the new houses. There is a lack of open space and play provision for children and young people in Eye, especially at this end of the village.
- If the design is now considered unsuitable, the play areas should be made available elsewhere in the site or a ring fenced sum of money provided to make provision on adjacent land
- To allow the removal of these conditions gives the impression that the Council are “punishing” the residents of Eye for recent objections to development outside the village or are in collusion with the developers in some way. It is increasingly frustrating that villagers’ views are disregarded
- There are already significant numbers of children who play in the road as they have no where to play and older children in particular can become bored and cause mischief.
- This increases the density of housing on these plots
- Whilst current economic climate is appreciated, residents should not suffer to allow the building company to increase their profits.

The applications have prompted some comments to be made about the development in general and the issue of the burden that additional housing in the village brings to infrastructure and the “feeling” of moving away from a self sustaining village environment.

The MP Stewart Jackson has also written in to support the comments made by the neighbours.

COUNCILLORS

Cllr Sanders originally called the application to be determined by Committee as he was concerned about the loss of the play areas and agreed with the initial views of the Parish Council. Following discussion with the Parish Council and telephone conversations with Cllr Sanders, agreement was reached (still with misgivings) that if the LAPS could not be provided on site, a contribution should be made in lieu of this but that this money must be spent within Eye Parish.

7 REASONING

These applications are made under S.73 of the Town and Country Planning Act to remove conditions attached to two separate planning applications. Consideration of these types of application must be limited to those issues related to the said conditions only although the current development plan and material considerations must be taken into account. This being said, S73 applications would constitute new stand alone permissions and therefore any relevant conditions attached to previous permissions or legal agreements will need to be re-imposed.

In this instance, the only matters for consideration relate to:

- (a) the removal of the LAPS from within the site and whether this is acceptable in planning terms and
- (b) whether the proposed contribution towards off site provision is a suitable and acceptable alternative. There are no other issues to consider.

Condition 20 attached to 04/01978/FUL requires the LAP to be equipped and laid out prior to the construction of the 25th dwelling.

Condition 13 attached to 10/00208/FUL requires the LAP to be provided upon occupation of the 20th dwelling in accordance with a scheme to be submitted and approved.

The approved plans show that the play area on the “left” site (04/01978) measures approximately 18 metres x 11.5 metres and the play area on the “right” site (10/00208) measures approximately 18.5 metres by 12 metres.

The National Playing Fields Association (now Fields in Trust) defines a LAP as being;

“A small area of unsupervised open space specifically designed for younger children mainly between the ages of 4-6 years of age.

The location of the area is determined as within 1 minute walking distance.

The area should be appropriate for low-key games; flat and level with grass surfacing. A guard rail, fence or shrubbery should be used as a safety buffer zone to protect against road related accidents.”

This is reflected in plans previously submitted showing a proposed layout of the play areas by a professional play equipment provider in order to evidence how much the play areas would cost. The plans showed that each LAP would provide one main piece of play equipment, one smaller piece, a bin and a seat. These would be mounted on safe surfacing and surrounded by grass and some landscaping. The nature of equipment was very much aimed at the 4-6 age range in keeping with the above definition – of a LAP.

The play areas were only intended as play areas for younger children and they were to serve the development need of the site only and not to meet shortfall in provision for the wider community. The original permission for the development did not include provision for maintenance of these play areas or their adoption by the Council or another body. The situation is therefore that the Council could insist that the play areas be provided in accordance with the conditions but cannot insist that the developer

maintains them or that the developer hands over the space to the Council. Normally, the provision of most kinds of open space as part of a development proposal would be subject to a Section 106 agreement requiring that either a Management Company be set up to maintain the space or that a commuted sum be paid to the Council to maintain the space for a period of 10 – 15 years. This did not happen.

The developer did offer the play areas to the Council for adoption but the Senior Recreation Officer calculated that a sum of £56,000 would be required to maintain both play areas for a period of 15 years. He advised that if this figure could not be provided by the developer the Council would not adopt these play areas because of the maintenance cost and because of their limited play value.

During previous negotiations with the developer, evidence was submitted and accepted by the Council (after scrutiny by the Section 106 Officer) which demonstrated that that not all of the Section 106 contributions were affordable and that the site would be unviable if all the contributions were paid. The Council have therefore accepted that viability is a material consideration regarding this development.

The developer asserts that providing the play areas plus £56,000 to maintain them is not viable. Given the previous history of the site as set out above, the Council would be in a difficult position to now argue that this would not be the case. Aside from this, as already pointed out, the planning permissions only require the developer to provide the play areas. Clearly this would cause future problems if the play areas were then not maintained. The likelihood would be that they would become a liability which the Council would end up having to resolve and in the current financial climate it would not be good use of public resources for the Council to consider taking on such a liability.

As for the benefit of having the play areas, they would obviously provide some benefit to those residents with very young children but given the restricted age range that a LAPS serves, this is limited.

The alternative solution put forward is that the developer pays a contribution that is equivalent in cost to providing two fully equipped LAPS on site, towards other provision within Eye. The cost of providing the LAPS is £43,500 hence the sum that has been offered in the unilateral undertaking. As the LAPS were providing local provision, it is essential and indeed would only meet the provisions of the CIL Regulations and Circular 05/05 if the monies are spent within Eye i.e. to meet a local need. This has been written into the proposed unilateral undertaking.

With regard to the Local Plan policy i.e. policies LT1 and LT2, there is provision to enable open space or equivalent provision to be made off site. It is not considered therefore, that this proposal is contrary to the development plan.

With regard to the objections made, the comments are understandable but there appears to be a misunderstanding or assumption (again understandable) that the LAPS were to be put in to serve that end of Eye when they were in fact, not tied down in any legal agreement as being public open space. There is a comment about the needs of older children but the LAPS would only serve very young children. There may well be a lack of provision of open space generally in Eye but it is not solved by provision of these LAPS. This application is being considered on its merits and has no link to decisions on other decisions taken by the Council or any previous objections that may have been made by the Parish or residents. The case officer has met the Parish Council to discuss the issues and the application has been brought to Committee due to the public interest in the matter. It is not the case that local views are being ignored.

If this proposal is acceptable to Members, the monies would be received by Peterborough City Council to spend within Eye. The Recreation Officer would be tasked with spending the money on open space/sport or leisure within Eye in consultation with Eye Parish Council.

8 CONCLUSIONS

This report has set out the reasons why the current applications have been submitted and the history that has led to this situation. Whilst there are some drawbacks regarding not having the LAPS, the developer is offering the monetary equivalent of providing the LAPS. This money will be spent in Eye and there potential for it to benefit a wider range of residents. The alternative is to insist on the

developer providing the LAPS with no means of requiring the developer undertake or pay for the maintenance. This would only provide future problems for the local residents and a possible liability for the Council.

Therefore subject to the re-imposition of relevant conditions and the developer entering into a planning obligation to pay a contribution of £43,500 towards open space/sport or leisure provision within Eye, the proposals are acceptable.

9 RECOMMENDATION

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

A) Application 10/01622/WCPP

C 1 The development hereby permitted shall be begun before 4 August 1013.

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

C 2 The development shall not be carried out except in accordance with the approved materials schedule and accompanying drawings 01P (x2) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory external appearance in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

C 3 The landscaping of the site shall be carried out in the first planting season following completion of the development in accordance with the Landscape proposals plans (sheet 1 and 2) as hereby approved. Should any tree, shrub or plant die, become diseased, damaged or removed within the first five years from planting, it shall be replaced in the next available planting season with a similar size and species to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual appearance of the site in accordance with policy LNE10 of the Peterborough Local Plan (First Replacement)

C 4 The junction of the proposed access road with the existing highway (Thorney Road) shall be laid out with 8m radii in accordance with the approved plan (04L6 01P).

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

C 5 The shared private access road shall be constructed in accordance with the layout and specifications shown on the approved plan 04L6 01P, unless otherwise agreed in writing by the Local Planning Authority.

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

C 6 All vehicles leaving the site shall pass through the approved wheel washing equipment diesel FX 1400 before entering the public highway. This equipment shall be retained and maintained in working order for the duration of the building works on site.

Reason: To prevent mud and debris being brought onto the public highway in the interests of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

C 7 No dwelling shall be occupied until the garage/carport, access/driveway and any turning associated with the dwelling has been completed in accordance with the approved plan 04L6 01P. All parking and driveways shall be surfaced and drained to prevent surface water run-off onto the highway and neighbouring land.

Reason: In the interests of highway safety in accordance with policies T10 and T11 of the Peterborough Local Plan (First Replacement).

C 8 No development shall take place until the visibility splays and the junction of the access to the site and Thorney Road has been provided in accordance with the approved plan 04L6 01P. All other visibility splays to junctions and individual driveways within the site shall be provided prior to the first occupation of the dwelling(s) which they serve in accordance with the detail and specifications shown on approved plan 04L6 01P. Thereafter, visibility splays shall be retained and kept clear of any obstacle over a height of 600mm.

Reason: In order to safeguard highway safety in accordance with policies T1, T3, T5 and T8 of the Peterborough Local Plan (First Replacement).

C 9 All construction traffic shall park, turn, load and unload within the site, i.e. clear of the public highway) for the duration of the construction period.

