

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 5 JULY 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>27 June 2011</i>

AGENDA

	PAGE NO
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meetings held on:	
3.1 24 May 2011	1 - 12
3.2 7 June 2011	13 - 26
4. Development Control and Enforcement Matters	
4.1 11/00230/FUL - Peterborough Town and Sports Club, Bretton Gate, Bretton, Peterborough	27 - 34
4.2 11/00225/FUL - Peterborough City Lawn Tennis Club, Park Crescent, Peterborough, PE1 4DX	35 - 46
4.3 11/00695/FUL - St Theresa's House, Manor House Street, Peterborough, PE1 2TL	47 - 58



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 Serluca (Vice Chairman), Councillor Casey, Councillor Hiller, Councillor Simons, Councillor Stokes, Councillor Todd, Councillor Lane, Councillor Harrington and Councillor Martin

Subs: Councillors Winslade, Ash and Shabbir

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, Alan Jones

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 24 May 2011

Members Present:

Councillors – North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Stokes, Todd, Lane, Harrington, Martin and Winslade

Officers Present:

Simon Machen, Head of Planning, Transport and Engineering Services
Lee Collins, Area Manager Development Management
Vicky Hurrell, Principal Development Management Officer
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Simons.

Councillor Winslade attended as a substitute.

2. Declarations of Interest

4.1 Councillor Stokes declared that part of her Ward adjoined Junction 1 on the parkway.

3. Minutes of the Meetings held on:

3.1 12 April 2011
3.2 26 April 2011

The minutes of the meetings were approved as true and accurate records.

4. Development Control and Enforcement Matters

The Chairman addressed the Committee and stated that a request had been received to allow an extension to the speaking times. This extension would allow fifteen minutes for objectors and fifteen minutes for supporters. Members agreed the extension to the speaking times.

4.1 09/01369/OUT – Development of up to 65 Hectares of employment land (B1, B2 and B8 including safeguarding of a site for a household recycling centre / park and ride). Associated highway infrastructure (including pedestrian, bridleway and cycle routes), and car parking for all uses. Foul and surface water drainage networks (including suds and lakes) at land to the east of Alwalton Hill, Fletton Parkway, Peterborough

The application site, which was 87.42 hectares in size, was currently in agricultural use. It was bounded to the north by Fletton Parkway (A1139) beyond which was the township of

Orton. To the west was land at Alwalton Hill beyond which lay the A1(M). Located on the west side of the A1(M) was the village of Haddon.

To the east was Orton Pit Special Site of Scientific Interest (SSSI) / Special Area of Conservation (SAC), a site of international ecological importance and beyond this the existing development of Hampton.

Immediately south of the application site was a wooded area known as "Two Pond Coppice" and "Chambers Dole", and beyond it the site of the Great Haddon Core Area where it was proposed to locate a housing development with associated infrastructure (see section 4 and planning application 09/01368/OUT). The woodland was within private ownership and did not form part of the proposed Great Haddon development. To the south west of the site was the old Great North Road along which there were a number of individual houses. To the south of the core area was the A15 and the villages of Yaxley and Norman Cross.

Bridleway Number 1 which was part of the Green Wheel ran through the length of the application site from the Old Great North Road to junction 1 of the Fletton Parkway. Connected to the bridleway at the north of the site was a footpath/cycleway which led to a bridge over the Fletton Parkway and the township of Orton.

The site was relatively flat although there was some change in levels across it from the Fletton Parkway. There were a number of existing trees, hedges and drainage channels associated with the agricultural use of the land and 3 small ponds were also located within the site.

Two outline planning applications, with all matters reversed for detailed consideration at a later stage, were submitted in December 2009 for a new urban extension known as Great Haddon.

This application was for the employment site. The main elements of the proposal could be summarised as follows:

- The provision of 65 hectares for employment land;
- A total floor area of 324 500 square metres (Gross External Area), comprising a mix of B1 (business, including offices - 15% or 48 675 square metres (sq.m)), B2 (general industry - 40% or 129 800 sq.m.) and B8 (warehouse and distribution - 45% or 146 025 sq.m);
- Maximum building heights of 15 metres, except tranche E7 with a maximum height of 17 metres along with associated ground works;
- A new site access road from junction 1 of the Fletton Parkway. Also proposed is a new vehicular connection with the Old Great North Road to the south west;
- Diversion of the northern section of Bridleway Number 1 (to facilitate the new access road connection with junction 1 of Fletton Parkway);
- Safeguarding of 1.5 hectares (for a 6 years period of time) for a Householder Recycling Centre or Park and Ride;
- A buffer zone of 30 metres with Orton Pit SSSI/SAC with the buildings within the adjacent plots to be set back a minimum of 5 metres from the boundary of the site;
- Measures to control unauthorised access into Orton Pit SSSI/SAC;
- Areas of ecological mitigation (areas OS5 and OS2) and habitat enhancement;
- Associated attenuations ponds and surface water drainage;
- Associated foul drainage infrastructure; and
- Provision of a private bus service for employees.

Based on a generic 'industry standard', the applicant had predicted the amount and type of development proposed could create in the order of 8,500 jobs.

The application was supported by the following documentation:

- Design and Access Statement;
- Planning Statement;
- Environmental Statement;
- Access Management Strategy for Orton Pit SSSI/SAC; and
- Transport Assessment and Travel Plan

Under separate consideration was an application for the Great Haddon core area. Outline planning permission was sought for a maximum of 5350 dwellings, with three new primary schools and one secondary school, a district centre and two local centres, open space and drainage.

With the exception of the Transport Assessment and Travel Plan the supporting information submitted relates to both applications. They were originally to be progressed in tandem but in December 2010 the employment site was sold to Roxhill (Peterborough) Limited.

The core area application was the subject on going negotiations and would be reported separately to Members at a later date.

The adjacent site of Alwalton Hill was also under the control of the applicant, Roxhill (Peterborough) Limited. The site had detailed planning consent (reference 09/00725/REM) for some 172 000 square metres of B8 floor space (warehousing and distribution) with ancillary offices, in five 15 metre high buildings, a new access road from junction 1 of the Fletton Parkway including an associated diversion of the bridleway, internal access roads, drainage and associated landscaping. This existing permission was a material consideration in the determination of the current application although the scheme had not yet been implemented.

The agent acting on behalf of the applicant had confirmed that the phasing of the development, including the Alwalton Hill site, would be market led. Parcels of land would be developed as and when the demand arose. Roxhill would, however, manage the site, retaining control over the strategic areas of open space, landscaping, drainage and highways infrastructure. It would also co-ordinate the building materials so that the development clearly showed the Roxhill 'brand'.

A full application had also been made for the new access road through the employment land from junction 1 of the Fletton Parkway to a point some three quarters of the way through the site (reference 10/00320/FUL). The proposal included a connection to adjoining land at Alwalton Hill. This application had been progressed in parallel with the outline planning application subject to the report presented to the Committee for consideration. As the principle of a new access road in the location proposed would be established under this outline planning application, should planning permission be granted, the application for the road would thereafter be determined under delegated powers.

The Head of Planning, Transport and Engineering Services addressed the Committee and introduced the item. Members were advised that the application was extremely complex and important for the city. The site had been allocated in the adopted Core Strategy as a key employment site for the growth of the city over the next 15 years. It would deliver over half of the new jobs in the city, in conjunction with the neighbouring Alwalton Hill site, over that period. The Core Strategy had been found to be sound by an appointed Government Inspector therefore the principle of development was acceptable and Members were to consider the detailed impact assessments around the application.

An extensive project management framework had been established and project working groups had been implemented in order to look over a number of issues. Issues had been overcome and a scheme had now been developed which was key for the critical growth

agenda. Development would follow quickly, if Members were minded to approve the application and the site could yield 8,500 jobs for the city.

The Principal Development Management Officer gave an overview of the proposal and its main elements. Members were advised that a number of the representations received against the proposal had been in relation to the loss of green land or the loss of agricultural land for food production. These issues had been considered during the Core Strategy allocation process and therefore could not be revisited as part of the current application.

The development at Alwalton Hill had permission for 172,500 square metres of warehousing with offices in five 15 metre high buildings and a new access road from Junction 1 of the Fletton Parkway. The consented buildings were located close to the Fletton Parkway and the A1(M).

Members' attention was drawn to additional information contained within the update report. Additional comments had been received from Huntingdonshire District Councillor Nick Guyatt raising concerns with regards to the visual impact of the development, potential flooding concerns and reiterating his concerns around vehicle access onto the Great North Road.

An update from Cambridgeshire County Council Officers had also been received. Members were advised that the application had been presented to their Cabinet and it was highlighted that the scheme was an ideal opportunity to incorporate a sustainable urban drainage system and this should be secured and implemented through appropriate planning conditions or S106. Also, subject to the satisfactory completion of a S106 and the conditions requested by Cambridgeshire County Council being secured, in particular around transport, the Council removed its Holding Objection to the proposals.

An additional representation from a member of the public had also been received outlining an objection in relation to HGVs being allowed to access the Great North Road and subsequently becoming a danger to cyclists using the Green Wheel route.

A summary of the Great Haddon consultation to date was also outlined within the additional information report.

The Area Manager, Development Management, addressed the Committee and outlined the key impacts of the development and highlighted the views of officers in relation to those impacts. These included:

- *The Impact on Peterborough's Road Network:* In the first instance, Members were advised that the surrounding road network was managed by three different bodies, all of which had been heavily involved in assessing the scheme. Members were informed that the section of the Fletton Parkway between Junctions 2 and 17 of the A1(M) currently operated close to its capacity during the morning peak hour. In order to prevent unacceptable delays along Fletton Parkway, junction improvement works and widening would be necessary. Members were also advised that the traffic modelling information had shown that drivers travelling towards the A1(M) between Junctions 3 and 1 of the parkway experienced delays to their journeys of around 1 ½ minutes during peak hour. The modelling had predicted an increase in this time to around 4 minutes until the widening and improvements works had been implemented. Officers and the Highways Agency had considered the length of this delay to be unacceptable. A cap on development, limiting the amount of floor space was therefore recommended with the remainder of development being built once the widening of Fletton Parkway had been carried out. As a result of this cap on development, the traffic modelling predicted a delay of around 2 ½ minutes, this was considered to be within acceptable limits. A condition limiting the development to specific thresholds was therefore recommended.

- *Impact on the Strategic Network (A1(M) and Junction 17):* Following technical detailed discussion and assessment of the information, the Highways Agency had removed its Holding Direction subject to the imposition of two conditions. The first requiring works to Junction 17 including the introduction of signals on the approach to the A605 and the second, the widening of Fletton Parkway in line with the outlined caps on development. Members were informed that the Highways Agency had not raised any objection regarding the impact of the development on Junction 16 of the A1(M).
- *Impact of Cambridgeshire County Council's Network:* Officers had advised that, in their view, the proposed work to Junction 17 would mitigate the impact of the development on the A605. The traffic modelling had predicted that the development would not result in a significant increase in traffic along the A15. Members were further informed that the application sought to establish the principle of a new vehicular link from the employment site to the Old Great North Road. HGVs would be prevented from using this link. Highways Officers from Cambridgeshire County Council had not raised any objection to the principle of the link, subject to the inclusion of physical measures to prohibit HGVs accessing the road. The link to the Great North Road would be necessary to alleviate the pressure on Junction 17 of the A1(M) and Members were advised that it was important to note that without the link, the Highways Agency would not have withdrawn its Holding Direction.
- *Sustainable Travel:* A private bus service had been proposed and would be available at key times, the exact route to be agreed by the Head of Planning Transport and Engineering Services as development progressed. The S106 would require that the service ran for five years after completion of the development.
- *Impact on the Character of the Area and Residential Amenity:* There had been a number of objections received raising concerns with regards to the adverse impact of the proposal upon the existing rural character of the area. Members were advised that it was accepted that as a result of the development the character of the area would change. This proposal could not be delivered without such an impact and it was significant to note that the change to the character of the area had previously been accepted with the granting of the planning permission for the Alwalton Hill scheme. A number of objections had also been received alluding to the fact that the development would redefine Peterborough as primarily a warehouse and industrial centre, however a strategic decision had been taken to develop this area, including the Alwalton Hill site, through the Core Strategy process in order to improve the variety of employment land available in the city. The development would increase the usage of the old A1 to approximately 10% of its capacity during the morning peak hour and under 5% in the evening peak. Whilst it was acknowledged that this would mean the road would be busier, it would be considered appropriate to make use of the road and the traffic volumes would remain well within capacity. Members were advised that concerns had also been raised with regards to the potential impact for 'rat-running' through Haddon village to the west of the site. It was considered that the majority of employees would work within Peterborough, therefore travelling through Haddon village would represent an 8 or 9 mile diversion. It was therefore considered unlikely that Haddon Village would be used as a 'rat-run' by employees.
- *Impact on the Visual Amenity of the Surrounding Area:* With regards to building height the character of the area would be changed, however the buildings would be in line with the Alwalton Hill scheme except tranche E7. Members were advised that the proposed Great Haddon development would sit behind the Alwalton Hill scheme therefore taking into account the existing planning permission, the impact of the application was considered acceptable from that perspective. With regards to tranche E7, it was considered that in view of the consented scheme and the distance from Haddon Village, it would not appear unduly prominent from the west. There would be some views of the site from along the Great North Road including residential properties located approximately 340 metres from the southern end of tranche E7, but due to the bend in the road and landscaping, there would be no

direct views from the residential properties to tranche E7. The houses also faced directly onto the Great North Road and not onto the development.