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

C10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or as subsequently amended or re-enacted, no development which falls into Part 1, Classes A, E, F and H and Part 2, Classes A and B, shall take place on the land which is shown on drawing number 04-F as being private visual amenity open space, unless planning permission has first been obtained from the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and residential amenity in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)

B) Application 10/01644/WCPP

C 1 The development hereby approved shall be constructed in accordance with the approved materials schedule dated 04/03/2010 and accompanying drawings 01P (x2) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory external appearance in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

C 2 Notwithstanding the submitted information, the developer shall immediately report to the Local Planning Authority should any unsuspected contamination be encountered during the construction of the development hereby approved. Thereafter, no further development shall take place until either the contamination is removed or remedial measures are agreed in writing with the Local Planning Authority and implemented in accordance with the agreed measures.

Reason: To safeguard human health in accordance with PPS 23.

C 3 Acoustic vents shall be fitted to properties on the northern boundary, Crowland Road and Thorney Road in accordance with the approved details HRU ECO4 System 4 and the recommendations contained the Acoustic Report by Acoustic Associates dated April 2008.

Reason: In order to protect the inhabitants of these properties from undue noise exposure in accordance with PPG 24.

- C 4 The design recommendations contained in the Flood Risk Assessment submitted with the original application and dated December 2004 shall be fully implemented as part of the development hereby approved.**

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

- C 5 No removal of hedgerows/site clearance shall be carried out on site between the 1 March and 31 July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.**

Reason: To protect species of nature conservation importance in accordance with PPS 9 and policy LNE19 of the Peterborough Local Plan (First Replacement).

- C 6 The hedgerows to be retained as shown on the approved landscaping plan (rev c) shall be protected from damage during works in accordance with BS5837:1991. Any parts of the hedges removed without the consent of the Local Planning Authority or which die or become seriously diseased or otherwise damaged within 5 years following contractual practical completion of the development shall be replaced no later than the end of the next planting season, with plants of a size and species which shall be agreed beforehand in writing with the Local Planning Authority.**

Reason: In the interests of amenity and biodiversity in accordance with policy LNE10 and LNE13 of the Peterborough Local Plan (First Replacement)

- C 7 The approved soft landscaping as shown on the Phase 1 landscaping rev c drawing shall be fully completed in accordance with the plan and notes contained thereon no later than the end of the first planting season following the first occupation of the last but one dwelling within the site hereby approved. Any trees or shrubs which die, become diseased or damaged or are removed within 5 years of planting shall be replaced during the next planting season by similar in terms of size and species as shall be agreed in writing with the Local Planning Authority.**

Reason: In the interests of the visual appearance of the site in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement)

- C 8 All hard landscaping and boundary treatment/screening shall be completed prior to the first occupation of the dwelling to which it relates in accordance with the details shown on the approved drawing 04L6 04-F.**

Reason: In the interests of the visual appearance of the development and the privacy of occupiers in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)

- C 9 The finished floor levels of all buildings and garden areas shall be in compliance with the approved drawing E1430/10/D unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To prevent any loss to neighbour amenity through overlooking in accordance with policy DA2 of Peterborough Local Plan (First Amendment)

- C10 Prior to the first occupation of each dwelling, an enclosed space for the storage of refuse bins shall be provided in accordance with the approved drawing EW-02.**

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

C11 Visibility splays from the egress of the site onto Thorney Road shall be provided in complete accordance with the details shown on the approved drawing E1430/29/B. Thereafter, the visibility splays shall be kept clear of any obstruction over 600mm in height.

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

C12 All vehicles leaving the site under construction shall pass through the wheel wash equipment FX 1400 diesel as approved. The equipment shall be retained in working order on the site for the duration of the construction period.

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

C13 Visibility splays clear of any obstruction over a height of 600 mm above carriageway level shall be provided on either side of the junction of the proposed access roads to plots 16, 17 and 18 off Crowland Road where it meets the public highway. The visibility splay lines shall be a minimum of 2.4 metres measured along the centre line of the proposed access road from its junction with the channel line of the public highway and 90 metres or the roundabout, whichever comes first measured along the channel line of the public highway from the centre line of the proposed access road.

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

C14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or as subsequently amended or re-enacted, no development which falls into Part 1, Classes A, E, F and H and Part 2, Classes A and B, shall take place on the land which is shown on drawing number 04-F as being private visual amenity open space, unless planning permission has first been obtained from the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and residential amenity in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)

Copy to Councillors Sanders and Dobbs

This page is intentionally left blank



**APPLICATION
SITE**

LOCATION PLAN 10/00966/FUL

98 Dogsthorpe Road, Peterborough

Scale 1:1250 Date 10/2/2011 Name MKB Department Planning Services

This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
c Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2009.

PCC GIS



This page is intentionally left blank

08/01443/FUL: REPLACEMENT SHOP CANOPY AT 98 DOGSTHORPE ROAD, PETERBOROUGH
VALID: 20 DECEMBER 2010
APPLICANT: MR F TAMER, ALJENAT FOOD STORE
AGENT: SMA ARCHITECTURAL SERVICES LTD
REFERRED BY: HEAD OF PLANNING HIGHWAYS & ENGINEERING SERVICES
REASON: DESIGNS AT THIS SITE HAVE PREVIOUSLY BEEN SUBJECT TO COMMITTEE
CONSIDERATION
DEPARTURE: NO

CASE OFFICER: SAM FALCO
TELEPHONE: 01733 454408
E-MAIL: sam.falco@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

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

The Head of Planning Highways & 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)

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

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

Peterborough City Council Canopy Design Guide (2009)

- a) Style: In keeping with age, character and appearance of the building**
- b) Scale and Height: It should only extend above the essential shop front**
- c) Roof Pitch: Pitch should be no less than 18 degrees**
- d) Dimensions: Set back at least 500mm from the back edge of the footway, extend no more than 3 metres from the building and have a minimum clearance of 2.16m above ground level.**
- e) Residential Amenity: Situated a sufficient distance from any adjoining residential property, avoiding loss of amenity or character.**
- f) Materials: Have a metal supporting frame and round posts with no rainwater goods. Posts will be located into the ground and not bolted.**
- g) Sides: Have no permanent side panels or shutters as they create a hostile environment. The use of removable side awnings of canvas or similar material may be used to shield goods from sun and rain.**

3 DESCRIPTION OF PROPOSAL

The proposal is for the erection of a canopy to the front of a retail shop. It is to replace an existing unauthorised smaller canvas style canopy that has been refused planning permission.

The proposed canopy is to front towards Dogsthorpe Road. It is proposed to cover the majority of the area of hardstanding to the front of the shop to a width of 6.1m and a forward projection from the shop front of 3.4m. The roof is proposed to be of a shallow 22 degree sloping mono-pitch design with the highest end being 3.6m, fixed to the building, and the lower end 2.3m. The frontage of the canopy would be set back approximately 1m from the back edge of the pavement.

The canopy is to have a glazed roof to be supported by a dark green painted metal framework comprising of 8 metal columns. The canopy would be open on three sides. The character and features of the building will remain unaffected by the canopy addition.

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

4 DESCRIPTION OF SITE AND SURROUNDINGS

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

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00756/FUL	Erection of front canopy – retrospective	30/10/2008	REFUSED
08/01443/FUL	Replacement Canopy	10/06/2009	REFUSED
09/00042/REFPP	Replacement Canopy	04/12/2009	DISMISSED

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways– No objection as the canopy would not have a detrimental impact on public safety or endanger the safety of users of the adjacent highway.

COUNCILLORS

No Comments Received

REPRESENTATIONS:

One letter of support has been received from MANERP, stating that the existing one is dirty and untidy and a new glass roofed one is a welcome upgrade, enhancing the shopfront.

7 REASONING

Background:

Planning application ref: 08/01443/FUL for a replacement canopy was refused on 10/06/2009 for the following reason

- The proposed canopy would be incompatible with and relate poorly to the design of the front elevation of the building and be incongruous within the general streetscene.

It was later dismissed at appeal. The inspector concluded that the property because of its ornate design creates a prominent and attractive feature in the streetscene. It was argued that the canopy would clutter the building and detract from the attractive appearance of the property. The proposal would have a significant detrimental impact on the character and appearance of the surrounding area.

Context

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

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

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

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

The design of the canopy currently being applied for has been arrived at through the applicant creating a canopy that meets our Canopy Design Guide. The use of quality materials with a simple design was encouraged and it is considered that, where a canopy is acceptable in principle, it is this type of design that should be encouraged. The proposal has changed slightly from the previous in that the roof pitch has been reduced from 25 degrees to 22 degrees and the projection of the canopy has been changed from 2.9m to 3.2.

Residential Amenity:

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

Impact on the character and appearance of the area:

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

There is a canopy similar to the one being proposed at the opposite end of the terrace, although the host building is not as prominent within the street scene as no.98. Furthermore, it is considered that the attractive light and open design that has been carefully chosen would avoid the creation of an incongruous feature within the streetscene despite its projection beyond the building line. In addition the retail unit could use the land for the display of goods at this time without the need for a planning application.

Highways:

The Highways Authority has raised no objections to the proposal.

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

8 CONCLUSIONS

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

The design of the canopy with the use of quality materials would complement the existing shop front and it is considered that the proposal would not harm the character and appearance of the area, the amenities of the occupiers of the nearby residential properties or highway safety. The proposal is therefore considered to comply with Policies DA1, DA2, DA21 and T1 of the Peterborough Local Plan (First Replacement), including the PCC Canopy Design Guide (2009).