- *Residential Amenity:* With regards to a number of issues affecting residential amenity, such as noise, odour, construction impacts etc. it was recommended to control these by implementing a number of conditions.
- *Flood risk and Drainage:* There had been an objection received by the Norman Cross Action Group in relation to the inadequacy of the flood risk assessment undertaken and they were concerned with the potential for flooding especially near to the A1(M). The site fell within a low flood risk zone as defined by PPS25 and was not next to any rivers. The drainage system had been designed to accommodate 1 in 100 year flood events and had factored in an additional 30% for climate change. The Environment Agency had been consulted on the proposals and had raised no objections. It was therefore considered that the proposals were compliant with PPS25 on flooding and were therefore acceptable.
- *Ecology and Landscaping:* Detailed proposals had been put forward to mitigate against the impact of development on the adjoining Orton Pit Nature Reserve, a number of species and existing landscaping. The proposals were considered to be acceptable by officers and had allowed Natural England to remove its objection.
- *Energy Efficiency:* In order to deliver energy efficiencies as part of the development and to meet the environmental objectives set out in policies CS10 and CS11 of the Adopted Core Strategy it was recommended that a condition be imposed upon any permission requiring energy efficiency measures 10% over and above those required by the Building Regulation standards in operation at the time when the reserved matters application was submitted (unless the standards require a zero carbon development).

Members' attention was drawn to further information contained within the update report and it was highlighted that a technical note in respect of potential impacts on properties at Hoylake Drive with regards to air quality had been submitted by the applicant. A technical assessment had been completed and reviewed by the Council's Environmental Health Section and on the basis of the information provided the conclusions of the technical assessment had been accepted. No additional conditions were therefore recommended.

There were also a couple of minor alterations suggested to conditions C18 and C26 and a change to, and inclusion of a number of informatives.

The Appropriate Assessment for the development had been completed and signed off by Natural England and the Head of Planning Transport and Engineering. It concluded that in light of the mitigating measures secured, there would be no adverse impact upon the integrity of the site. In light of this, the recommendation contained within the committee report had now been amended to remove reference to the Appropriate Assessment and the recommendation was one of approval subject to conditions and the completion of a S106 agreement.

Councillor Nick Guyatt, on behalf of the Norman Cross Action Group, addressed the Committee. In summary the concerns highlighted to the Committee included:

- Norman Cross Action Group had consistently accepted that this land would be developed, it only sought to ensure that the development fulfilled the aspirations of Peterborough City Council for its future, while having the least adverse effect on local residents. This proposal did neither of those things,
- The site had not been through the allocation list procedure and had therefore not been vetted by an independent inspector
- Concerning Peterborough City Council's aspirations, the plans did not meet its published wishes. The Council had expressed its intention to provide highly skilled and professional employment opportunities to match that of Cambridge. The aspirations remained largely unfulfilled. There were a number of employment sites

located near to the city centre which remained unused and a number of vacant warehouses. The current proposal would ensure that these sites remained un-let

- There was an aspiration in the past for a science park to come to Peterborough. Unfortunately, this appeared to have been given up on
- One of the main objections was the proposal to link the site to The Great North Road, and southwards to the A1(M) and eventually to the proposed housing development
- The developer had agreed that there should be a limit to the number of cars using this entrance
- For the Norman Cross Action Group members living down the Great North Road and for the people of Haddon the road would become a rat-run
- When the houses were built, there would be a dangerous build up of traffic as the road entered the A15 and the A1(M) junctions
- The road was designed to be underused by motor traffic, it was part of a national cycle route and was used by cyclists and pedestrians with very few cars using it
- A footpath would need to be provided if traffic was to increase to gain proper segregation between pedestrians, cyclists and cars. There appeared to be no proposals as to who would fund this
- Many roads within the rural parts of Peterborough were under used, did that mean that large developments could automatically be housed nearby?
- The removal of the access onto Great North Road was of high importance to the residents and should not be ignored
- Could Officers be certain of their traffic projections? All forecasts were tenuous
- An expert witness had been provided who had stated that surface water would not be controlled and sent down to Stanground in the event of a 1 in 100 year rainfall
- In 1998 the rainwater drained from the fields and twice flooded the roads under the A1(M). The flow, with development, would be much greater
- The expert had stated that the pond appeared to be of insufficient size to serve 65 hectares of buildings and car parks so that the adjacent areas and Stanground would not get flooded
- There should be redundant pumps and a standby generator to provide a high integrity solution. That was not much to ask to make sure people did not get flooded
- The Green Wheel ran from the town to the country, now it would run from town, through a housing estate to a warehousing complex. Not very appealing and not very green
- There had been little consideration as to how the development would look from the Green Wheel and the A1(M)
- The fields currently composed the first view a traveller got of the south of Peterborough. They would be confronted by a very overdeveloped site masked by a few trees and with little or no attempt to integrate into the landscape
- The attractive side of the development, the offices and car parking, would face into the development. The plan should be reversed around
- You should be able to drive past the development in 17 years time, when it was completed, and be proud of it in design and employment terms and its lack of negative impact on the environment and its neighbours
- Would the proposal bring the maximum economic benefit to Peterborough and its neighbours for the minimum amount of collateral damage?
- The estimate of 8,500 jobs could be wrong
- The proposal had not gone through the Site Allocation process

Mr Martin Eckersall, from Roxhill Development, Mr Ron Henry, from Peter Brett Associates, Mr Mike Foster, from LDA Design and Mr David Shaw, Planning Consultant, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The application had been submitted in December 2009 by O&H following extensive consultation stretching back a number of years
- The Great Haddon employment land had been part of a larger O&H scheme which included residential to the south
- Towards the end of 2010 O&H looked to sell the employment land and concentrate on the residential side
- Roxhill purchased the land in December 2010
- Roxhill signed a development agreement with Milton Estate for the Alwalton Hill land
- In February 2011, Roxhill had submitted a regulation 19 application which effectively separated the employment scheme from the residential scheme
- Roxhill aimed to create a high end, high quality development, to attract high calibre employers
- Roxhill had an established design code in order to help establish a high quality site, with a high quality brand, feel and look
- The site, once built, would be maintained to a high standard. A management company would be established where tenants would contribute to the maintenance of the landscaping, with Roxhill being the golden shareholder and subsequent tenants coming on board
- The consultation on the site had been going on since 2004
- Alwalton Hill already had planning permission, but had not been developed because of the legal arrangements around the entry to the site. No agreement had been reached by O&H and Milton Estates. The problem had now been overcome by Roxhill taking over the sites
- An estimated 1500 jobs had been lost due to the non-development of the Alwalton Hill site
- The first occupier was keen to come in and they needed to be on site by August 2012. The timetable was extremely tight to achieve everything by this date
- The jobs available would be a mixture of jobs including high level financial, logistical office jobs as well as warehouse jobs. A cross section of employees would be attracted
- There were problems with the current infrastructure as it stood. Therefore the contributions agreed would help to deliver needed works
- The site would be accessed from Junction 1, Fletton Parkway, which was wholly acceptable as an access route
- The concerns around Great North Road were understood and had been listened to and it was highlighted that only 10% of development traffic was likely to utilise the Great North Road. This had been identified through the traffic modelling
- There would be no HGVs using the Great North Road and the connection to the road would not happen until the end of the scheme
- The HGVs would be restricted by a width restriction, which would go through full technical approval. Height restrictions could also be considered and an additional condition to ensure a proper functioning scheme could be considered
- An objection would not be lifted by the Highways Authority without the link to the Great North Road
- With regards to east to west traffic movement, the A605 junctions, as well as the A47 had been assessed in terms of operational acceptance with the employment site and were considered to be satisfactory
- There were approved sustainable travel measures in place and the aspirations were to promote and obtain a strategy management plan
- There were also proposals which had been touched upon for a bespoke bus service
- There would be substantial improvements to A1(M) Junction 17, Junction 1 and the contribution to enable Fletton Parkway to be widened
- The Great North Road was 10 metres wide, therefore a substantial piece of infrastructure with ample capacity
- With regards to flooding and drainage, the proposals were in accordance with national policy PPS25 and Environmental Agency approval had been given as well

as Natural England approval to the drainage proposals, as well as PCC Drainage Officer approval

- There would be a controlled outfall from the site
- The visual assessment information had been produced through a technical exercise and was a realistic view of the proposals
- The overall visual prominence of the site and development benefitted from existing woodland screening
- 40% of the whole Great Haddon development would be kept green
- The site had been subject to numerous ecological surveys, with very little ecological interest being highlighted
- New habitat within the area would be provided for species found
- The loss of a small number of trees would occur and some existing hedgerows. This would be compensated by the planting of a substantial number of hedges and trees
- Impacts on the bridleway and the users of the bridleway had been fully considered
- The proposals were for an energy efficient scheme, there were proposals for green roofs and rain water harvesting and there would also be charging points for electric cars

The meeting was adjourned for ten minutes.

The Head of Planning, Transport and Engineering Services addressed the Committee in response to comments made by the speakers and stated that the site had been picked up in the Core Strategy as a strategic allocation. With regards to the traffic issues, the traffic modelling had been looked at by four sets of technical experts and the Holding Objection from the Highways Authority would not have been removed if The Great North Road had not been utilised.

The site would offer half of the growth in the jobs for the city over the next few years and minimising the impact of the development had been of high priority. Members were advised that concerns raised by the Committee with regards to the HGV restriction onto the Great North Road and ecology issues would be addressed.

The Highways Officer addressed the Committee and stated that the traffic model which had been used for the proposal had been developed by Peterborough City Council Officers as a strategic model for the entire city, therefore Officers had made sure it was as right as it could be.

Members commented that some of the jobs provided may not be sustainable in the long term, however, growth and additional employment in the city was welcomed. The scheme was an integral part of the Core Strategy and congratulations were extended to Officers for the extensive consultation undertaken.

Following additional comments from Members, a motion was put forward and seconded to approve the application including the additional conditions as proposed in the update report. The motion was carried unanimously.

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

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 in respect of the provision of a Travel Plan including contributions towards the monitoring thereof; the provision of a bus services for employees; a contribution towards off site highway improvements; the safeguarding of 1.5 hectares of land for a HRC or Park and Ride facility for 6 years; a contribution towards the Green Grid Strategy objectives; a contribution towards improvements to the Green Wheel/National Cycleway Network; provision for the long term management and

- maintenance of the SUDs; a contribution towards the upgrade of the Counter Drain (to be confirmed); Nature Conservation Objectives (if not addressed solely via conditions)
2. Conditions numbered C1 to C35 as detailed in the Committee report
 3. The minor alterations to Conditions C18 and C26 as detailed in the additional information report
 4. The informatives numbered 1 to 21 as detailed in the committee report
 5. The change to informative number 16 as detailed in the additional information report
 6. The additional informative number 22 as detailed in the additional information report

Reasons for 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 development was acceptable in accordance with the Regional Spatial Strategy (May 2008) and policies CS3 and CS5 of the Adopted Core Strategy;
- Following detailed assessment of the transport modelling the impact of the development on the surrounding highway network was considered to be acceptable in accordance with policy CS14 of the Adopted Core Strategy and Planning Policy Guidance Note 13 'Transport' as amended January 2011;
- Through the provisions of the Travel Plan and bus service for employees, to be secured as part of the S106 Agreement, the development was considered to make adequate provision for sustainable travel in accordance with policy CS14 of the Adopted Core Strategy;
- It was accepted that as a result of the development the existing rural character of the site would be permanently altered. However, a strategic decision had been made to develop this site for employment purposes in the Adopted Core Strategy. In this context, the visual impact of the development was considered to be acceptable in accordance with policies CS5 and CS16 of the Adopted Core Strategy;
- Following a review of all aspects of the development such as transport, noise, odour etc the impact of the development on the amenity of the neighbouring residents was considered to be acceptable in accordance with policies CS14 and CS16 of the Adopted Core Strategy and Planning Policy Guidance Note 13 'Transport';
- The potential impacts of the development on Orton Pit SSSI/SAC could be acceptably mitigated via the creation of a buffer zone and through the access control measures proposed. The development was, therefore, considered to be acceptable in accordance with policy CS21 of the Adopted Core Strategy and Planning Policy Statement 9 'Biodiversity';
- Other ecological impacts of the development could also be acceptably mitigated so the development was in accordance with policy CS21 of the Adopted Core Strategy and Planning Policy Statement 9 'Biodiversity';
- The impact of the development on existing trees and hedgerows within/adjoining the site was considered to be acceptable subject to the imposition of conditions requiring more detailed assessment as development comes forward and protection measures. New landscaping would also be planted, including the provision of new hedgerows. The development was, therefore, considered to be acceptable in accordance with policy CS21 of the Adopted Core Strategy and policies LNE 9 and 10 of the Adopted Local Plan (First Replacement);
- Following assessment of the submitted information it was considered that the site could be adequately drained and would not give rise to an increased risk of flooding in accordance with policy CS22 of the Adopted Core Strategy and Planning Policy Statement 25 'Development and Flood Risk';
- Via the imposition of a condition it was considered that the development would make a contribution towards the Council's Environment Capital objectives in accordance with policies CS9 and CS10 of the Adopted Core Strategy.

13.30 – 15.35
Chairman

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Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 7 June 2011

Members Present:

Councillors – North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Simons, Todd, Lane, Harrington, Martin and Winslade

Officers Present:

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

1. Apologies for Absence

Apologies for absence were received from Councillors Stokes.

Councillor Winslade attended as a substitute.

2. Declarations of Interest

4.1 Councillor Hiller declared that he possibly knew Mrs Hick's husband, with whom he had socialised with on a couple of occasions and who was an infrequent attendee at a housing sub group of which Councillor Hiller attended. This would in no way affect his decision.

4.1 Councillor Todd declared that she knew one of the speakers, Mr Eddie Hein, but this would in no way affect her decision.

4.5 Councillor Hiller declared that he had previously spoken on the application and the views expressed had been those of the local residents and not Councillor Hiller's own personal views. He would therefore look at the current application without prejudice.

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

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

4. Development Control and Enforcement Matters

4.1 11/00256/FUL & 11/00257/CON – Demolition of existing bungalow and replacement with four bed dwelling and detached garage with store/games room above at Seven Summers, Russell Hill, Thornhaugh

Permission was sought for the demolition of the existing dwelling under application number 11/00257/CON.

Under application number 11/00256/FUL The applicant proposed to replace the existing dwelling with a two storey four bedroom dwelling and a detached double garage with store/games room above.

The dwelling would be sited 44 metres from the front of the site.

The site lay within the Thornhaugh Conservation Area and had been subject to several applications for residential redevelopment over the past 5 years. The site consisted of a 1.5 storey chalet type dwelling sited centrally within the plot 31 metres from the plot access, at the top of a hill. The site was surrounded by a mixture of dwellings. Numerous period dwellings existed along Meadow Lane, which were stone built and followed the local vernacular. To the north was the Listed Manor House and to the north east and east were modern dwellings, the majority being bungalows. To the south were open fields and the A47 beyond.

The site itself was approximately 75 metres deep by 38 metres at its widest point and was fairly extensively treed, especially to the south at the rear of the site.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the size, scale and appearance of the replacement dwelling and proposed garage, the impact of the proposed dwelling and garage on the amenity of neighbours and the impact of the proposal on the Thornhaugh Conservation Area. The recommendation was one of approval. Members were advised that each of the applications were to be determined separately.

Members were advised that a previous application had been refused at appeal by a Planning Inspector. The appeal decision was appended to the committee report.

Members' attention was drawn to additional information contained within the update report. Feedback had been received from the Parish Council in regards to the latest set of drawings submitted. The Parish Council remained concerned with the application as did the surrounding neighbours. A suggestion had been put forward from the Parish Council to lower the levels on the site by one metre, this had been put to the agent who had responded saying that half a metre would possibly be achievable however the lowering of the site could have a detrimental impact on the proposed retained trees and there would be an issue with the distribution of soil removed.

Councillor Holdich and Councillor Lamb, Ward Councillors and Councillor Witherington, a Thornhaugh Parish Councillor, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- It was accepted in principle that a dwelling should be built upon the site
- The main body of the house, at 9.3 metres to the apex, was excessive
- The site lay on the top of a hill and this should be taken into account. The house would be taller than the other houses in the area apart from the listed Manor House site
- The height of the garage block, being 6.2 metres to the apex, was also considered to be excessive
- The extensive tree cover screening was deciduous
- A compromise was sought to lower the level of the site. Sinking the site into the ground would also be acceptable
- The development was out of character with the village and the surrounding properties
- The land was substantially higher than the surrounding land
- Any soil removed could be spread across the site to make an attractive garden
- The ridge height had been reduced but it was still above the original approval of 8.6 metres

- The building would have substantial foundations of 1 metre and the soil would usually be removed from the site
- The situation with tree roots could only be determined once works had commenced

Mr Eddie Hein, Mr Liam Higgins and Mr Alan Tresadern, local residents, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Many of the dwellings in Thornhaugh were bungalows or terrace cottages, blending with the ambiance of the village
- This would be an incongruous development not in keeping with the area
- The height and massing of the development would cause unacceptable impact on the surrounding properties and the village
- The development was not opposed in principle, however as it stood it was unacceptable
- The existing permission was a lot less imposing
- The size of the development would affect the conservation area
- The surrounding properties would suffer with overlooking
- The size of the proposal would dominate the surrounding buildings

Mr Richard Edwards from Larkfleet Group, addressed the Committee in support of the application and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The concerns expressed with regards to the suggested compromise were acknowledged
- It was believed that a reduction of 0.6/0.7m could be achieved and this could be looked at with a caveat of how the surrounding trees would be affected
- The height of the building would be kept the same but the ground level would be lowered
- The removal of soil from the site would not be an issue and it could be utilised elsewhere if not used on the site
- There was a consented scheme on the site for two dwellings, this new scheme was for one dwelling only
- The size of the plot was substantial and the house would be set back 44 metres from the road, 11 metres further back than the existing dwelling
- The height was in keeping with the village
- The Conservation Officer did not consider the scale of the property to be detrimental to the surrounding listed buildings or the village as a whole
- The new dwelling would be no more harmful to the Conservation Area than the existing dwelling
- The proposal would preserve and enhance the appearance of the Conservation Area

The Planning Officer addressed the Committee in response to points raised by the speakers and stated that if Committee was minded to approve the application, with the suggestion that the building be set down into the ground, a condition could be implemented stating that 0.7m would come off the proposed floor level. With regards to trees, a condition could be implemented stating that in the vicinity of the trees, any excavations would have to be hand dug rather than machine dug and a subsequent condition to state that if any trees died within five years, these would be replaced by an extra heavy standard tree on a 'three tree for every one lost' basis.

Members commented that a condition should be imposed stating that no opening lights or windows should be allowed in the garage on the boundary side in perpetuity.

Following debate a motion was put forward to approve application 11/0256/FUL, subject to additional conditions in relation to the lowering of the proposed property and garage of 0.7m, the safeguarding of the trees and the installation of windows in the garage roof light. The motion was seconded and carried unanimously.

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

1. The conditions numbered C21 to C122 as detailed in the Committee report
2. The additional conditions (nick wording)

A motion was put forward and seconded to approve application 11/00257/FUL. The motion was carried unanimously.

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

1. The conditions numbered C21 to C122 as detailed in the Committee report

Reasons for decision:

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

- The design of the dwelling was considered of appropriate size, scale and design and would preserve and enhance the character, appearance and context of the conservation area
- The proposal was not considered to form an unacceptably overbearing form of development that would create a detrimental loss of light, privacy or outlook to neighbour occupiers
- The proposal was considered to provide satisfactory off-street parking and would not result in a highway safety hazard
- The existing bungalow was of no architectural merit and it did not contribute positively to the Thornhaugh Conservation Area

Hence the proposal was in accordance with Policies CS10, CS13, CS14, CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies H16, and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005), Planning Policy Statement 5 (2010) and the Maxey Conservation Area Appraisal (2007)

4.2 11/00351/FUL – Installation of external canopy and play equipment – retrospective – at 101 Garton End Road, Peterborough, PE1 4EZ, and; 11/0359/ADV – Retrospective banner signage at 101 Garton End Road, Peterborough, PE1 4EZ

The applications had arisen as a result of the unauthorised works / advert at the newly opened day nursery being reported to the Planning Compliance (planning enforcement) team. Work had already been completed on the canopy and play equipment without obtaining Planning Permission.

Permission was therefore sought retrospectively for:

External Canopy – This application sought permission for the retrospective erection of a side and rear canopy. The side canopy measured 13300mm X 1400mm in footprint, 2000mm to the eaves and 2600mm in height. The rear canopy measured 7800mm X 2900mm in footprint, 2300mm to the eaves and 2600 in height.

External Play Equipment – The application also sought permission to erect a tree house. This consisted of a raised timber platform built around a tree, measuring 3300mm X 2000mm in footprint. The height of the standing platform was 1300mm and an overall height of 2300mm.

Banner Signage – The application sought permission for a retrospective banner sign located on the north side frontage of the premises. The sign measured 4000mm X 1000mm and was located 900mm from the ground, therefore having a 1900mm overall height. The sign was yellow and advertised the opening which was in January 2011.

The site consisted of a single storey nursery building that was a converted residential bungalow. Vehicular access to the site was taken off Pyecroft, a quiet cul-de-sac and parking was provided off road to the rear. The rear garden area was enclosed by 1.8m high close boarded fencing and green weld mesh fencing.

The surrounding area of the site was predominantly residential with 1940's houses and bungalows either side of the road. The application site was located on a prominent corner plot that is viewed in the streetscene when driving either way along Garton End Road.

The Planning Officer addressed the Committee and gave an overview of the main issues those being that the canopy had taken on a 'temporary' appearance by virtue of the materials used, the play equipment detrimentally impacted on the amenity of the neighbouring dwelling and the impact of the proposal on the character of the area. The recommendation was one of refusal.

Members' attention was drawn to additional information contained within the update report. An objection had been received from a neighbour in relation to the canopy and supporting comments had also been received from Councillor Nadeem. And a further email in support of the application had been submitted from Children's Services.

In principle, the canopy was not objected to by Officers, however, the low quality of the roofing materials used on the construction was an issue. If more robust materials had been used, the canopy would have been acceptable. Officers did however object to the tree house because when children were playing in the house, they could overlook the neighbour's garden. The banner advert was also considered to be excessive. If the banner was reduced in size it could become permitted development and this had been advised to the applicant.

Councillor Shearman and Councillor Kreling, Ward Councillors, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Councillor Shearman declared that he knew the owner of the nursery in that he had been a pupil at a school Councillor Shearman had been head teacher of
- The nursery school was more professional than the one previously situated on the site
- Everything had been upgraded, including the garden, the car park and the canopy at the rear
- The canopy kept outdoor toys dry and clean and was hidden from view by high fences each side
- The canopy should not have to conform to the shop front canopy standards
- The canopy at the side provided dry shelter for pushchairs left by parents, and the bicycle rack
- The hide was hidden from view by a large tree which covered three quarters of it

- The children could use imaginative play whilst on the hide and it had been praised by Ofsted and the early years team, by giving confidence in climbing and becoming independent
- It was felt that the banner was out of date, especially in relation to the two newer signs outside of the front
- Both of the canopies were necessary, one was a requirement if the Government's Early Years Foundation Curriculum was to be implemented
- A large canopy was necessary for outside play during inclement weather
- The small canopy was also necessary for the storage of surplus equipment
- The large canopy could not be seen by residents in Garton End Road, so how could it impact on the visual amenity of the area?
- The batons on the side canopy did look slightly tatty and did perhaps need to be addressed and replaced
- With regards to the wooden supports of the canopy, the same materials were used in the play house and this was not considered to have a detrimental impact on the visual amenity of the area so why were. No particular comment could be given upon the roof materials
- With regards to the tree house, this was necessary for the national curriculum for the early years
- The height of the panel running behind the playhouse was 120cm tall, the tallest child at the playgroup was 110cm tall
- The next door neighbours had made no complaint with regards to the overlooking
- If there were any problems, the boarding could be extended all around the playhouse
- Children did not generally spend time staring into people's windows, they were more interested in chasing each other around
- As far as the materials used

Mr Mohammed Younis, the applicant, Ms Debbie Aldridge, the Area Manager and Ms Jo Smith, the Early Years Childcare Advisor, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Shining Stars had worked closely with the Early Years Team to create a garden space which best met the needs of the children in the community
- The local authority had a target to narrow the gap for learning between the 20% lowest achieving children and the medium score children, and there was a duty to raise outcomes for individual children
- Having worked closely with the proprietors, the Early Years Team and Ofsted considered the provisions to be of high quality, with well thought out resources and a well thought out environment which served the children in the local community
- With regards to the canopy, the same builder had provided numerous other resources for The Early Years Team via recent grants
- The Early Years Foundation Stage, encouraged providers to provide experiences for learning outdoors as well as indoors. As part of this, the equipment provided should introduce an element of risk and challenge, whilst being safe and secure. The tree house was designed for this in mind
- Children needed to be provided with equipment on different levels, the platform on the tree hide provided this
- The space underneath the hide encouraged children to gather and talk
- There were a maximum of 24 children at the playgroup and the playgroup was open for six hours a day
- The canopy allowed the learning experience to be transferred to the outdoors allowing the children to experience the natural environment
- The playgroup would be happy to put a panel along the tree hide to prevent overlooking

- With regards to the canopy, the roofing materials were domestic looking. If it had to be replaced it would be very costly
- Due to the size of the canopy and its location, it had not been realised that planning consent was required, however the architect had advised otherwise
- The materials used for the canopy had been used in other schools in the area
- With regards to the banner, it could be reduced in size but one was required for the marketing of future activities
- It had not been realised that a planning consent was required for the banner
- The banner could be reduced to ground level if required and could also be made a more neutral colour

The Planning Officer addressed the Committee in response to points raised by the speakers. Members were informed that in terms of the advertising banner at the front of the property, a relatively small reduction in size would make it permitted development, therefore if the Committee wished to remove the banner, the next time the nursery wished to use a banner to advertise they could do so within the sizes previously outlined to them.