9 RECOMMENDATION

The Head of Planning Highways and Engineering Services recommends that due to its accordance to the Canopy Design Guide this application is APPROVED subject to the following conditions and informatives:

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

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

- C2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re enacting that Order with or without modification), the sides and front of the canopy shall not be enclosed either permanently or temporarily but shall be left open as shown on the approved plans.**

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

- C3 Prior to first use, the canopy shall be coloured Olive Green, (BS12B27) and thereafter retained in that colour.**

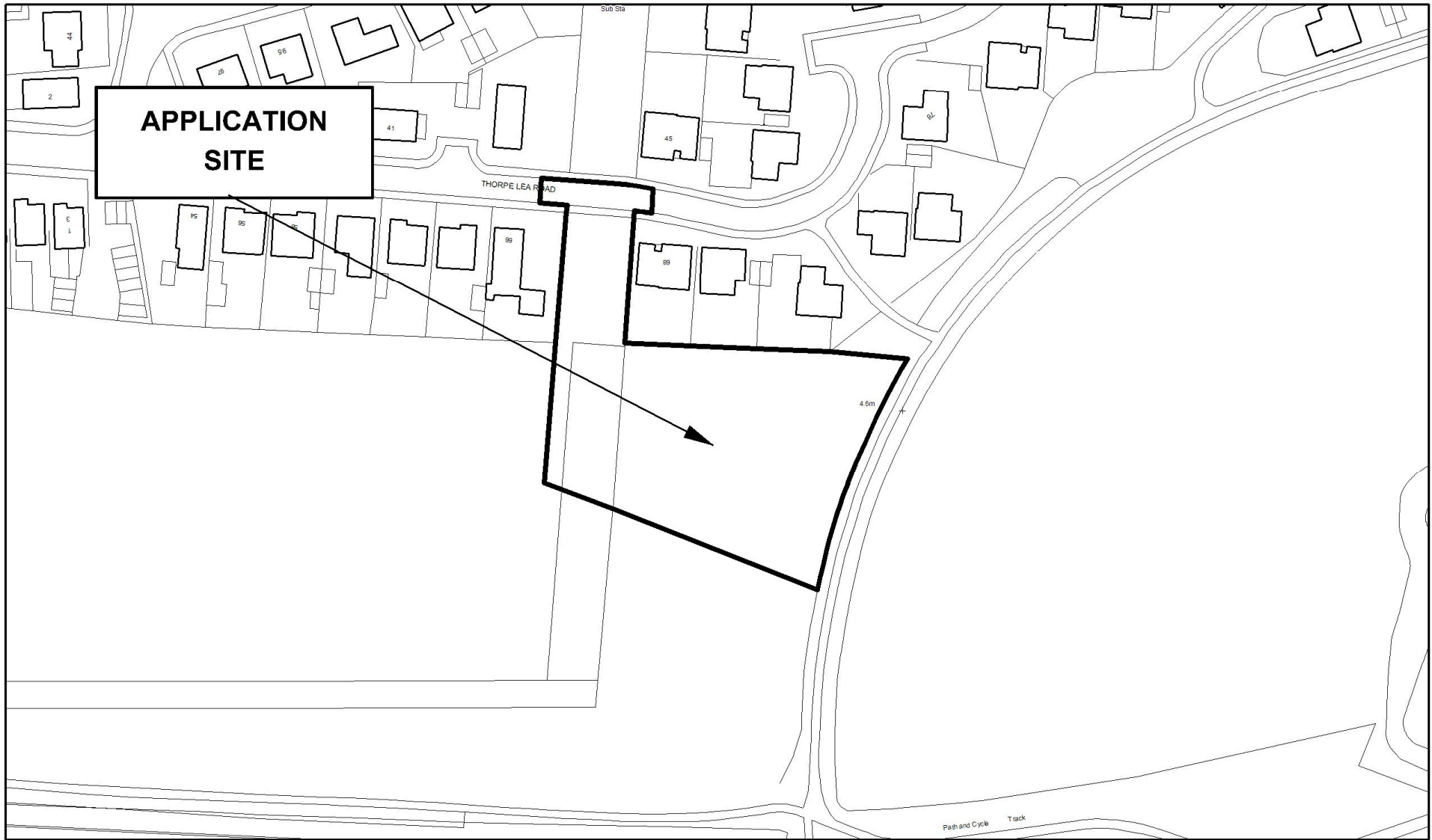
Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Notes Relating to this Decision

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

Please copy to Councillors Kreling, Lowndes and Peach

This page is intentionally left blank



LOCATION PLAN 10/01518/FUL

Land to the rear of 68 to 72 Thorpe Lea Road, Peterborough

Scale 1:1250 Date 11/2/2011 Name MKB Department Planning Services

PCC GIS



This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2009.

This page is intentionally left blank

10/01518/FUL: NEW VEHICULAR ACCESS TO SERVE A FUTURE PROPOSAL FOR THE 32 DWELLINGS, ON ADJOINING LAND, ON LAND TO THE REAR OF NOS. 68 TO 72 (EVEN) THORPE LEA ROAD, PETERBOROUGH

VALID: 23 DECEMBER 2010

APPLICANT: RAILWORLD

AGENT: BIDWELLS

REFERRED BY: HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES

REASON: IN THE WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

TELEPHONE: 01733 454410

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle
- The impact of the use of the road and additional traffic generation upon the amenities of the residents of Thorpe Lea Road
- Impact of the use of the road on highway safety
- The impact of the road and its use upon fauna and flora
- The impact of the road upon public open space provision
- Flood Risk implications

The Head of Planning, Transportation 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.

a) The Peterborough Local Plan (First Replacement)

DA2 The development must be able to be satisfactorily accommodated on the site, must not adversely affect the character of the area and must not adversely impact upon the amenities of occupiers of nearby properties.

LNE5 New development in areas of best landscape should conserve and where possible enhance the Areas distinctive landscape character. Amongst other specific requirements of this policy, trees that form an important element of the landscape should be retained, development is to respect the relationship between the settlement and its landscape setting, safeguard important views and be sympathetic to local topography.

LNE8 The landscape, nature conservation and amenity value of the Nene Valley is to be safeguarded and enhanced.

- LNE11** Planning permission should not be granted for development affecting an area of ancient, semi-natural woodland or veteran tree
- LNE19** Development is not to cause demonstrable harm to legally protected species.
- LT3** Planning permission should not be granted for any development which would result in the loss of existing open space if that loss would give rise to a deficiency, or would be in an area where there is already a deficiency in open space unless (b) alternative provision is made, whether in open space or recreational facilities or both, that is at least as accessible to users and at least equivalent in terms of size, usefulness, attractiveness and quality as the open space that would be replaced.
- LT11** Within the Nene Valley provision will be made for a range of recreation uses
- T1** Seeks to ensure that new development would not unacceptably impact on the transportation network.
- T8** Development must safely connect to the existing highway network.
- U5** Within areas identified as flood land and wash land planning permission will not be granted for development that would have an unacceptable risk of being flooded, be likely to interrupt the return of floodwater to a watercourse, deprive the river system of floodwater capacity unless an alternative area is provided or increase the number of people using premises that are currently at an unacceptable risk from being flooded.
- U9** Pollution of Watercourses and Groundwater
- b) Core Strategy Submission version (which has been found sound by a planning Inspector subject to changes being incorporated) (2011)**
- CS9** Requires development to meet the aspirations of the Peterborough Sustainable Community Strategy for Peterborough to become the Environmental Capital of the UK.
- CS11** Planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development and mitigate the impact of that development on existing community interests within environmental limits.
- CS13** Requires transport options to be considered through a number of key themes including non car based proposals and initiatives to minimise the need to travel.
- CS15** Promotes development within the city centre including new residential provision.
- CS16** High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough.
- CS19** To protect existing open space, planning permission will not be granted for development which would result in the loss of existing open space if that loss would give rise to a deficiency in open space, or would be in an area where there is already a deficiency, unless the proposed development would be ancillary to the use of the site as open space, and the benefits to recreation would outweigh any loss of open area; or alternative provision is made, whether in open space or recreation facilities or both, that is at least as accessible to users, by walking, cycling and public transport, and at least equivalent in terms of size, usefulness, attractiveness and quality as the open space that would be replaced. The River Nene is to be promoted as a corridor for biodiversity and landscape retention.
- CS20** New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape character area and sub area in which it would be situated.

CS21 Seeks to avoid demonstrable harm to habitats or species which are of importance.

CS22 Development in Flood Zones 2 and 3 will only be permitted following the successful completion of a sequential test, exception test if necessary, suitable demonstration of meeting an identified need, and through the submission of a site specific flood risk assessment demonstrating appropriate flood risk management measures and a positive approach to reducing flood risk overall.

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

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

The proposal involves the construction of a two-way carriageway from Thorpe Lea Road to the western extremity of a public footpath that flanks onto the western boundary of the Railworld site. The road is to extend from between residential properties at nos.66 to 68 Thorpe Lea Road in a southerly direction for the depth of these two properties (i.e. 28m) and thereafter in a south easterly direction towards the Railworld site. The road width is to be 5m initially from Thorpe Lea Road and thereafter 6m as the road has been designed with a curved middle stretch. Both sides of the road are to have 2m wide pavements. The road has been designed with a turning head, to its north side, close to the eastern extent of the road. The overall length of the road is to be approximately 116m. A parking area is to be provided for grounds maintenance vehicles off the southern side of the road just past the mid way point. Knee high rail fencing alongside both sides of the carriageway is to be provided other than where existing vegetation is to be retained. From its junction with Thorpe Lea Road the proposed carriageway would have a width of 5m (for the first 21m) and it would be 5.5m away from boundary of no.66 Thorpe Lea Road and 5.2m from the boundary of no.68 Thorpe Lea Road. Thereafter the road would widen slightly

such that at the very rear of the curtilages of these two properties the carriageway would be within 5m of their flank boundaries.

To construct the road it will be necessary to remove part of an established area of vegetation to the rear of the open space between nos.66 and 68 and a further area of vegetation with approximate dimensions 16m deep by 10m wide immediately to the south. A triangular area of vegetation immediately to the rear of no.68 is to be principally retained between the boundary fence of the property and the road i.e. a maximum depth of 14m. The alignment of the road is such that two poplar trees close to the footpath would have to be removed. The road is proposed to drain into a stretch of water to the south. The road is to be lit by 4 lamp columns along its length. An existing lamp column will have to be repositioned to the back of the footway to accommodate the junction of the road to Thorpe Lea Road.

As the road would pass through an area of public open space the proposal will provide for a compensatory provision. This is shown to be located to the south east of the site and contains a number of mature trees, vegetation and part of the southern extent of the existing Railworld site. It should be noted that the area of the land is to be at least equal to the space taken by the proposed road and footpaths.

The proposal does not seek planning permission for the residential development of the Railworld site that has been referred to in the description. This was included to set explain the reasoning behind the application for the road.

Whilst the proposal shows details of the road crossing over the footpath close to the western boundary of the Railworld site the footpath lies outside of the application site area and the acceptability, or otherwise is not for consideration.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site initially comprises an open grassed rectangular area, with an area of vegetation to the rear, located between nos.66 and 68 Thorpe Lea Road (both bungalows). This area measures a depth of 31m and a width of 16m. Both nos.66 and 68 have flank boundary fencing to a height of 1.8m. No 68 has a side extension to the bungalow the flank wall of which forms a part of its western flank boundary. The majority of the site is essentially flat other than for an initial shallow down slope of the land from Thorpe Lea Road. A dense wide area of vegetation comprising trees and bushes extends in a southerly direction along the western boundary of the site. The rear boundary fences of the residential properties at nos.68 – 72 (even) Thorpe Lea Road form the northern boundary of the site with a length of vegetation to the front of the fencing. Mature shrubs and bushes are present along the rear boundaries of nos.68-72. The eastern boundary of the site is delineated by an established footpath that flanks close to the western boundary of the principally 3m high walled western boundary of the Railworld site which comprises land that is significantly higher than the application site. Five mature, evenly spaced, poplar trees are sited in a line along the eastern boundary of the site close to the footpath with 3 other poplars scattered along the same alignment to the north. The southern boundary of the site is essentially open although further to the south are a row of trees that flank either side of an established footpath/cycleway that connects the city centre to Ferry Meadows via the rowing lake. Beyond the western boundary of the site is a large area of open space including playing fields. The immediate area of Thorpe Lea Road is dominated by bungalows.

5 PLANNING HISTORY

None

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – No objections. The junction arrangements of the proposed access road Thorpe Lea Road is acceptable. The principle of the crossing arrangement of the footpath over the proposed road would be acceptable subject to the submission of satisfactory details. The future proposal for the new access to serve 32 dwellings would result in a small overall increase in traffic using Thorpe Lea Road that would

not be detrimental to highway safety. The principle of the drainage scheme is acceptable. If the drainage pipes are to be constructed outside of the public highway then easements will be required. The technical details for the road construction will have to be fully assessed at the section 38 technical vetting stage.

Archaeology – No objections.

Landscape Officer – No objection. The submitted survey detail is a fair representation of the value and condition of the trees on the site. The road, close to the retained poplar trees shall be formed of a 'no-dig' construction.

Pollution Control – No objections. The luminance of the lamp units of the proposed street lights shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified within the Institute of Lighting Engineers document 'Guidance Notes for the Reduction of Light Pollution (Revised – 2005).

Highways – Street Lighting – No objection

EXTERNAL

Police Senior Architectural Liaison Officer – No observations regards to the construction of the road. Any future development of the Railworld site should address secure by design implications.

Environment Agency – No objections.

Natural England – No objection. The site is within 150m of the Nene Valley Railway County Wildlife Site and within 450m of the Boardwalks Local Nature Reserve. These designated areas are unlikely to be affected by the development. It is unlikely that the road would have any adverse impact upon great crested newts during its construction because of the small areas of habitat suitable. Further, the application site is some distance away from habitats that would be likely to contain the species. Good practice must be followed however during the construction of the road. However, Natural England have advised that the future proposals for the development of the Railworld site itself may lead to significant impacts to species such as great crested newts as they have been recorded within that site and larger areas of suitable habitat, possibly including ponds, would be affected. Should planning permission be granted for the proposed road a condition should be imposed for a Biodiversity Management Plan or similar to ensure that the wildlife management measures are implemented to ensure impact to great crested newts and other wildlife is minimised. This should include, for example, measures to minimise damage and disturbance to areas of habitat loss during construction and habitat creation proposals to compensate for any habitat loss and enhance the value of the site above its current ecological value. The decision as to whether the development would require a European Protected Species Licence lies with the applicant and any licence application would form a separate legal process taking place after planning permission has been granted.

Peterborough Civic Society – Objections. The application is premature. The Railworld site is not allocated for development in the Peterborough Local Plan (First Replacement) 2005 and there is no residential development approved on the site. The road would represent an inappropriate alien element in an otherwise existing attractive landscape setting by way of the urban nature of the tarmac top road materials, street lighting columns, and a turning head. The proposal should be resubmitted to include the proposals for the residential development of the Railworld site in order that the overall plans can be considered in full.

Friends of the Earth – Objections on the grounds that :-

- The proposal would be contrary to policies LNE8 and LNE11 of the Peterborough Local Plan (First Replacement) 2005.
- The road would result in a significant loss of public open space.
- The replacement area of open space is not sufficient compensation. Much of proposed area is already public open space.
- The open space would be fragmented to the detriment of the existing users.
- The road would fail to protect amenity, landscape, ecological and heritage values.

- Adverse impact upon the existing fauna and flora of the site and locality in general.
- Adverse loss of mature hedging and trees.
- The road can be expected to flood on occasions which would be an significant access issue.
- The road would be constructed partly on top of high voltage electricity cables which could mean the road having to be closed for periods should the cables require maintenance.
- The upgrading of the public footpath alongside the western boundary of the Railworld site would destroy the low key rural character of the site and as the road will have to cross the footpath the use of the footpath would be less safe.
- The replacement planting is not sufficient enough.
- The claim that the proposal would offer an improvement for the public to access the river side open space is not valid as there are existing footpaths off Thorpe Lea Road that provide direct access to the site.
- The proposal would contravene policy CS19 of the Emerging Core Strategy.
- The estimated number of vehicle trips to and from the site would significantly impact upon the amenity of the residents of Thorpe Lea Road, particularly the occupiers of the residential properties either side of the entrance to the vehicular access ie 66-68 Thorpe Lea Road.
- The general existing tranquillity of the immediate area would be lost by the presence and use for the road.
- The indicative residential scheme appears dense with limited parking provisions. This could result in future residents of the site having to park within the new road and Thorpe Lea Road, which is currently heavily parked in the evenings/mornings.
- The development of the proposed residential properties would result in further congestion at the junction of Thorpe Lea Road and Thorpe Road.
- The Peterborough Transport Plan suggests that the traffic using Thorpe Road could increase to 35,000 per day within the next 5 – 10 years whereas at present the number is approximately 20,000 per day on average.
- The site is not within an easy walking distance of the city centre as River Lane is unattractive, the pavements and the steps to Thorpe Road are poorly maintained.

Thorpe Gate Residents Association – Object on the grounds that:-

- No planning permission has been granted for the residential development of the site. The road proposal should not be considered in isolation from its principle purpose.
- There are unresolved issues as to the likely use of the northern area of the Railworld site.
- Vehicles wanting to exit of the junction from Thorpe Lea Road onto Thorpe Road would suffer from increased delays given the increase in the number of cars to be expected to be generated from the future residential proposals that the new access road would serve to the Railworld site.
- The construction traffic associated with the development of the proposed road would create problems within Thorpe Lea Road and Thorpe Road.
- The impact of the traffic onto Thorpe Lea Road from the new road can be expected to create problems.
- Unauthorised vehicular access to the open space from the proposed road to the detriment of the amenities of the area.
- The junction close to the end of the road could open up more land for development.
- The Railworld site lies nearly 2m above the proposed road which could lead to constructional difficulties.
- The proposal would result in the erosion of an area of recreational space.

NEIGHBOURS

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

Highways related –

- The construction vehicles would damage the roads to the site as they were not constructed to

stand the weight of large vehicles.