With regards to the canopy, the committee report highlighted Officers discontent with both the roofing materials and the timber, however Members were advised that the critical issue was the roofing, being the most visually obvious aspect of the development.

Following debate and questions to the Planning Officer with regards to the construction of tree houses in private gardens, the location of the tree house in the nursery gardens and its possible re-location and the out of place nature of the canopy in a domestic setting a motion was put forward and seconded to refuse application 11/00359/ADV. The motion was carried unanimously.

RESOLVED: (Unanimously) to refuse the application, as per officer recommendation.

A further motion was put forward and seconded to refuse application 11/0351/FUL due to the incongruous aesthetic of the canopy in a residential area and the current state of the tree house. The motion was carried by 8 votes, with 2 voting against.

RESOLVED: (8 for, 2 against) to refuse the application, as per officer recommendation.

Reasons for decision:

11/00359/ADV: Banner Sign (Retrospective)

Banner Sign:

In light of all policy considerations, the retrospective application 11/00359/ADV for banner signage was wholly unacceptable and contrary to DA22 of the Adopted Peterborough Local Plan First Replacement (2005) and CS16 of the Peterborough Core Strategy DPD 2011, and specifically:

R1) The retrospective banner signage located above the fence in the front garden was considered to be wholly unacceptable by virtue of its size and proportion located within a predominantly residential area on a very prominent corner plot.

11/00351/FUL: Installation of External Canopy and Play Equipment (Retrospective)

Canopies:

In light of all policy considerations, the retrospective application 11/00351/FUL for the side and rear canopies were entirely unacceptable and contrary to policy CS16 of the Peterborough Core Strategy DPD 2011, specifically:

R1) The design and appearance of the canopies as constructed did not respect or reflect the character or appearance of either the host property or surrounding area.

Tree House:

After considering the retrospective application 11/00351/FUL for the tree house, it had been deemed that the overlooking impact associated was contrary to CS16 of the Peterborough Core Strategy DPD 2011, specifically:

R2) The height and location of the tree house structure was considered to be too close to the boundary, at an unfortunate height where all users of the platform would have unrestricted views into the rear windows and the private rear garden at 99 Garton End Road having a detrimental impact on the occupant's amenity.

4.3 11/00408/FUL – Change of use from dual school and public open space to school use. Construction of new two form entry, Welland Primary School and demolition of the existing Welland Primary School, Scalford Drive, Welland. The off-site provision of a marked out playing pitch on centrally located land within Woodfield Park. The provision of two temporary classrooms

The proposal was for a new school building to replace the existing Welland Primary School. The reasons for the proposal included the increased birth rate in the locality and the significant residential development of the former John Mansfield School Site which could be expected to generate increased demand for primary school places. An assessment had been made of the feasibility of retaining and extending the existing school but it was considered to be below the standards of the requirements of modern education facilities. The existing school had been, since first opening, a one form entry school. As of September 2011 Welland school would become a two form entry school that over a period of 5 – 6 years was to have an increase in pupil numbers double the existing i.e. a total of 420 children. This would mean an intake of up to 60 new pupils each year. The new school was to comprise of 14 teaching classroom, (the existing school had 5) with the number of staff projected to increase to 60 full time employees, (the existing school had 36). Children's age ranges would be from Reception to Year 6. The school would also contain a larger and a smaller hall.

The proposed new school was to be located to the rear of the existing school buildings which also would involve taking in the whole area of open space, the use of which was shared between the school and the general public, which lay between the eastern boundary of the Welland school curtilage and the western boundary of the Marshfield's School curtilage (a distance of between 100 – 115 metres with a width of approximately 110 metres). This had been proposed to enable the continued use of the existing school during the period of the construction of the new school to ensure minimum disruptions to the education of the pupils during construction. Upon completion of the new school the existing school buildings would be completely demolished. It was anticipated that should planning permission be granted the new school would be open for the start of the 2012/13 school year.

The footprint of the proposed school was of an approximate 'T' shaped/L' shaped design. The front elevation of the school was set back approximately 4 metres from the rearmost elevation of the existing school building and thus 80 metres from Scalford Drive to the west. The nearest the school would be to the rear boundaries of the residential properties in Eastern Avenue would be 36 metres with the majority of this south elevation of the new building to be 44 metres away. The dwellings along the northern side of Eastern Avenue had rear garden depths in the region of 18 metres. The nearest extent of the new building to residential properties in Redmile Walk to the north would be 28 metres with the majority being 42 metres away.

The new school was to be a tall single storey building comprised of principally pitched, mono-pitched and hipped roofs with a maximum height of 6.8 metres. The roofs of the school were to be shallow in slope. The principle length of roof, to extend from the entrance to the very rear, was to have an open trough feature for the full length that had been designed to provide greater light into the classrooms. The overall length of the building was to be 92.5 metres. Canopies would run the full length of the elevations to extend out beyond each of the 14 classrooms.

The new building had been designed with energy efficiency at the forefront. In this regard the roofs were to be comprised of sedum plants throughout, a passive ventilation system was to serve each teaching classroom which would each require a 'mono-draft chimney which was to be approximately 1.2 metres square and a height of 1.8 metres above the roof slope, a biomass heating system with a 1.5 metre high chimney, approximately 180 photovoltaic panels to be located on the south facing roof slope of the long rear projection of the building and a rainwater harvesting system that would provide water towards the flushing of the WC's.

The northern, eastern and southern surrounds to the school building were to be landscaped and would include various activity areas such as a trim trail, pond wetland area, an allotment, turf mazes, tyre park, two hard surfaced play grounds with pergola seating areas, a small grassed games area and a grassed area to comprise a football pitch measuring 50 metres by 30 metres, a hard surfaced games area and a netball/tennis area on a rubber surface, the latter two were to be located in the south west corner of the school grounds between the new school building and the rear boundaries of residential properties in Eastern Avenue. An avenue of trees was proposed to extend from a pedestrian entrance off Scalford Drive to the main entrance of the school. The north, east and south boundaries were to be defined by 2.4 metre high weld mesh fencing. To the front, (the west elevation), of the school there was to be a marked out parking area for 76 cars to include 3 spaces closest to the school for the sole use of disabled drivers. The parking area was to occupy a depth of approximately 72 metres. The vehicular access was to make use of the existing access to the school.

The school was to have one vehicular access off Scalford Drive. This would make use of the existing access. There was proposed to be 4 pedestrian entrances to the school. Two of these were to be directly off Scalford Drive. One was to access the main school entrance whereas the other would run alongside rear boundaries of a number of dwellings in Eastern Avenue to access the southernmost playground. Two accesses would be directly off Redmile Walk to the north of the school both of which would access the northernmost playground. All the pedestrian accesses were to have security gates, other than the principle access to the main entrance off Scalford Drive. All the gates, other than those to the main pedestrian entrance to the school were to remain locked during teaching hours.

The school had been designed to provide for 'out of hours' school functions. A sub-zone to the front of the school could be secured off to let during school hours for community uses for example.

The plant room to serve the school building was to be located to the front of the school close to the parking/access areas to enable easier replenishment of the bio-mass fuel store. The school kitchen was similarly located for access reasons.

Two temporary mobile classrooms were proposed, one of which was already present. These were to be located towards the south of the existing school building. These were to be spaced apart with the larger mobile measuring 15.2 metres by 8.6 metres and the smaller mobile measuring 9.6 metres by 10 metres. They would be 14 metres and 9 metres from the southern boundary of the site respectively. They were required to accommodate

the first two form entry of children in September of 2011. They would be removed upon occupation of the new school building.

The provision of a marked out football pitch within Woodfield Park to the east of the school and community use of the school playing field was proposed to compensate for the loss of the dual use open space.

For the duration of the construction works, contractor and staff car parking was to be in a designated area to the front of the Acorn Centre. The contractor's construction vehicles and deliveries would enter the site via the existing vehicular access and would pass to the south side of the existing school building. To the south of the existing school there would be additional site parking, a delivery turning area, site accommodation and welfare facilities.

The Planning Officer addressed the Committee and gave an overview of the application. The main issues for consideration were outlined and these included the need for a replacement school, the impact of the new school upon the character of the area, the loss of an area of open public space, the impact upon highway safety, the impact upon residential amenity and the sustainability implications of the development. The recommendation was one of approval.

Members' attention was drawn to additional information contained within the update report. Comments had been received from the Highways Authority and concerns were highlighted around a number of issues. A revised tracking plan had been requested in order to address these issues and Members were informed that if they were minded to approve the application, delegated authority could be given to the Planning Officer to issue planning consent once the revised plans had been submitted. Subject to the revised plans, the Highways Authority raised no objections to the proposals subject to the imposition of a number of conditions and informatives as outlined in the update report. Members were advised that there were a number of pre-start conditions and delegated authority was sought for the Planning Officer to make minor amendments to those conditions as required.

Members were informed that there had been some design changes to the application due to cost restraints. One of these changes was the removal of a passive ventilation / heating system which involved passive chimney ventilations. This in no way affected the sustainability credentials of the school.

There was an overgrown cut through to the school which the Highways Officers had stated it would be of benefit to re-instate.

Following debate and questions to the Planning Officer in relation to the reinstatement of the overgrown walkway, the process that would need to be undertaken if the school ever wished to secure sole use of the playing fields, the ongoing use of the community room and facilities within the school, the car parking on site, the loss of green land on the site and the consultation undertaken with local residents, a motion was put forward and seconded to approve the application, subject to the updated highway conditions and informatives as detailed in the update report, the provision of delegated authority to Planning Services to amend those conditions as necessary and to be given authority to issue permission subject to satisfactory revised plans, and an additional condition to retain the community hall and facilities in perpetuity. The motion was carried unanimously.

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

1. The conditions numbered C1 to C9 as detailed in the committee report
2. The additional Highways conditions number 1 to 13 as detailed in the update report
3. The Highways informatives numbered 1 to 9 as detailed in the update report

4. An additional condition relating to the use of the community hall and facilities in perpetuity

Reasons for 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 replacement school was essential to enable the increased pressure for primary school education places in the local area to be satisfied.
- The replacement school and its occupation would not adversely impact upon the amenities of the occupiers of the close by residential properties
- The traffic generated by the school would not adversely impact upon highway safety
- The loss of the public open space would be offset by the close presence of Woodfield Park, an existing substantial area of open space and by the marking out of a football pitch for community use and the entering into a formal dual use agreement for the use of the school playing field.
- The school had been designed to achieve a good level of sustainability.

The proposal was therefore in accordance with Policies LNE9, LNE10 and T10 of the Peterborough Local Plan 2005 (First Replacement) and Policies CS10, CS11, CS14 and CS16 of the Peterborough Core Strategy DPD.

Councillor Harrington left the meeting.

4.4 11/00477/FUL – Construction of 3 bed detached dwelling at 171 Mayors Walk, Peterborough, PE3 6HB

The Committee was advised that the application had been withdrawn.

4.5 11/00608/FUL – Construction of 2 x 4 bed semi-detached cottages with parking at 45 High Street, Maxey, Peterborough

The proposal was to erect 2, 4 bed dwellings. Each dwelling had a double garage served off Woodgate Lane, and its own dedicated rear amenity spaces.

Further, amendments had been requested following Highways and Conservation Comments. Additional plans had been received;

- Drawing 564-37-02-DD-01 Rev B – Elevations and Floor Plans illustrating rain water goods and increase in height of boundary wall (700mm).
- Site Plan 546-37-SP01 Rev D – Site Plan illustrating revised access and wall positioning.

The site had been subject to several applications for residential redevelopment over the past 5 years. In 2006 the site was host to a 1960's bungalow, now demolished. Footings had been constructed on site, however these were not in accordance with a previous approved scheme and work had since stopped. In 2010 an application for 3 dwellings was refused at Committee as it was considered the proposal was overdevelopment of the site and the proposal did not reflect the character or appearance of buildings in Maxey (see section 5). The site was cordoned off by security fencing and is effectively rough ground.

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

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

The Planning Officer addressed the Committee and gave an overview of the proposal. 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 and Highways implications. The recommendation was one of approval.

Members' attention was drawn to additional information contained within the update report. There had been additional representations received from Maxey Parish Council and The Barn, the property located adjacent to the proposal site, expressing concerns around the proposal. There had also been comments received from Highways stating that there were no objections to the proposal subject to the imposition of conditions as listed in the update report.

Councillor Hiller addressed the Committee and stated that the site was at the heart of a conservation village, surrounded by listed properties. The previous application had not been sensitive to the site, however this proposal was sympathetic to the plot and Councillor Hiller stated that he believed it would fit in with the village and the Parish Council comment was out of context, being in relation to the original application for two properties back in 2006 which had been subsequently approved.