- The roads leading to the site from Thorpe Road are narrow and heavily parked such that large construction vehicles would have difficulty in accessing the site. Emergency Service vehicles can have similar problems when travelling along the local residential roads from Thorpe Road.
- Peterborough City Council would be left with the responsibility of maintaining the road.
- No analysis of the need for the proposed road when an existing vehicular access to the site already exists via River Lane. The latter should be the sole vehicular access to the site.
- The road will be liable to flooding
- The ultimate development, as suggested for 32 new dwellings on the Railworld site would lead to greater congestion at the junction of Thorpe Lea Road and Thorpe Road where waiting times to exit from Thorpe Lea Road to Thorpe Road can exceed 3 – 4 minutes at peak times.
- The figures showing the expected vehicle movements to and from the site have been grossly underestimated.
- If the proposal is to be approved funding should be made available to improve the access arrangements from Thorpe Lea Road into Thorpe Road.
- The numbers of vehicles using Thorpe Road over the coming years are expected to significantly increase. No analysis has been undertaken to assess the relationship of the increased vehicle movements at the junction of Thorpe Lea Road and Thorpe Road in association with the traffic expected to be generated from the re-development of the now redundant hospital site immediately to the north and the Station Quarter development proposal.
- The increase in the number of vehicles using Thorpe Lea Road would increase the potential for more accidents.
- The proposal could open a through route from River Lane via the Railworld site which would add further congestion in Thorpe Lea Road.
- The use of the existing footpath that follows the western boundary of The Railworld site should not be prejudiced.
- The proposed road could open up more land in the near vicinity to development.
- The road would open up the potential for unauthorised use of the open space areas alongside the river including motor cycles
- The road would lie on land that falls within Flood Zone 3 and frequently floods, the most recent major flood dating from 1998. If the road did flood then vehicular access to the dwellings would be prevented.

Amenity related –

- The application site is a part of the River Nene Meadow land that is currently community open space.
- The proposal would go against the aspirations of the City Council to become Environmental Capital of the UK.
- Loss of a dog walking area.
- Loss of an area for children to play.
- The site affords a significant visual amenity to the locality which would be completely lost with the provision of a 100m plus black top road. No amount of replacement planting could mitigate against such a presence of the proposed road.
- The site forms a part of a green lung into the city which the proposed road would adversely encroach into.
- The proposal would result in the loss of established poplar trees, smaller trees and bushes.
- The site has ecological value which would be detrimentally affected by the physical presence of the road and its use. Protect species would be at threat from the construction and use of the road.
- The generation of more traffic into the residential area would result in more pollution and noise into the area. The southern end of Thorpe Lea Road comprises a quiet cul-de-sac the peace of which would be disturbed.
- The occupiers of the two dwellings either side of the access would be adversely affected by way of noise and disturbance, loss of privacy, pollution.
- The majority of the proposed compensatory provision of open space is already used as public

open space by the general public so therefore cannot be considered as a satisfactory replacement provision.

- The loss of the open space is against Government policy.
- The construction of the road would reduce the capacity of the site to accommodate flood water which would result in a greater potential for significant flood events to affect the close by residential properties in Thorpe Lea Road.
- The proposal would conflict with policies LT3, LT11, LNE5, LNE8, DA2 and U5 of the Peterborough Local Plan (First Replacement) and policies CS9, CS16, CS19, CS20, and CS22 of the Emerging Core Strategy.
- Planning Policy Statement 25 requires that a sequential test should have been carried out to determine the acceptability of the road within a Zone 3 floodplain. An alternative to the proposed access is available.
- The proposal would conflict with the Peterborough Biodiversity Action Plan.

Other –

- The application for the residential proposal should have been submitted for consideration at the same time as the road. There is uncertainty as to the likely nature of the development of the Railworld site which could be an increased density of residential development. For such an important area of the city the ultimate proposals for the Railworld site should have been submitted in full.
- The urgency for the proposal is a time limit of a Deed granted in 1990, by the City Council, that has given the applicant 21 years within which to be an access road from Thorpe Lea Road (between nos.68 – 72 Thorpe Lea Road) to the Railworld site in 1990. This expires in July 2011. The fact that this grant of deed has been given to Railworld and the fact that the time limits are nearly up should not imply planning permission should be granted as a matter of course.
(The existence of this deed is not a planning consideration and therefore cannot be material in the consideration of the application).
- Loss in house values.

COUNCILLORS

Cllr Arculus – Objection on the grounds that it is considered inappropriate to grant planning permission for a new road before there is more certainty about what is actually to be proposed on the Railworld site. It is more usual for residential development to be granted with an associated vehicular access forming a part of the approved details. The unusual approach in this case is the need for Railworld to meet a deadline in a deed dated 27 July 1990 in which the City Council; purported to grant a right of access over the intended route of this application with such a right expiring 26 July 2011. The existence of this deed should not be regarded as a relevant planning consideration. The number of dwellings that the access may serve is not established and therefore the suitability of the proposed access road to serve the residential development of the Railworld site cannot be properly assessed. The application for the overall development has to be considered in the whole rather than in a piecemeal fashion.

The submitted traffic survey is inaccurate in that it fails to mention that the fatality that occurred within the local road network occurred at the junction of Thorpe Lea Road and Thorpe Road the use of which would be intensified by vehicular traffic as a result of the future residential development that the proposed new access road would serve. This junction is not safe for existing levels of use and therefore even less so for an increase in the number of vehicles who would have to use it. The traffic survey report accepts that until such time as the impact of the re-development of the Peterborough District Hospital site is known in more detail then a Transport Assessment of the area would be of little use in assessing future traffic flows. The application should be rejected at least until the developer has submitted a formal application for the rest of the development site at Railworld North.

7 REASONING

Background

The application site is owned by the City Council. Whilst not to be regarded as a material planning consideration the City Council, in 1990, granted a Deed of Grant of Easement to the Museum of World Railways (now Railworld) over the land the subject of this application for a road (unspecified details) to

connect the Railworld site to Thorpe Lea Road (access between nos.66-68). The deed requires that any such road has to be constructed to the 'reasonable satisfaction of the City Engineer' within a period of 21 years. The time period for the construction of the road is due to expire on 27 July 2011. Railworld has explored various options, informally, for the residential development of its site with vehicular access off its River Lane. This has included proposals for the erection of over 400 flats/apartments/dwellings, subsequently reduced to 300. However, given the extremely hazardous junction arrangement where River Lane meets Thorpe Road the intensification of the use of this junction that would result from such major residential developments, would represent a significant detrimental impact to highway safety and has been advised against by Officers. Railworld want to develop its site to raise funds towards the expansion plans that it has for its provision of facilities for the general public to enjoy which includes its proposals to provide an exhibition centre on the south bank of the river. Whilst the application is solely for the road it is considered that the Railworld site has the potential, as a brownfield site, for small scale residential development but clearly this has to be the subject of a satisfactory detailed scheme. On this basis, whilst the proposed road would be in advance of any residential proposals/approvals on the Railworld site, the current proposal can be considered in isolation.

The impact of the use of the road and additional traffic generation upon the amenities of the residents of Thorpe Lea Road

General

The proposal makes reference to the road serving a development of 32 dwellings on the Railworld site which it is considered, in the context of the number of vehicles travelling within Thorpe Lea Road on a daily basis, would generate a relatively small increase in traffic movements in percentage terms when compared to the existing traffic flows within the road. This being the case and with regards to the low vehicle speeds of the traffic the additional vehicle numbers would not be expected to adversely impact upon the general residential amenities of the occupiers of properties in Thorpe Lea Road.

The impact of the road upon the amenities of the occupiers of nos.66 – 72 Thorpe Lea Road (even).

Nos.66 and 68 Thorpe Lea Road have enjoyed the benefit of a longstanding area of open space between them and the construction of a new road within this area and to the south would represent a material change in terms of the physical appearance of the site and also noise impacts that would be generated by the use of the road. In terms of the former, such relationships where roads flank onto the flank boundaries of residential properties, are common within the city area and as such it has been established that these relationships can be acceptable. A degree of disturbance from the use of the road upon the amenities of the occupiers of these properties will occur but given the city location and the expected low vehicle speeds of vehicles exiting and entering from/into Thorpe Road the likely impact of the use of the road would be acceptable. Given the location of the new junction within Thorpe Lea Road i.e. towards the end of the cul-de-sac, it is unlikely that vehicles would be delayed in exiting and entering the site due to the low level of traffic movements from the small number of residential properties to the east of the new junction. This would give rise for generally quieter manoeuvring into and out of the new access to Thorpe Road.

The occupiers of nos.68 – 72 (even) Thorpe Lea Road would have sight of the road as it extends away from the rear boundaries of their properties, given that the bungalows are on a slightly higher level than the open meadow to the south that is to be crossed by the proposed road. Therefore the movement of traffic on the road would be visible. This will result in a material change in the outlook from the rear of these properties and there would be an increase in noise generated by the traffic using the road. The vehicles using the road would however be travelling at low speeds. There would be the potential to introduce landscaping to the north of the road to mitigate against the roads presence in the open space. The existing fencing to the flank boundaries of nos. 66 - 68 Thorpe Lea Road are of a height to restrict the potential for overlooking from the general public walking past the rear gardens of their properties.

Concern has been expressed by residents that the road could open up the application site and land within the open space area to the west of the site for other development. This matter is not for consideration as a part of this application as the road is proposed to solely link Thorpe Lea Road to Railworld site.

The impact of the road upon highway safety

The junction of the proposed road with Thorpe Lea Road has been designed with a satisfactory geometry including both pedestrian and vehicle to vehicle visibility splays. Concern has been expressed that the residential development proposals for the site would lead to an increase in the traffic exiting onto Thorpe Road via its junction with Thorpe Lea Road where, particularly at peak times, there can be a wait before access onto Thorpe Road is possible. The predictions however are that the traffic expected to be generated by a development of 32 dwellings would only slightly increase the volume of traffic at the junction which may lead to a few occasions when a delay in exiting the site may prove a moment longer than the worse case at present.

There has been one recorded accident at the Thorpe Lea Road/Thorpe Road junction in the past five years and whilst this involved a fatality there is no evidence to suggest that the junction design or capacity issues could be blamed. The safe use of the junction would not, it is considered, be prejudiced by the traffic generated by 32 additional dwellings. Whilst it is acknowledged that Thorpe Lea Road can at times be heavily parked the small increase in the traffic that could be expected to be generated by the 32 dwellings would not adversely impact upon highway safety. There is no intention to permit a through route of traffic from River Lane to Thorpe Lea Road.

The width and alignment of the existing road network (from the application site to the Thorpe Road junction) and traffic flows thereon are such that there is capacity to accommodate the anticipated additional flows safely.

In considering this application, it would be unreasonable to require the development to take into account other development, such as the redevelopment of the hospital) that are not yet the subject of a planning application.

The impact of the road and its use upon fauna and flora

The removal of two, of a line of five, poplar trees on the eastern boundary of the site, would not significantly undermine the tree presence on that boundary or that of the site. Replacement planting in lieu of the loss of these two trees will be secured. The construction of the road close to the remaining three trees would be of a 'no-dig' method to ensure that their roots are not damaged. The loss of a small area of trees/bushes along the western boundary of the site also a necessity to accommodate the road can be addressed through replacement planting. A continuous 54m length of the existing approximately 74m strip of vegetation along the western boundary of the site is to remain.

A great crested newt has been reported as being present on the Railworld site to the east. However, Natural England has advised that due to the small areas of habitat suitable for this species, within the application site, it is unlikely that the species would be affected by the construction works for the road. Further the nearest ponds that may contain great crested newts are some distance away from the application site. To ensure that the impact upon great crested newts and other wildlife is minimised Natural England have recommended that a Biodiversity Management Plan be secured by condition if planning permission for the road is granted.

The impact of the road upon public open space provision

The road will bisect the existing open space provision afforded by the site which falls within the Nene Valley/Area of Best Landscape in the Peterborough Local Plan (First Replacement). This will result in a loss of a part of the grassed area of the site and a small area of trees and bushes. However the road would not restrict access to the retained areas of the site to the general public. The principle use of the site would appear to be, as evidenced on site, for the exercise of dogs.

The site lies within land designated, in the Peterborough Local Plan (First Replacement) as being within the Nene Valley (local plan policies LNE5 and LNE8 apply) and is also classified as being of the Best Landscape (policy LNE6 applies). These policies seek to restrict development types in these areas, particularly that which would adversely impact upon the landscape and amenity value of the Nene Valley. Whilst such a road could be considered to represent the introduction of an alien feature into the setting of the Nene Valley its likely impact in terms of the overall character, appearance and amenity value of the Nene Valley would not conflict with the aims of the development plan policies. Support for this judgement is by way of the presence of the significant amount of established, tall, dense area of vegetation that includes maturing trees and low to high coverage of understory planting that would

screen, other than an area approaching the junction of the road with Thorpe Lea Road, the movement of vehicles from views looking towards the application site within the major areas of public open space to the west of the site. Such established and retained screening and the fact that the road is to be located within a small area of open space at the very eastern extent of the Nene Valley Local Plan designation would enable the road to be acceptable. The enjoyment of the open space corridor, by the public, to the west of the site would not be compromised to an unacceptable degree. Visually the site is well enclosed also by the housing to the north and by the raised area of the Railworld site to the east and thus the main impact of the road would be experienced only at close quarters which, given the amount of open space to the west of the site, would not serve to undermine the highly valued area of 'green lung' into the city from the west. Significant replacement planting within the site would assist in mitigating the visual impact of the road within the open space at the local level.

The applicant is proposing to provide alternative open space provision in the locality to offset against that which would be lost. This provision can be secured by planning condition. An area for this has been identified to the south-east of the site. A part of the identified area is already in public open space use, but owned by Railworld and as such it would be entitled to restrict such use in the future. The road and its use would not affect existing rights of way from the west. The inclusion of roadside fencing alongside of the road is proposed to restrict unauthorised access to the retained areas of the open space to the north and south of the road.

Concerns have been expressed by local residents that the new road could lead to the north area of the road to be developed and in the longer term that the road could be used as an access to develop in a westerly direction in the close by areas of open space. The proposed application is seeking only to access the Railworld site and no consideration has been given to potential, or otherwise, developments that may want to use the road for access purposes.

Fencing is proposed either side of the road in order to prevent vehicle trespass on the adjacent open space areas.

Flood Risk implications

The site lies within Flood Zone 3 within which development is generally discouraged. A flood risk assessment (FRA) was submitted and this has demonstrated that road will be lower at 4.6m, at its lowest point, compared to the 1 in 100 year fluvial flood levels of 4.81m AOD although the 1 in 100 year flood level with climate change forecasts factored in would result in a flood level of 5.08m AOD. The Environment Agency has not objected to the proposal on flood risk grounds. In flood risk terms roads are classed as 'essential infrastructure' and given the Flood Zone 3 status it has to be demonstrated that that an exception can be made to the normal presumption against development. Under PPS25, three tests have to be passed and a commentary is made below to demonstrate that the development satisfies each of them:

1. The development will bring about wider sustainability benefits that outweigh flood risk
This test is passed as the road will enable the development of a brownfield site, close to the city centre i.e it is a very sustainable locations. In addition, the road will not be the only means of access to the brownfield land when it is developed as at least pedestrian and cycle access (and possibly emergency access only if required) will be available via River Lane.
2. The development should be on previously developed land and if not, there should be not reasonable alternatives:
Whilst the road itself is not on previously developed land it will facilitate the development of such land and there are no reasonable alternative access routes available that would enable the efficient re-use of the brownfield land.
3. The road should be safe, not increase risk and where possible reduce risk:
The FRA has satisfactorily demonstrated that the construction of the road will not increase risk. Whilst the road would be liable to flooding, in such events alternative 'dry routes' for at least pedestrian and cycle access (and possibly emergency access only if required) will be available via River Lane. In addition it should be noted that the approach to the proposed road via Thorpe Lea Road is identified as being at flood risks. From this point of view, the situation posed by the proposed road is no different to the existing situation.

Response to Other Matters Raised by Objectors

- Loss in house values – this is not a material planning consideration.
- Disturbance etc from construction vehicles – Disturbance and a level of inconvenience arising from the construction of the road is inevitable but cannot be a reason in itself to refuse planning permission. Any property damage arising would be a civil matter between the parties involved.

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 road would not result in a local deficiency of open space or compromise the overall enjoyment of the general open space provision/corridor that connects the city centre to the west of the city in accordance with policies LNE5 and LNE8 of the Peterborough Local Plan (First Replacement).
- That adequate alternative provision of open space to compensate for that lost is provided nearby in accordance with emerging Core Strategy Policy CS19 and policy LT3 of the Peterborough Local Plan (First Replacement).
- The proposal would still permit the use of the retained areas of open space to the north and south of the road by the general public in accordance with policies LT3 of the Peterborough Local Plan (First Replacement).
- The presence of the road would not materially compromise the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- No protected species or their habitats would be adversely affected by the construction of the proposed road in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).
- No public rights of way would be affected by the presence of the road in accordance with Policy T2 of the Peterborough Local Plan (First Replacement)
- The proposed road would be safe and would not be detrimental to the existing road network in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).
- The proposal is acceptable in flood risk terms in accordance with PPS25.

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 :-

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 commence, unless otherwise agreed in writing, until measures have been implemented to prevent unauthorised vehicular access to the public open space to either side of the road, both during its construction and thereafter its use as a public highway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent in accordance with policy of the Peterborough Local Plan (First Replacement).

C3 No development shall commence, unless otherwise approved in writing, until a Biodiversity Management Plan has been submitted to and approved in writing by the Local

Planning Authority. Thereafter the development shall be implemented in accordance with the recommendations of the Biodiversity Management Plan.

Reason: The application site lies within an area of open space that contains areas of habitat within which protected species of wildlife could be expected to be found. A full investigation is required to ensure that there would be no harm to the protected species in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- C4 Notwithstanding the submitted information no development shall begin until details of the drainage works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage works shall be implemented in accordance with the approved details.**

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).

- C5 The existing vegetation/tree belt that forms the western boundary of the site shall not be removed other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The submitted details are to include measures to protect the retained area of the vegetation/tree belt. Thereafter the protection measures shall be implemented and retained for the duration of the construction of the road.**

Reason: In order to protect the amenities of the area in accordance with policies LNE10 and LNE12 of the Peterborough Local Plan (First Replacement)

- C6 Notwithstanding the submitted information a scheme shall be submitted to and approved in writing by the Local Planning Authority to restrict vehicle access to the site from Thorpe Lea Road for vehicles only associated with the construction of the road hereby approved.**

Reason: To prevent unauthorised vehicle access to the public open space which lies within an area of best landscape and the Nene Valley in accordance with policies LNE5 and LNE8 of the Peterborough Local Plan (First Replacement).

- C7 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. The scheme shall also include where relevant, details of screen walls and fences, surfacing materials and changes in ground level. 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 Policy LNE10 of the Peterborough Local Plan (First Replacement).

- C8 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.**

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

- C9 No works or development shall take place until details of the 'no-dig' surfacing, ground protection and inoculation of the Mycorrhizal fungi have been submitted to and approved**

in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the health of the retained trees and the visual amenities of the area in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.