Following debate, a motion was put forward and seconded to approve the application, subject to the Highways conditions and informatives as detailed in the update report and an additional condition stating that the garages should not be allowed to be turned into living accommodation. The motion was carried unanimously.

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

1. The conditions numbered C1 to C15 as detailed in the committee report
2. The Highways conditions numbered 1 to 4 as detailed in the update report
3. The Highways informatives numbered 1 to 5 as detailed in the update report
4. A minor amendment to C15 to read 'Target Emission **Rate**...'
5. An additional condition stating that the garages should not be allowed to be turned into living accommodation

Reasons for the decision:

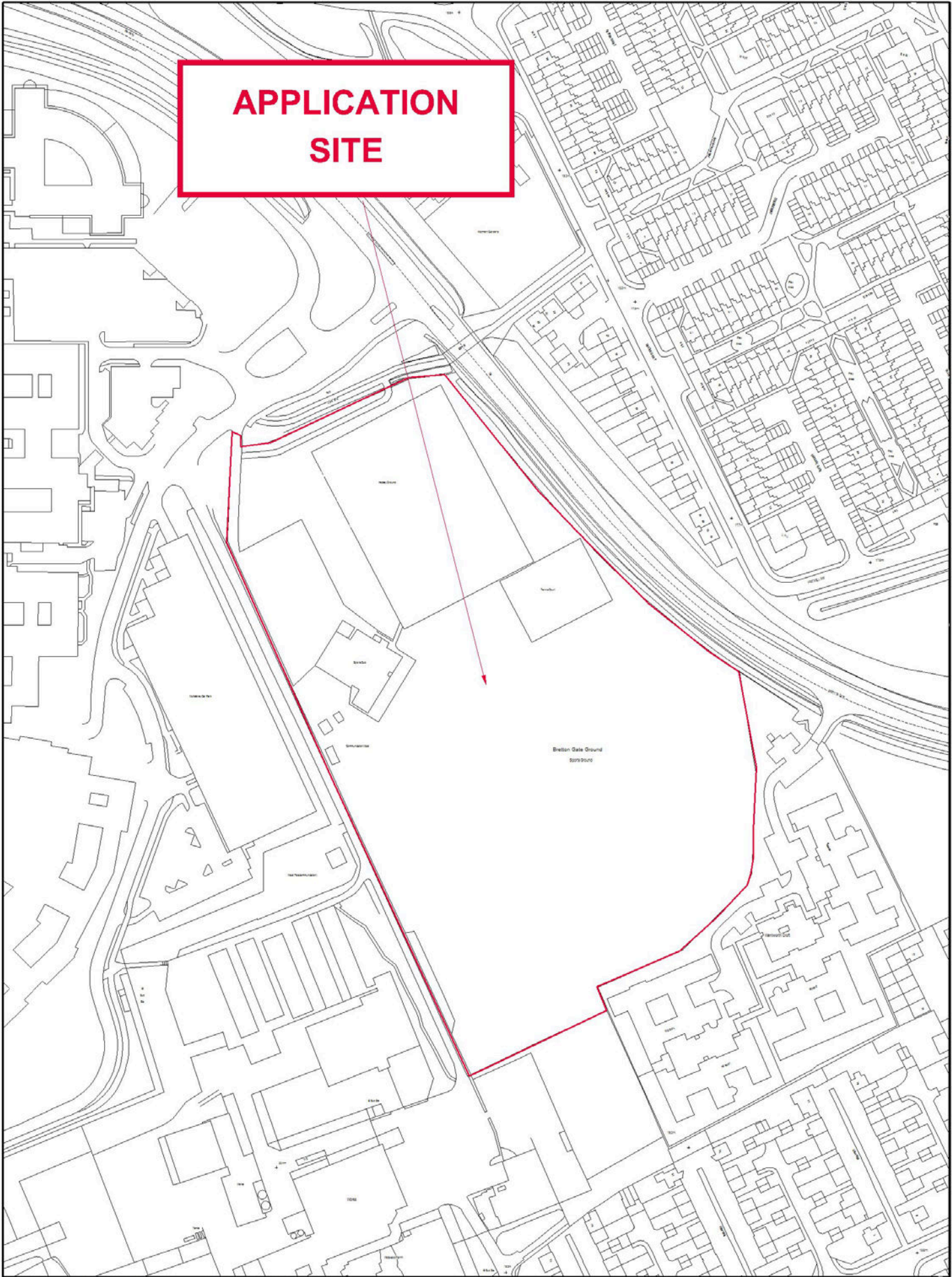
Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the design of the dwellings was considered to be of appropriate size, scale and design which would preserve and enhance the character, appearance and context of the conservation area
- the proposal was not considered to form an overbearing form of development that would create a detrimental loss of light, privacy or outlook to neighbour occupiers
- the proposal was considered to provide satisfactory off-street parking and would not result in a highway safety hazard

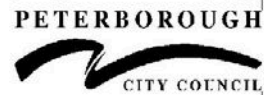
Hence the proposal was in accordance with Policies CS1, CS13, CS14, CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies H16, and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005), Planning Policy Statement 5 (2010) and the Maxey Conservation Area Appraisal (2007)

13.30 – 16.03
Chairman

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LOCATION PLAN **11/00230/FUL**
 Peterborough Town And Sports Club Bretton Gate Bretton Peterborough PE3 9UZ
Scale NTS **Name** JLF **Department** Planning Services



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11/00230/FUL: CONSTRUCTION OF TWO COVERED FLOODLIT TENNIS COURTS AT PETERBOROUGH TOWN AND SPORTS CLUB, BRETTON GATE, BRETTON, PETERBOROUGH
VALID: 16 FEBRUARY 2011
APPLICANT: PETERBOROUGH TOWN SPORTS CLUB & PETERBOROUGH CITY LAWN TENNIS CLUB
AGENT: BARKER STOREY MATTHEWS
REFERRED BY: CLLR S DALTON
REASON: IMPACT ON LOCAL RESIDENTS
DEPARTURE: NO

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the proposed tennis facilities would provide suitable replacement tennis facilities for those lost at the former Peterborough City Lawn Tennis Club by planning application 11/00225/FUL
- The siting, and lighting design of the proposed development
- The impact on surrounding sites

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

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy Development Plan Document

Policy CS18 Culture, Leisure and Tourism

Policy CS14 Transport

Policy CS16 Urban design and the public realm

The Peterborough Local Plan (First Replacement)

LT3 – Retention of sports facilities

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

PPG 17 - Planning for open space, sport and recreation

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

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

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for two floodlit covered hard surfaced tennis courts at the Peterborough Town Sports Club. The tennis courts are to be contained (in the winter months) under a single skin transparent polythene removable dome cover, which measures approximately 36.5m x 33.5m x 9m in height. 10m high floodlights are proposed around the outside of the dome to allow for night time play. The proposed opening hours of the courts are 8am to 10pm Monday to Sunday, including bank/public holidays.

The location of the tennis courts on site has been amended during the course of the application. When the application was first submitted the courts were located at the south eastern corner of the site adjacent to the Westwood Farm industrial area and Wentworth Croft residential area. Following consultation, the proposed courts have been relocated to the north east part of the club site adjacent to the existing floodlit tennis courts and Bretton Gate Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The existing site is the home of Peterborough Town Sports Club. The Club covers an area approximately 7.5 ha and comprises existing sports pitches, including flood lit pitches and tennis courts, changing rooms and clubhouse building, and car park comprising 184 spaces.

The Club is positioned adjacent to the Peterborough City Hospital site and Westwood Farm industrial complex. To the southeast is the Wentworth Croft residential nursing home, and to the east beyond Bretton Gate Road, is residential development at Hartwell Way (the nearest property is 46m from the edge of the proposed tennis courts). There is mature tree planting on the verges along both sides of Bretton Gate Road that lay between the proposed tennis courts and the Hartwell Way residential area.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
11/00391/NDMTEL	Removal of old equipment and installation of 3 no '02' antennas and 3 no 'Vodafone' antennas; 1 no shared 02/Vodafone Vulcan cabinet and 1 no 02 Cannon B cabinet		
10/00421/NDMTEL	Replacement of 3 no. existing antennae, installation of 1 no 300mm microwave dish and replacement of existing cabinet with 2 no cabinets	06.04.2010	Permitted

04/00165/FUL	Replacement of 15 metre high monopole with 20 metre monopole for site sharing	26.03.2004	Permitted
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6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections, subject to the imposition of a condition.

Pollution Control – This type of facility as a result of the required lighting and dome construction will exceed levels recommended in the Institution of Lighting Engineers ‘ Guidance Notes for the Reduction of Light Pollution (Revised) for source intensity and building luminance. The guidance is based upon traditional floodlighting systems without domes. The dome presents additional considerations such as luminance of the structure and reflected light. It would be advisable for an existing facility to be viewed to enable the lighting impact of sky glow and luminance of the dome structure to be assessed. If permission were to be granted recommend the imposition of a planning condition to minimise the light impact on neighbouring windows.

EXTERNAL

Sport England – No objections. They consider that the principle of this development is acceptable with regards to their playing fields policy They are satisfied that these facilities constitute adequate replacement for the loss of the former grass courts at Park Crescent, as it is accepted that synthetic, covered, floodlit courts offer much greater scope for developing tennis in the area than grass courts which can only be used for part of the year. The courts will be particularly beneficial to the development of tennis in Peterborough given the lack of alternative indoor courts in the city. They highlight that it may be difficult for 2 courts to be financially viable, and that 3 courts might improve viability but would not object to the proposal on this basis.

Police Architectural Liaison Officer – No objections.

NEIGHBOURS

2 Letters of objection have been received in respect of the initial consultation raising the following issues:

- Harmful visual impact
- Cumulative light pollution impacts from this and surrounding sites
- Too close to residential properties
- Cumulative noise impacts from this and surrounding sites
- Why is it not located beside the existing tennis courts on site
- Affect on property value
- The site is leasehold, the previous tennis club site was freehold
- The site is over 2 miles from the Park Crescent tennis club site and so is inconvenient for the local junior members

1 letter of support has been received, from 1 of the original objectors, in respect of the second consultation on the amended location of the courts on site. They are now supportive of the new location on site as it is well away from residential housing, and any noise will be muffled by passing traffic and all floodlighting on the site will be concentrated in one area.

COUNCILLORS

Cllr Sam Dalton in respect of the initial location of the courts on site requested the application be heard by Members at Committee to allow a full and frank discussion due to the significant impact on local residents.

7 REASONING

a) Introduction

This planning application is submitted in conjunction with the planning application reference 11/00225/FUL for 3 residential houses on the former Peterborough City Lawn Tennis Club site in Park Crescent. It is proposed that the tennis facilities proposed under this planning application would mitigate for those to be lost as a result of the residential redevelopment of the Park Crescent site.

b) Suitable replacement tennis facilities

Policy LT3, does not allow the loss of open space facilities, if that loss would give rise to a deficiency, or would be in an area of the District where there is already a deficiency in open space.

There is not a deficiency in tennis court facilities within the Park Ward, and the loss of the former lawn tennis courts would not result in a deficiency, as there are existing hard surfaced tennis courts opposite the Park Crescent application site in the Central Park. Therefore the loss of the tennis facilities in this location would not be contrary to Policy LT3 provided alternative provision is made.

Policy LT3 requires the alternative provision to mitigate for those lost to be at least as accessible to users, and at least equivalent in terms of size, usefulness, attractiveness and quality as the facilities that would be replaced.

The Membership details supplied by the Lawn Tennis Club demonstrated that it has a city wide catchment and is not just a local club consisting predominately of the surrounding residents of the Park Ward. Therefore in ensuring replacement tennis facilities are at least as accessible to Members as those to be lost, it is not considered essential that the replacement tennis facilities would have to be located within the Park ward.

The new tennis facilities would be located approximately 2.5km from the city centre, on the Peterborough Town Sports Club site which is adjacent to the Peterborough City Hospital site. The site has a newly improved vehicle entrance and is close to the parkway junction on the main A47 through Peterborough. Bretton Gate is a public transport route, which serves the existing site, the hospital and the adjacent Westwood Farm commercial area. There are regular bus services that operate in this area. There are also cycle and pedestrian routes that connect the site with the city centre, and nearest residential areas are Netherton and Westwood. It is therefore considered that the site of the replacement facilities has good levels of accessibility by a range of different transport modes and so could be considered to be as accessible to users as those to be lost.

The tennis facilities proposed would be two tennis courts contained under a removable transparent polythene dome, which does not require lights inside for daytime play. External outdoor floodlighting is proposed and that will penetrate the membrane and provide sufficient light for night play in the dome. The floodlighting columns would be approximately 10m high with the lights positioned by downward deflection through the dome onto the playing surface to reduce light pollution. The dome can be kept on site permanently, or can be erected and deflated seasonally as required. It takes 3 people 3 hours to dismantle, and 6 hours to erect. The hours of play proposed for the courts is 8am to 10pm Monday to Sunday, including bank/public holidays.

The tennis facilities to be lost at Park Crescent were four former grass tennis courts, they were not covered or floodlit therefore the potential hours of use would have been restricted to dry weather and daylight hours only. Whilst two rather than four courts are now proposed, they are proposed to be covered and floodlit, therefore their potential hours of use are much greater than the courts to be lost, as they can be used in wet weather and in hours of darkness.

This replacement facilities on this site have the added advantage over the Park Crescent site that there is potential for linked sporting trips to be made, as a range of sporting facilities are provided on site, so families or groups could arrive together and participate in different sporting activities. This site also has the additional benefit over the existing Park Crescent site that it has larger changing and clubhouse facilities, and has on site car parking facilities.

The Lawn Tennis Association (LTA) is supportive of this proposal as the Peterborough area currently lacks indoor tennis facilities. They consider that an indoor, floodlit facility such as this will offer greater

year round sports development opportunities when compared to the former grass courts at Park Crescent.

It is therefore considered that the proposed replacement facilities accords with Policy LT3 and the requirements of PPG17, in that they are as accessible, and equivalent in terms of size, usefulness, attractiveness, and quality as those to be lost.

c) The siting and design of the tennis facilities

The original proposal submitted under this planning application sited the proposed tennis facilities in the south west corner of the site, adjacent to the Westwood Farm commercial units, a car park, the residential properties on Denham Walk and the Wentworth croft residential nursing home.

Amended plans have been received relocating the tennis facilities to the east of the application site, adjacent to the existing floodlit tennis courts on site and the site boundary with Bretton Gate Road. It is considered that this new location is an improvement to the original proposed as it is closer to the clubhouse and changing facilities, closer to the car park, and is positioned on site adjacent to the existing flood lit tennis and multi use surface facilities on the site. The original position proposed was in a currently unlit part of the site and in closer proximity to existing residential uses surrounding the site.

The transparent polythene dome covering the courts will be visually prominent on the site and will be visible from outside the site. Whilst its visual form is not characteristic of development in the area, it is not considered it would be visually unacceptable, due to the sporting character and appearance of the site.

It is considered the siting and design of the proposed tennis facility would be in accordance with the Policy CS16, and CS18 of the Core Strategy.

d) The impact of development on surrounding sites

In respect of the initial position of the tennis courts on site, concern was raised with the applicant about the impact of the lighting and potential noise disturbance on the residential properties on Denham Walk and the nursing home ,particularly in respect of the sky glow impact when the lighting was in use.

Amended plans were received re-siting the courts on site and providing additional technical lighting information, to try and address this concern.

The re-sited location has moved the tennis courts closer to the residential properties on Hartwell Way and Edgoote Close however these properties are separated from the site by the main road of Bretton Gate and the mature tree shelter belts which extends along both sides of this road. These properties already co-exist with the floodlit football/multi use surface pitch and the 3 floodlit tennis courts, which are positioned along this eastern boundary of the site. It is considered that the proposed floodlights would not unacceptably shine into any of the windows of the adjacent residential properties. The sky glow generated by the lights shining off the dome surface would be visible from the adjacent road and the residential properties beyond.

There is already a similar facility to this at the Peterborough Esporta sports centre, and sky glow and reflective light from the domes surface are visible at some distance from the site. It is accepted that the lighting impact will be visible from outside the site. It is not considered that facility would exceed the recommended lighting levels impact on neighbouring windows, but the dome structure will have a sky glow impact which will be visible to those in the surrounding area. The lighting will only be used in darkness hours and the lighting would be switched off after 10pm, the same time as the existing floodlights on site.

On balance, the lighting impact on the surrounding streetscene and residential properties is considered to be acceptable, subject to the conditioning that the lights are switched off at 10pm.

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:

It is considered that the replacement tennis courts proposed could be considered as accessible and equivalent to those proposed to be lost by planning reference 11/00225/FUL. The siting, and design of the tennis facilities proposed on this existing sports site is acceptable and on balance, the sky glow impact on the surrounding area would be acceptable as it is adjacent to the existing floodlit sports facilities.

The proposal is therefore considered to be in accordance with Policies CS18, CS14, CS16 of the Core Strategy, Policy LT3 of the Local Plan (First Replacement) 2005 and national policy guidance PPG17.

9 RECOMMENDATION

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

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

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

C2 The source of illumination shall not be directly visible to users of the adjoining highway.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document (2011).

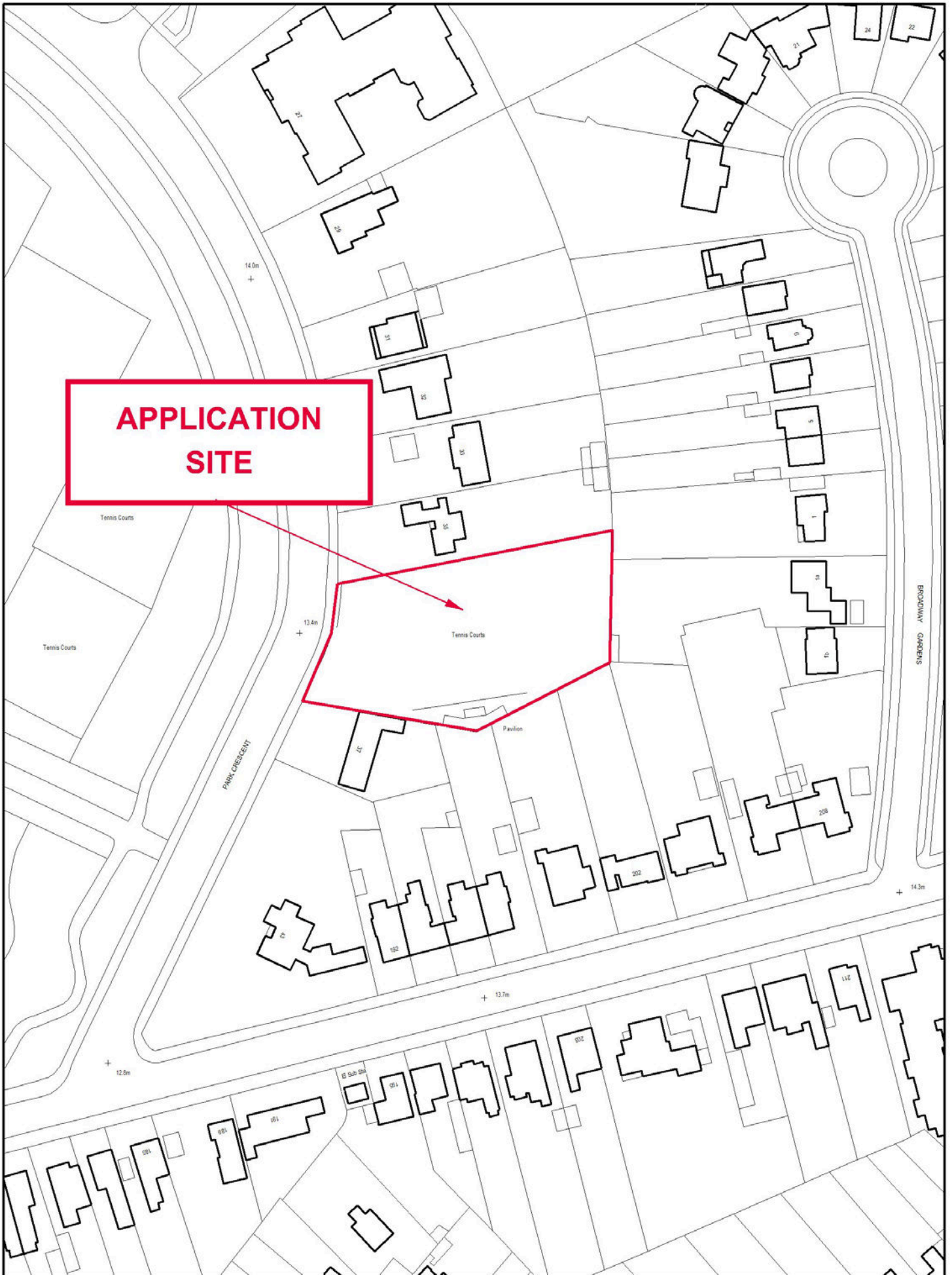
C3 The column lighting shall be operated in strict accordance with the details hereby approved unless otherwise agreed in writing by the Local Planning Authority and in any event, shall not exceed the obtrusive light limitations for sky glow into windows, specified (in the environmental zone E3) in the Institution of Lighting Engineers document 'Guidance Notes for the Reduction of Light Pollution (Revised) (2005).

Reason: In order to protect the amenity of local residents and highway safety, in accordance with Policies CS18, CS16 and CS14 of the Peterborough Core Strategy Development Plan Document (2011).

C4 The tennis courts and associated floodlighting hereby permitted in accordance with the block plan drawing shall not be used outside the following times 8am to 10pm Monday to Sundays, including bank/public holidays.

Reason: In order to protect the amenity of adjoining occupiers from noise and light, in accordance with Planning Policy Guidance (PPG24 Planning and Noise) and Policies CS18 and CS16 of the Peterborough Core Strategy Development Plan Document 2011.

Copy to Councillors Arculus, M Dalton and S Dalton



LOCATION PLAN 11/00225/FUL

Peterborough City Lawn Tennis Club

PCC GIS



Scale 1:1250 Date 21/6/2011 Name MKB Department Planning Services

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11/00225/FUL: CONSTRUCTION OF 2 X 4 BEDROOM AND 1 X 3 BEDROOM
DETACHED PRESTIGE DWELLINGS AT PETERBOROUGH CITY
LAWN TENNIS CLUB, PARK CRESCENT, PETERBOROUGH
VALID: 25th FEBRUARY 2011
APPLICANT: PETERBOROUGH CITY LAWN TENNIS CLUB
AGENT: BARKER STOREY MATTHEWS
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: PREVIOUS COMMITTEE INVOLVEMENT
DEPARTURE: NO

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Infrastructure/replacement tennis facilities
- Impact on residential amenity
- Impact on and appearance in Conservation Area

The Head of Planning, Transport and Engineering Services recommends that the application is APPROVED subject to prior completion of a Section 106 obligation relating to provision of community infrastructure in accordance with the Planning Obligation Implementation Scheme (POIS).

2 PLANNING POLICY

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

Development Plan Policies

Relevant policies are listed below with the key policies highlighted.

Peterborough Core Strategy Development Plan Document

Policy CS16 Urban design and the public realm

Policy CS17 The Historic Environment

Policy CS14 Transport

Policy CS13 Developer contributions to infrastructure provision

The Peterborough Local Plan (First Replacement)

H7 – Within the Urban Area residential development on any unallocated site will be permitted subject to criteria

H15 – Seeks the highest residential density compatible with the character of the area and other considerations

H16 – Seeks to ensure an adequate level of residential amenity

DA6 - Infill development should be to an appropriate scale for the site and be in keeping with the character of the area; and have no detrimental impact on neighbouring occupiers

LT3 – Retention of sports facilities

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

PPS 3 - Housing

PPG 17 - Planning for open space, sport and recreation

Park Conservation Area Appraisal/Management Plan - Gives general advice on dealing with applications in the area.

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

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

In addition Circular 05/2005 states the following principles:

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

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

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of three detached properties on the site. Two properties would be positioned at the front of the site these would be two storey high 4 bedroom houses, and the property positioned at the rear of the site, would be a two storey high 3 bedroom coach house.

Two car parking spaces are proposed for each property, all car parking spaces are positioned at the rear of the site behind plots 1 and 2. One central combined vehicle and pedestrian access is proposed to serve the three properties from Park Crescent.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is the last remnants of a tennis club that has been on site for about 100 years. Part of the site was developed for housing in the 1970's, leaving a wooden clubhouse and four grass tennis courts which are the subject of this application. The courts are not currently in use, and have not been in use for a number of years. The site is currently laid grass, with the wooden clubhouse still in position, and is screened from Park Crescent by an approximately 2m high hedge and 1m high diaper work wooden fence.

The site falls within the Park Conservation Area and lies opposite Central Park. The adjoining houses are modern (having been built around 1970), although the overall character of the area reflects its history as an Arcadian Victorian/Edwardian residential area. The character of the surrounding area is generally one of large residential properties set within large plots, screened from the road with mature trees and hedges.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/01294/FUL	Construction of 2 x two storey 4 bed detached dwellings and 1 x two storey 3 bed detached dwelling	14.06.2010	Refused
08/00438/FUL	Erection of 10 apartments in three blocks	25.11.2008	Refused and dismissed on appeal.
06/01243/FUL	Erection of 10 apartments in three blocks	10.05.2007	Refused and dismissed on appeal.
06/00625/FUL	Erection of 12 apartments in three blocks	25.07.2006	Withdrawn

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Local Highway Authority - No objections subject to conditions and informatives.

Archaeology – No objections. The proposed development is unlikely to affect significant archaeological remains.

Conservation Officer – No objections.

Pollution Control – No observations.

Landscape Officer – Objects on the grounds of the absence of a tree survey to determine the implications of the development on the boundary trees.

EXTERNAL

Police Architectural Liaison Officer – No objections.

Sport England – We have maintained a position that we could only support the re-development of the Park Crescent site if a suitable replacement facility can be provided within a reasonable catchment area for existing users. We are supportive of the principle of two artificial floodlit and covered courts being adequate replacement for four grass courts, and are supportive of the planning application 11/00230/FUL. The key issue for Sport England remains how the provision of the replacement courts are secured via a s106 agreement. The wording of this agreement needs to ensure the Park Crescent site could not be developed without replacement facilities coming forward.