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

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

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

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

C11 Notwithstanding the submitted information within 6 months, unless otherwise agreed in writing, of the date of this permission details of the proposals for the alternative provision of public open space in lieu of the area to be lost as a result of the construction of the road shall be submitted and approved in writing by the Local Planning Authority. Thereafter the alternative area of open space shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the open space provision in the locality is not compromised by the development and as the site lies within an Area of Best Landscape and within the Nene Valley in accordance with policies LT3, LNE5 and LNE8 of the Peterborough Local Plan (First Replacement).

C12 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the public highway in accordance with the approved plan. The minimum dimensions to provide the required splay lines shall be 2.4 m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 25m 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).

C13 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local

Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policies T1 of the Adopted Peterborough Local Plan (First Replacement).

C14 The temporary turning head shown on the approved plan shall be removed and reinstated to footway in accordance with details to be submitted to and approved in writing by the LPA once the remaining residential development roads within the Railworld site are completed.

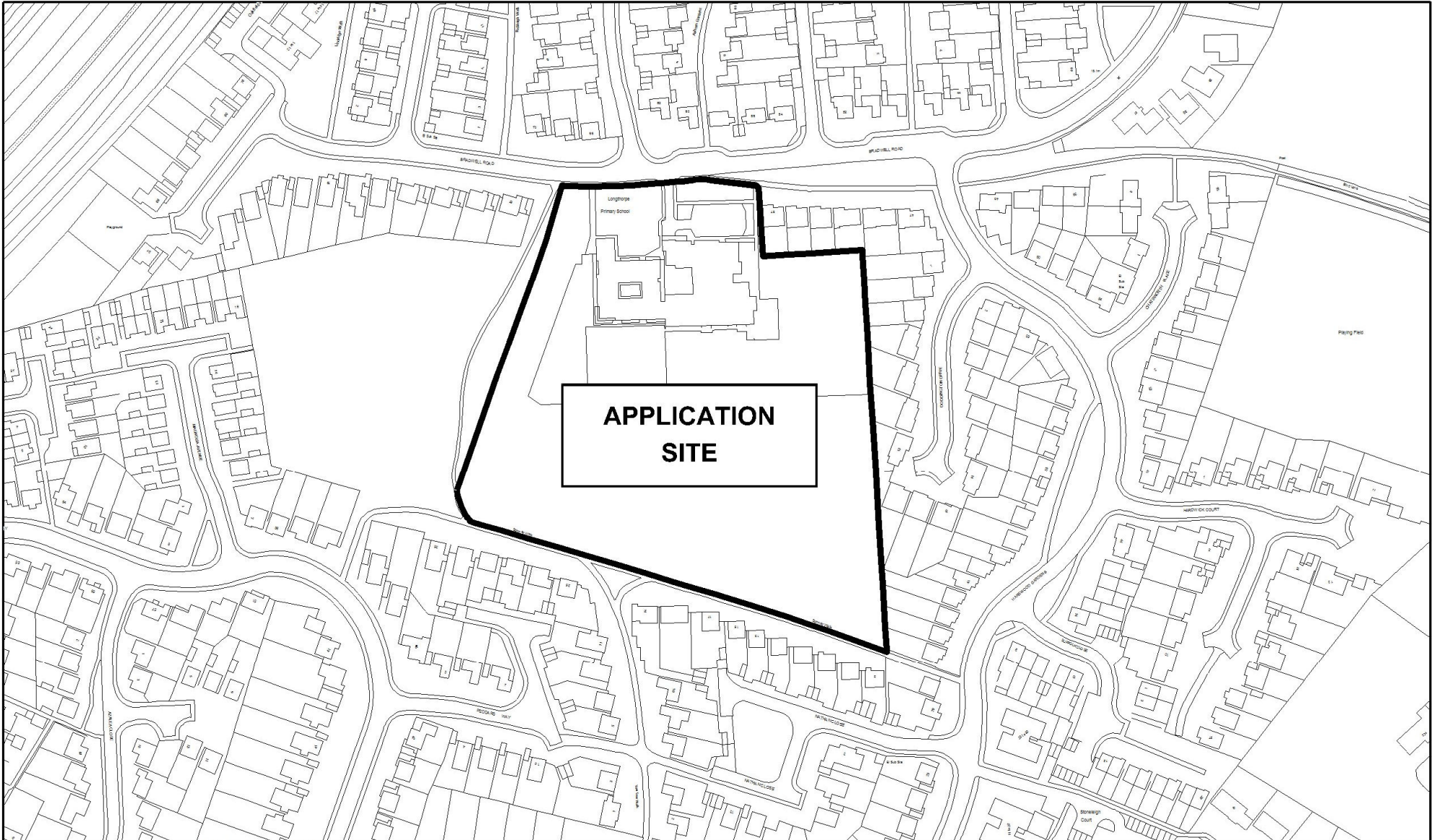
Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).

Notes Relating to this Decision

1. The Environment Agency has advised that care should be taken to avoid pollution of the River Nene during the construction process. Advice on suitable prevention measures can be found in Pollution Prevention Guidelines on the Environment Agency Website.
2. If any of the construction works involve the use of waste obtained from within or outside of the site then the works may require registration as an Exemption under the Environmental Permitting (England and Wales) Regulations 2010.
3. The Local Highway Authority has advised that the works hereby approved will require a Section 38 agreement.
4. The development involves works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. **It is essential that prior to the commencement of the highway works**, adequate time is allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from Transport & Engineering - Development Team on 01733 453421.
5. The attention of the applicant is drawn to the need to make a formal application to the council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 agreement. Application forms for Section 38 agreements are available from Transport & Engineering - Development Team on 01733 453421.
6. The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.
7. 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. 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

Copies to Councillors S Dalton, M Dalton and Arculus



LOCATION PLAN 10/01735/R3FUL

Longthorpe Primary School, Bradwell Road, Netherton, Peterborough

Scale 1:2500 **Date** 11/2/2011 **Name** MKB **Department** Planning Services

This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
c Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2009.

PCC GIS



This page is intentionally left blank

10/01735/R3FUL: NEW CLASSROOM BLOCK AND PLANT ROOM, NEW ENTRANCE CANOPY, EXTENSION TO CLASSROOM AND DEMOLISH TWO CLASSROOMS AT LONGTHORPE PRIMARY SCHOOL BRADWELL ROAD, NETHERTON, PETERBOROUGH

VALID: 22.12.2010

APPLICANT: MRS I CLARK

AGENT: MR J STOKES

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: THE IMPACT CAUSED BY THE PROPOSALS ON THE AMENITY OF THE OCCUPIERS OF NEIGHBOURING DWELLINGS AND UPON THE CHARACTER OF THE AREA

DEPARTURE: NO

CASE OFFICER: DAVE JOLLEY

TELEPHONE: 01733 453414

E-MAIL: david.jolley@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The effect of the proposals on the amenities of the occupiers of nearby dwellings
- The impact upon the character of the area
- The impact on the transportation network

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

2 PLANNING POLICY

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

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

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.

T1 The transport implications of new development

Planning Permission will only be given for development which does not harm any element of the transportation network.

PPS1 Delivering sustainable development

Planning permission should only be granted if a development is sustainable, in terms of materials, design and community

3 DESCRIPTION OF PROPOSAL

Permission is sought for the erection of a new 6 classroom block and plant room, new entrance canopy, an extension to an existing classroom, construction of a corridor extension and the demolition of two existing classrooms.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site lies within Longthorpe, an area 1.5 miles to the east of the city centre. The school itself occupies a site of 2.95 hectares and is surrounded on all sides by residential development. Currently the school is enclosed by 1.8 metre weld mesh fencing and the schools field is unenclosed and available for public use. There is also an area of public open space to the east of the school site.

The school comprises of predominantly 1970's buildings of utilitarian design. The majority of the buildings are constructed from red brick with brown concrete roof tiles. The school has a dedicated car park with 21 standard spaces and 1 disabled space.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
00/00119/R3FUL	Extension to provide new classroom and multi-purpose room	01.02.2000	17.03.2000
02/00145/R3FUL	Extension to hall	07.02.2002	27.03.2002
02/00360/R3FUL	Retention of 1x3 bay mobile unit	18.03.2002	08.05.2002
03/00398/R3FUL	Single storey classroom extension including new paved area and macadam footpath	21.03.2003	02.06.2003
06/00690/FUL	Erection of garage for storage	05.05.2006	20.06.2006
07/00085/FUL	Installation of toll top railings to existing wall	19.01.2007	23.03.2007
07/01833/FUL	Single storey extension	29.11.2007	17.01.2008
08/00746/R3FUL	Erection of automated arm barrier to school car park	04.06.2008	29.07.2008
10/01735/R3FUL	New classroom block and plant room, new entrance canopy, extension to classroom and demolish two classrooms	22.12.2010	

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections

Landscape Officer - The only trees on site do not appear to be affected by the proposed buildings works, nor the removal of old fence & installation of new fence. As such, I have no objections.

EXTERNAL

Architectural Liaison Officer (Cambridgeshire Constabulary) – I have no objections, recommendations, or observations.