NEIGHBOURS

19 Letters of objection have been received from 14 local households raising the following issues:

- Loss of green space
- Overdevelopment
- Incompatible with Park Conservation Area Appraisal
- Unacceptable size, scale, siting and height
- Extra traffic
- Parking problems
- Unacceptable visual impact
- Not in keeping with the character of surrounding development
- Impact on local community
- Too close to site boundaries and neighbouring sites
- Overbearing impact

- Inadequate replacement tennis facilities, and they are not in the central area
- The fallback replacement tennis facilities shows the lack of commitment to providing the replacement tennis facilities
- The replacement tennis facilities, are unacceptable as they are leasehold with 58.5 years unexpired, whereas the current site is freehold.
- The replacement tennis facilities are also 2.2m from current site. Since the club has moved from its Park Crescent location, it has lost its 35 junior members.
- Loss of community facility for this part of the city
- The previous tennis facility was on site for over 100 years
- The replacement tennis facilities would be on a site that is not as attractive as the current site
- The deal for the replacement tennis facilities has not been finalised, therefore if planning permission were granted before this the Council may be left with the financial fallback contribution and burden of providing the replacement tennis facilities
- Loss of a city tennis club, if these two tennis clubs amalgamate
- Contrary to planning policies
- Planning history, previously refused applications
- Club/site is being lost so Club Members can make a profit on sale of site
- Poor design
- The houses will not sell, and will remain empty or rented
- Loss of open aspect
- Loss of views
- The rear, 3rd property is uncharacteristic of area
- Site should only accommodate 1 or 2 properties
- Loss of privacy/overlooking
- Overshadow/loss of light
- Loss of property value
- Noise
- Pollution, car fumes
- Affect on wildlife
- Affect on trees
- Precedence, for backland development
- Creation of front accesses will destroy the existing front hedge boundary treatment
- Similar footprint to previously refused flats
- Inadequate garden provision
- Lack of garages
- Site should be developed with two properties on the frontage only, deleting the rear property.
- Concerned a developer may submit a future application for flats
- The tennis club have not approached past members for their views
- The tennis club have not looked at providing alternative tennis facilities on the existing site
- The sale of the land will generate more money than the cost of replacement facilities, where will this additional money go
- Too much hard surfacing proposed on site
- The loss of the pavilion building is contrary to the Conservation objectives of the area

Broadway Residents Association

- Overdevelopment of the site, 3 properties are too many
- Oversized properties, no garages, inadequate curtilage and garden space
- Properties excessive in size and footprint for the site
- Loss of privacy/overlooking for neighbours
- Not in keeping with the character of surrounding development
- Access road insufficient for 3 properties
- Adverse impact on Conservation area
- Backland development inappropriate

- Creation of front access will destroy the existing front hedge and wicket fence boundary treatment which is a key characteristic of the Conservation Area. Visibility splays required for the access will further remove the established boundary.
- No application has been made for demolition of the pavilion building on site
- Unreasonable to proceed without a tree survey
- Planning history, previously refused applications
- Contrary to local and national planning policy
- Inadequate replacement tennis facilities which are not equivalent to those being lost, contrary to PPG17
- The S106 should be available to ensure transparency and enforceability
- Huge local concern about loss of local tennis club facilities
- The fallback replacement tennis facilities provides too much uncertainty about whether replacement facilities could be provided and whether they meet policy requirements
- Members of the Residents Association wish to restore tennis playing on this site

COUNCILLORS

No comments received

7 REASONING

a) Introduction

There have been two previous applications on this site for ten apartments contained within three blocks that were both refused by Members and dismissed on appeal. The last of these appeals was dismissed primarily on the grounds that the applicants had not entered into a S106 obligation to provide replacement tennis facilities in accordance with best practice.

There has also been a previous application for three houses on the site similar to this proposal, which was refused by Members on the grounds that there was still insufficient assurity that the alternative provision of tennis facilities could actually be provided in suitably timely way to a standard that adequately reflects the quality and location of the resource that is proposed to be lost to development. The appeal for this refused application was withdrawn.

The three houses proposed under this application follow the siting, scale and design of the houses and apartments previously proposed on this site. This application has been amended during the course of its consideration, to delete the two separate pedestrian accesses that would puncture the front boundary treatment and propose only one central shared pedestrian and vehicle access in the front boundary.

b) Infrastructure/replacement tennis facilities

To try and address the previous Committee and Inspector's reason for refusal, the concurrent planning application for two covered floodlit tennis courts planning reference 11/00230/FUL has been submitted for consideration. The applicant for that application is the Peterborough Town Sports Club in association with the Peterborough City Lawn Tennis Club.

Since the courts at Park Crescent became unplayable the club have continued to play at Bretton and Itter Park. It has always been the clubs first preference that the relocated facilities for the club would be provided at the Peterborough Town site at Bretton Gate. The funding of these replacement tennis facilities is directly dependent on the grant of planning permission and sale of this site, contracts with the landowners of the site cannot be secured at this stage.

The replacement tennis facilities proposed provide two tennis courts contained under a removable transparent polythene dome, that does not require any lights inside for daytime play. External outdoor floodlighting is proposed and that will penetrate the membrane and provide sufficient light for night play in the dome. The floodlighting columns would be approximately 10m high with the lights positioned by downward deflection through the dome onto the playing surface to reduce light pollution. The dome can be kept on site permanently, or can be erected and deflated seasonally as

required. The hours of opening proposed is 8am to 10pm Monday to Sunday, including bank/public holidays.

Although the number of existing courts will be halved, their proposed all weather surfacing and lighting would allow play on many more occasions than the current grass pitches. It will result in the loss of grass courts, which is regrettable, but that must be balanced against the additional availability of the new courts, which will be more useful and arguably of higher quality than the existing courts.

The Lawn Tennis Association and Sport England consider the two proposed floodlit and covered tennis courts to be comparable facilities with the four grass tennis courts to be lost on this site, due to the increased hours of play the addition of flood lighting and covered facilities would provide.

The Bretton Gate site is considered to be acceptable in terms of accessibility. Members should be mindful that whilst there are few sites as central as the current premises, there are other sites within the City that are accessible to large portions of the population on foot and by bus, and the membership of the existing club is city wide, and is not just a local facility. The loss of these tennis facilities from the Park Ward would not result in any deficiency in tennis facilities in the Ward, as tennis facilities are available in Central Park.

It is therefore considered that the proposed replacement tennis facilities would adequately mitigate for the lost of tennis facilities on this site in accordance with the requirements of Local Plan Policy LT3 and National Planning policy guidance PPG17, thereby overcoming the Committee and Inspector's previous reasons for refusal.

c) Impact on residential amenity

The Inspectors in their consideration for apartments on the site concluded 'that the proposal would not have an adverse impact on the living conditions of neighbouring and prospective residents and that it complies with Policy DA2'.

The three dwellings now under consideration have the same siting, footprint and design as the previous three apartment blocks subject to the appeals.

The buildings have been arranged to avoid any material overlooking or noise for nearby residents. The levels of amenity enjoyed will change; however, all window to window overlooking distances exceed the recommended 20 metres. The adjoining properties in Park Crescent will experience some noise and activity adjacent to their gardens, but this is no more than would be normal in any residential street, whilst other properties will experience noise and activity closer to the less sensitive areas of existing gardens.

Similarly, there may be times when adjoining gardens will be shaded for periods during the day, but in no case will this amount to a material loss of amenity.

Overall, the impact on the amenity of neighbouring properties is considered to be negligible. The proposal is therefore considered to be in accordance with Policy CS16 of the Core Strategy, which supersedes Policy DA2 of the Local Plan.

d) Impact on and appearance in Conservation Area

The Inspector in his appeal decision in 2007 on planning application 06/01243/FUL gave little weight to the recommendations in The Park Area Conservation Area appraisal, technical report and report and management plan as the documents were in draft. However in reaching his decision he then went on to assess what impact the proposed development would have on the Conservation Area in accordance with development plan policy CBE3 of the Peterborough Local Plan, and concluded that the proposal would preserve the character and appearance of the Park Conservation.

The subsequent Inspector in her appeal decision in 2009, acknowledged that the previous Inspector concluded that the proposal would preserve the character and appearance of the Park Conservation Area and would comply with the provisions of the Peterborough Local Plan 2005 in that respect. She acknowledged that since this decision the Park Area Conservation Area Appraisal report and management plan has been adopted, but noted that the Council had not indicated that this should change this conclusion.

Many of the buildings on Park Crescent were built in the latter half of the 20th century. It is most noticeable that the dwellings adjacent to the application site were built in the 1960's and 1970's are at variance with the Character described in the Conservation Area appraisal and the character identified as important to the area. There is, therefore, considerable variety in the age and form of buildings in Park Crescent and an assessment of the character and appearance of the Conservation Area cannot ignore those built after the Edwardian period'.

The proposed buildings however are proportioned and detailed to respect the character of the late Edwardian/ Victorian period that typifies the area. This is in accordance with the Park Conservation Area appraisal, which requires new development to respect the scale, massing and materials of the traditional buildings within the conservation area and vicinity, rather than the more modern additions.

The front building lines of the two dwellings have been positioned on site to reflect a similar position to the adjacent dwellings. This allows the 'green' front garden areas to be a dominant feature of plots in keeping with the streetscene character, and in accordance with the Conservation Area appraisal.

It is not considered that the positioning of three dwellings on this site would be overdevelopment of the site or that they would harmfully impact on the surrounding character of the Conservation Area. The proposed garden provision whilst not as generous as surrounding plots could not be considered unacceptable in planning terms.

It is considered therefore that the three proposed dwellings on the site would not be harmfully out of keeping with the surrounding area or Conservation Area and would be in accordance with Policy CS17 (which supersedes Policy CBE3 of the Local Plan) and the Conservation Area Appraisal.

This conclusion accords with the previous Inspector who stated 'In a road with such variety, I do not consider that the proposed buildings would look out of place, and concluded that the proposal would preserve the character and appearance of the Park Conservation Area and that it complies with Policy CBE3.'

Trees

In the Inspector's appeal decision in May 2007, of planning reference 06/01243/FUL, he identified that there were important boundary trees surrounding the site and in neighbouring gardens. The Landscape Officers comments at that time commented that the proposals would be unlikely to harm these features. In order to be sure of this the Landscape Officer recommended that further information be submitted regarding the position of the trees and their crown spread. A further plan was submitted which showed the existing trees around the site and the Landscape Officer did not change his view that the proposals were unlikely to harm the trees around the boundaries of the site. The positions of the dwellings on site have not changed from this appeal decision therefore whilst the Landscape Officer has requested the submission of the standard tree information to detail the impact on the surrounding trees, it is not considered to be reasonable to insist this is provided in this instance in view of this planning history of the site where the Landscape Officer and Inspector have both previously concluded that the proposed development would not harm the trees around the boundaries of the site, in accordance with Policy LNE9 of the Local Plan.

e) S106

This has been calculated to be £24,000 (plus monitoring fee) in accordance with the adopted Planning Obligation Implementation Scheme.

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

It is therefore considered that the proposal would accord with Policy CS13 of the Peterborough Core Strategy 2011.

f) Miscellaneous

Highways

There are no highway safety issues or parking problems associated with this proposed development. The Local Highway Authority is satisfied subject to the imposition of conditions and informatives that this development will not result in any highway safety concerns. The two car parking spaces per property proposed, is in accordance with Peterborough City Council's maximum car parking standards in is Local Plan.

Property Values, the properties will not sell, profit for Club Members – All of these issues are not material planning considerations and are therefore not issue that can be taken into consideration in the determining of this planning application.

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 development is an unallocated site in a residential area which is appropriate for residential development, the density and design is appropriate and therefore it complies with policies H7, H15, and DA6 of the Peterborough Local Plan First Replacement 2005, and Policy CS16 of the Core Strategy.

The proposal would maintain or preserve the character of the Conservation Area and therefore it complies with Policy CS17 of the Core Strategy, and the Park Conservation Area Appraisal/Management Plan.

The level of overlooking and privacy is acceptable and therefore it complies with Policy CS16 of the Core Strategy.

Adequate infrastructure would be provided including replacement tennis facilities and therefore it complies with Policy CS13 of the Core Strategy and Policy LT3 of the Peterborough Local Plan (First Replacement) 2005.

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the community infrastructure needs of the area generated by the development and to secure replacement tennis facilities, the Head of Planning, Transport and Engineering Services be authorised to grant planning permission subject to the following conditions:

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

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

C2 No development shall commence until such time as the construction of the tennis courts approved under 11/00230/FUL has commenced and no dwelling shall be

occupied until such time as the said courts are completed in accordance with the associated planning permission and operational.

Reason: To ensure that the alternative tennis court provision is provided in accordance with Policy LT3 of the Adopted Peterborough Local Plan (First Replacement).

- C3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings; 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 CS16 of the Peterborough Core Strategy DPD (2011).