NEIGHBOURS

Letters of objection have been received from 20 local residents raising the following issues:

- Extra traffic
- Noise nuisance from new classrooms
- Overlooking loss of privacy
- Overshadowing of Bradwell Road dwellings

- Parking problems
- Poor design
- Lack of appreciation of the impact on nearby residents
- Unacceptable size/scale
- Do not understand why the classrooms are not to be built to the north and west
- Inadequate consultation
- Boundary dispute/encroaches
- Concern regarding security and how site will be secured to prevent intruders
- Damage/vibration to property during construction, temporary access is only feet from dwellings
- Concerns regarding the strip of land between the new block and Bradwell Road properties being designated as new playground
- Some elements of the application form are wrong
- New building will be 3 metres higher than existing buildings and will decrease visual amenity for Bradwell Road Residents
- New classrooms are too close to Bradwell Road residents
- Design is not in keeping with existing buildings
- Extension would appear to be a one size fits all solution
- Lights are often left on, would lead to a light pollution problem if repeated in new block
- Difficult to see the need for the new building when number of children in the area is decreasing
- Increased number of students will lead to worse parking issues
- Access road will lead to loss of ancient hedgerow and possible damage to old oak tree
- Bad behaviour of students close to rear boundaries of Bradwell Road is harming amenity of the occupiers of the adjacent dwellings

Letters of objection have been received from local residents raising the following issues but are no longer material considerations as the fencing realignment has been removed from the application:

- The field has been open to the public for over 30 years
- Area to the west is not suitable as public open space
- A compromise as to the amount of field to be enclosed can surely be sought
- Realignment of the fencing is misleading
- Realignment of the fencing will affect property values
- Would destroy the open plan nature of the area maintained by covenants
- Fencing would destroy a lovely open view
- Trees are protected and fence must not cause damage to them
- Loss of landscaping
- Loss of community facility
- Contrary to policy LT3 and LT6 of the Peterborough Local Plan
- Loss of aspect/view
- Impact on community
- Schools use of the field is limited, they don't use it evenings and weekends
- Loss of field would lead to childhood obesity problems
- Would leave the area deficient of public open space
- Local impacts should be evaluated and reported before application is considered
- Not necessary no ofsted requirement to fence field
- Against local/government policy

A petition signed by 370 objectors has been received relating to the realignment of the fence, but as this element has been removed from the application the petition is no longer relevant to the application.

Letters of support have been received in relation to the application stating:

- Residents have known that the land south of the school belongs to the education authority
- Sharpe and undesirable objects are often picked up from the field
- Dog mess is a problem on the field
- A successful school will enhance property prices
- Teaching staff should not waste valuable time inspecting the play area

- Improvements to the school are long overdue.

Any representations of support regarding the fence are no longer relevant to the application as this element has been removed from the application.

COUNCILLORS

No Councillor objections have been received

7 REASONING

a) The principle of the development

The school has stated that the classrooms are undersized and there are suitability issues with the existing building. Special education need provision is compromised by a lack of dedicated facilities. The staffroom is too small and there is no library.

Capacity of the school will remain unchanged as a two form entry primary school with capacity of 420 pupils.

The alterations will provide improved staff room facilities, a new library, improved administration offices and a better grouping of classrooms.

b) The effect of development on the amenities of the occupiers of nearby dwellings

The primary area of concern surrounding the application is the 6 classroom extension to the east of the existing school building and its impact upon the adjacent neighbours of Bradwell Road.

The building will be sited 10.0 metres from the rearmost boundary of the neighbouring dwellings and 22 metres from the rear elevation of said properties.

The 6 classroom block is substantially higher than the existing school buildings at 7.7 metres. The apex of this roof would be 21 metres from the rearmost boundary of the Bradwell road properties and 33 metres from the rear elevation of the properties respectively.

It is accepted that construction of the new block would result in overshadowing of the amenity space of these neighbouring dwellings throughout the day and more severely throughout the winter months, however the overshadowing of amenity space is not considered severe enough to warrant refusal. The building will not cause unacceptable overshadowing to the primary habitable room windows of the Bradwell Road houses and will not significantly reduce the amount of direct sunlight entering the rooms.

The height of the building and its closeness to neighbouring properties is broadly in line with other developments within the city, albeit these developments are generally housing developments the impacts are judged to be broadly equivalent.

The obscuring of the outlook of the Bradwell Road dwellings is not generally considered to be a material planning consideration and given that the apex of the proposed dwelling would be some 33 metres from the rear elevations of the adjacent Bradwell Road properties the proposal is not considered to be unacceptably overbearing.

The siting of a playground area between the proposed new classroom block and the dwellings of Bradwell Road is not considered to be materially different to existing situation of a playing field. It would appear that the children are free to play on the area at the moment and therefore the designation as a playground area is not likely to result in a materially worse impact upon the amenity for the occupiers of the neighbouring dwellings, through noise or antisocial behaviour.

The siting of large double doors in the north facing elevations of the new block is a concern and it is possible that noise emanating from the classrooms might result in increased disturbance to the occupiers of the adjacent dwellings. The Local Authority consider that this issue could be adequately

addressed through the appending of a condition restricting the insertion of double doors on this north facing elevation, allowing only single doors for access.

The objection regarding the potential for light pollution nuisance through the leaving on of lights throughout the night can be adequately dealt with through condition and is unlikely to result in unacceptable harm to the amenity of neighbouring dwellings.

The potential for damage caused to adjacent properties by construction vehicles using the temporary access is not considered to be a material consideration in determining the application. The temporary period when construction is occurring is not likely to result in unacceptable disturbance to nearby residents from vehicles using the access road.

The relocation of the sheds to adjacent to adjacent to the rear boundary of 9 Doddington Drive will not result in unacceptable overshadowing or overbearing to the occupiers of 9 Doddington Drive or the dwellings adjacent.

No other element of the proposal is likely to cause any harm to the amenities of the occupiers of neighbouring dwellings.

c) The impact upon the character of the area

The impact of the new corridor, proposed entrance canopy and small classroom extension will have no impact upon the character of the immediate area other than providing a more visible entrance point for the school, which is considered to be an improvement over the existing situation.

It is the proposed 6 classroom block extension that will have the most significant impact upon the character of the area. The block is 7.7 metres tall, some 2.7 metres taller than the adjacent school buildings and will be clearly visible from the public areas to the south and west of the school. The view from the public area will be changed by the proposed class room block but the impact is not considered to be harmful. The block will be sited against the backdrop of the existing two storey dwellings of Bradwell Road and is approximately the same height as these dwellings and therefore longer views from the public realm are unlikely to be unacceptably harmed by the development.

The block will also be readily visible from the highway of Bradwell Road, between the adjacent dwellings and in longer views from all directions given that it would be approximately 2.7 metres taller than the existing school. However such a change is not necessarily harmful and the height and bulk of the new 6 classroom block are not so large as to fundamentally change the character of the surrounding area.

The design of the new 6 classroom block does not follow the appearance of the existing school buildings; the applicant has stated that it has been designed as a standalone building. This is a common practice for school extensions throughout the city and is an attempt to bring architectural interest into the built form. The current form and design of the school is unremarkable and not particularly attractive. The benefits of introducing a different form to the school balance any harm that might arise from the building proposed, it should also be noted that the dwellings adjacent to the school in no way match the design or material used for the school and that the wider character is varied.

The plans would appear to show that a sedum green roof is proposed for the roof of the new block, with Atherstone Buff Brick for the elevations. This is contrary to the materials used in the existing buildings on site and may result in a visually dominant building. A condition will be appended to the permission requiring approval of all external materials to be used in the construction of all elements of the building to ensure that appropriate materials are used.

There is no evidence that the proposal will damage trees. It would appear that the proposed temporary access is well clear of the protected tree at the front of the school. There will be a loss of a small amount of hedge to make way for the access road and therefore a condition will be appended to the permission requiring the replanting of the hedge following the closing of the temporary access. An objector has stated that this hedge is an ancient hedge, however on site investigation does not appear to support this statement and no protection has been conferred on the

hedge. A condition will be appended to the permission requiring submission of a replanting scheme for any hedge lost through construction.

d) **Impact on the transportation network**

The school have stated that the proposed extension will not increase pupil numbers, staff numbers or hours of operation and that the extension is required to improve certain areas of provision within the school and increase the average size and quality of the classrooms and there is no loss or gain of parking provision within the site.

The local Highways Authority has raised no objection to the proposal and it is considered that the proposal will have no impact upon any element of the transportation network.

8 CONCLUSIONS

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

The design of the 6 classroom block is of a type that is common within schools throughout the city and will not significantly harm the character of the area and wider views and the impact of the extensions can be mitigated by the use of appropriate materials.

The 6 classroom block will not cause unacceptable overshadowing or be overbearing to the adjacent dwellings on Bradwell Road.

The siting of a new playground area between the proposed 6 classroom block and the properties of Bradwell Road is not materially different to the existing situation and is unlikely to result in unacceptable levels of additional noise or antisocial behaviour.

There will be no increase in pupil numbers and therefore there will be no additional demand for parking and no negative impact upon any element of the transportation network.

The proposal will not harm the protected tree to the front of the school and the loss of a small section of hedge can be mitigated for a replanting condition.

The proposals are therefore considered compliant with PPS1 and policies DA2 and T1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

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

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

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

C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

C3 Notwithstanding the approved plans there shall be no double doors located within the north facing elevation of the 6 classroom extension block.

Reason: In order to protect the amenity of the occupants of the adjacent dwellings, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C4 The 6 classroom block shall not be externally or internally illuminated between the hours of 20:00 and 06:00.

Reason: In order to protect the amenity of the occupants of the adjacent dwellings, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

C5 Prior to commencement of development a scheme for the replacement of any boundary hedge removed for construction of the temporary access shall be submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the species and number of any specimens to be used.

Reason: In order to preserve the character of the area, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).

Copies to Councillors S Dalton, M Dalton and Arculus

This page is intentionally left blank