- C4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any statutory instrument revoking and re enacting that Order), no windows shall be inserted into the first floor north and south elevations of plots 1, 2, and the Coach House; other than those on the approved plan no. AK003, AK017, and AK013.**

Reason: In order to protect and safeguard the visual amenity of the area and to prevent overlooking, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C5 Details of all boundary walls and fences shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing/walls shall be maintained.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C6 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C7 The existing access to Park Crescent shall be permanently closed to vehicular traffic before the new access is brought into use. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C8 If gates are to be provided to the vehicular access they should be set back at least 6m from the edge of the carriageway and be electronically operated.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C9 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.**

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C10 Notwithstanding the details shown on the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure, hard surfacing materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.).**

Reason: In order to improve the visual amenity of the areas, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C11 All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be in accordance with BS5837:1991. Any parts of the hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by no later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.**

Reason: In order to protect the amenity of the area, in accordance with Policy LNE12 and LNE10 of the Peterborough Local Plan (First Replacement).

- C12 Before the new access is brought into use, visibility splays shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the footway.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T8 of the Peterborough Local Plan (First Replacement).

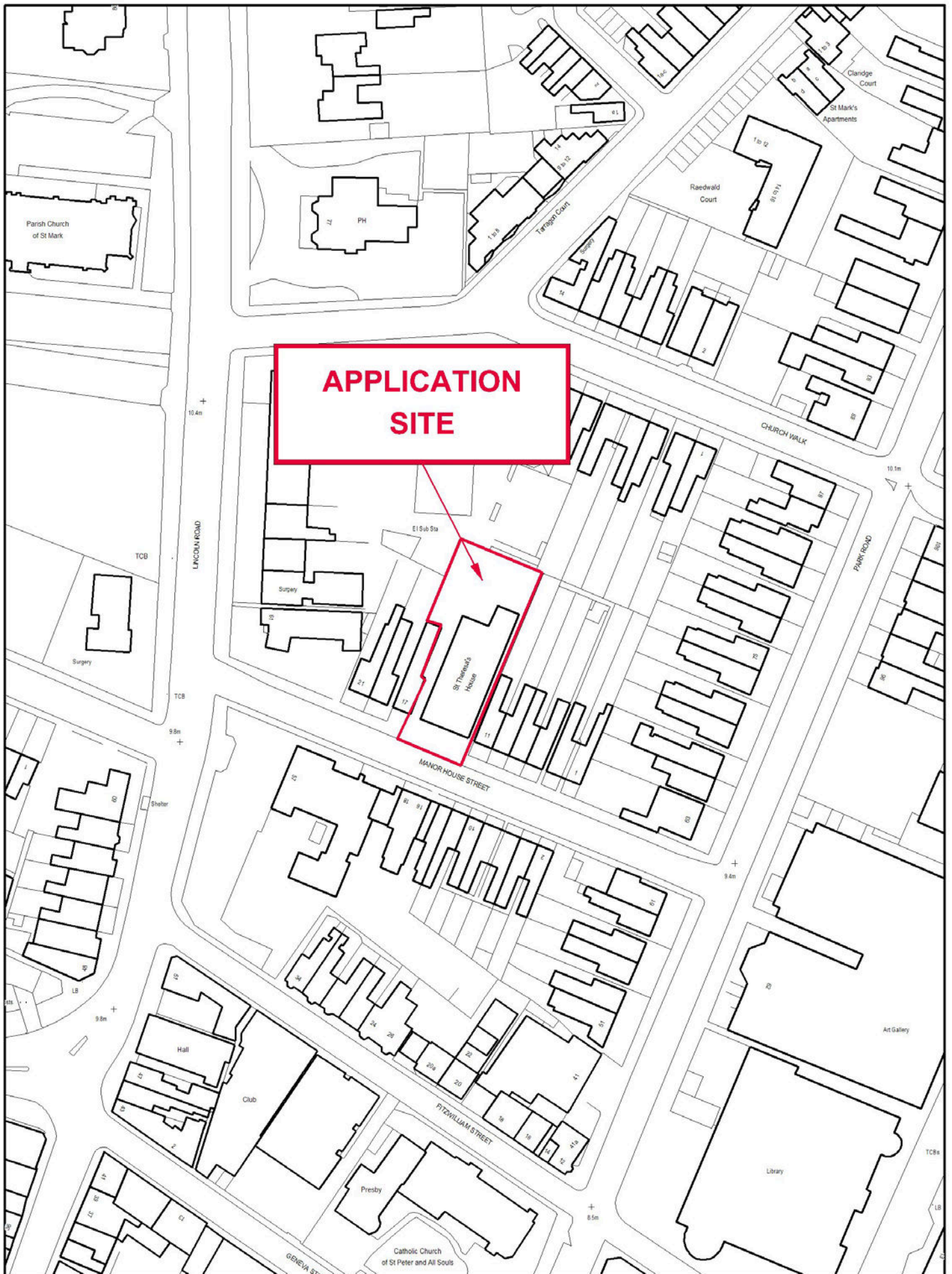
- C13 The gradient of the access shall not exceed 1 in 10 for a distance of 5m from the edge of the existing carriageway.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T8 of the Peterborough Local Plan (First Replacement).

- C14 The access road/driveway shall be of a minimum width of 5m for a distance of 10m from the edge of the existing carriageway, and a minimum of 4.5m width thereafter.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

Copy to Councillors Kreling, Peach and Shearman



LOCATION PLAN 11/00695/FUL

St Therasas House, Manor House Street

PCC GIS

Scale 1:1250 Date 21/6/2011 Name MKB Department Planning Services



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11/00695/FUL: CHANGE OF USE OF DAY CENTRE/NIGHT SHELTER TO UNDERTAKERS (A1) AT ST THERESA'S HOUSE, MANOR HOUSE STREET, PETERBOROUGH

VALID: 13 MAY 2011

APPLICANT: A D MURFITT

AGENT: TAYLOR DESIGN

REFERRED BY: CLLR NADEEM

REASON: IMPACT ON THE AMENITY OF THE OCCUPIERS OF NEIGHBOURING RESIDENTIAL PROPERTIES

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Policy context and the principle of development
- Impact on the amenity of neighbouring properties
- Highway implications
- Impact on the historic environment

The Head of Planning and Transport 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)

CBE11 Buildings of Local Importance - Development will not be permitted if it would involve the demolition of, or substantial alteration to the external appearance of, any building designated as of local importance, unless: all reasonable steps have been taken to retain the building, or retention of the building, would be demonstrably impracticable; or the building could not be practicably retained and the benefits of the scheme outweigh the local importance of the building.

CC15 Car Parking - Opportunities for shared use of existing car parks should be investigated before new parking is provided

The Adopted Peterborough Core Strategy DPD

CS13 Developer Contributions and Infrastructure Provision - City Council will encourage developers to enter into a planning obligation for contributions based on the payment of a standard charge. Subject to arrangements as set out in a separate Planning Obligations Implementation Scheme SPD, contributions received via this standard charge may be assembled into pools at an authority-wide level and to the relevant Neighbourhood Management Area (as

described in policy CS6). The use of a standard charge approach will ensure that any contribution is reasonably related to the scale and type of development that is proposed.

CS14 Transport - The transport strategy for Peterborough is to: (i) reduce the need to travel, especially by private car; (ii) deliver a sustainable transport package capable of supporting a bigger and better Peterborough; (iii) support our UK Environment Capital aspirations; and (iv) assist in improving the quality of life of people.

CS15 Retail - The strategy for retail development in Peterborough is to: support and regenerate the city centre, through retail and other development, in order to maintain its position at the top of the retail hierarchy; support, and regenerate where necessary, existing District Centres and Local Centres to ensure they continue to cater for the retail needs of communities that they serve; provide, in the proposed urban extensions, retail development (in the form of new centres) to serve the retail needs of the new communities created, thus assisting in creating a 'bigger and better Peterborough'; and apply, in decision making, the national policy approach in PPS4.

CS16 Urban Design and the Public Realm - 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. New development should be designed in a way that is accessible to all potential users and by a range of modes of transport, taking into account the transport user hierarchy of the Peterborough Local Transport Plan. New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

CS17 The Historic Environment - The Council will protect, conserve and enhance the historic environment throughout Peterborough, through the special protection afforded to listed buildings, conservation areas and scheduled ancient monuments and through careful control of development that might adversely affect non-scheduled, nationally important archaeological remains; other areas of archaeological potential or importance; historic features and their settings; buildings of local importance; and areas of historic landscape or parkland (including, but not limited to, those on the English Heritage Register of Parks and Gardens of Special Historic Interest).

Material planning considerations

Planning Policy Statement (PPS) 1: Delivering Sustainable Development

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

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

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

Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth - the Government's overarching objective is to achieve sustainable economic growth and as stated in PPS4 to help achieve this the Government's objectives for planning are to 'build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural, reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and other

centres as important places for communities. New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities – competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups) – the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity’.

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

The PPS5 states: ‘It is fundamental to the Government’s policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside.’

PPS5 contains policies that seek to conserve and exploit the benefits of the historic environment. It recognises the value and importance of heritage assets, whether these are designated or not and provides protection for these through the planning system. They may be listed buildings or scheduled monuments, or currently undesignated or unidentified. Heritage assets can be identified by the local planning authority as having a degree of heritage significance meriting consideration in planning decisions. Non-designated assets may be identified (by a Buildings of Local Interest - local list) or during the process of determining a planning application. Policy HE8 advises that “.the effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application.”

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

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

In addition Circular 05/2005 states the following principles:

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

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

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

3 DESCRIPTION OF PROPOSAL

The application seeks permission for a change of use from a former day centre/night shelter for the homeless to an Undertakers (A1). The site would provide services associated with the direction of funeral and would include areas within the building for the arrangement/organisation of funerals, display area for funeral furniture/memorials, two chapels of rest, a memorial area, a preparation/storage area and a service room. The building would provide facilities for humanist/civil services or small gatherings of mourners where the deceased or their family do not wish to use conventional church, chapel or other religious based premises. The service room is approximately 63m² and can accommodate up to 35 people. No changes are proposed to the external appearance of the building other than general repair and redecoration. The building will be open to visiting members of the public Monday to Friday 8.00 a.m. – 5.30 p.m. and Saturday 8.00 a.m. – 12.30 p.m. Funerals will take place primarily on weekdays, although some religious denominations may require a Saturday or Sunday funeral. The building will be available for use by the undertakers on a 24 hour basis, dependent on the needs of the business i.e. the receiving of the recently deceased.

4 DESCRIPTION OF SITE AND SURROUNDINGS

Site area is approximately 910m² and is located within the city centre and within the Park Conservation Area boundaries. The site contains a single storey detached Victorian building built in 1893 originally used as a convent/school and most recently used as a day centre/night shelter for the homeless. The building is currently vacant. There is a single storey side element to the front of the building and a more recent constructed single storey flat roof extension to the rear of the building. There are two outside sheds/stores to the rear situated along the south eastern boundary. The building has an internal floor area of approximately 370m². There is a ramped access to the front of the building. The site has a vehicular access to the north western side of the building which leads to a concreted area to the rear providing approximately 260m² of car parking provision. This area is enclosed with at 1.9m wooden fence and palisade fencing and mature trees form part of the north western boundary to the rear. The access is shared with the neighbouring property at 17 Manor House Street and there is a separate parking area to the rear which serves this property. No. 17 Manor House Street is currently vacant and its former use was for Counselling Services (CMAC and Cruse Bereavement). The immediate context comprises a mixture of residential properties and offices. The site is within 150m of the city centre, approximately 370m to the nearest primary retail frontage and can reasonably be considered as an 'edge of centre' site.

5 PLANNING HISTORY

No recent history at application site

Number 17 Manor House Street – neighbour to the west

Application Number	Description	Date	Decision
0468'80	Change of use to Day Centre for the depressed and isolated people	02.06.1980	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No objections – The Local Highway Authority (LHA) do not consider the proposal would have an adverse impact on the highway network. The existing parking provision of 10 spaces does not meet the requirements PCC's parking standards for A1 use, however given the likely trip generation, the location of the site and the proximity of public parking facilities the LHA raise no objections.

Conservation – No objections – There is no objection to this proposal. The building is identified as a draft Local List entry and a new use will keep the building in correct maintenance and repair.

Principal Regulatory Officer: Environment and Pollution Control – No objections – The Officer is unaware of any complaint investigation associated with such uses. There is a very low potential for nuisance associated with such use providing suitable precautions are taken with respect to plant noise (e.g. refrigeration).

Architectural Liaison Officer – No objections

NEIGHBOURS

Three letters of objection and a signed petition containing 12 names have been received. The main issues are summarised as follows:

- The use should not be in a residential street
- The use of the building for this purpose is upsetting and disturbing
- My garden overlooks the yard where the hearses will gather/load coffins
- Distressed people will be assembling within earshot of my garden
- The continuing situation of death/funerals and hearses carrying coffins up and down out street is depressing
- The undertakers should be in a commercial area
- Impact on quality of life
- Impact on the Conservation Area
- Narrow street will not accommodate large hearses
- Impact on residential parking where there is already a shortage
- Devalue of our properties (not a planning issue)
- 'Resident Permit' signs should be either made larger or painted on street (not a planning issue)
- Manor House Street should be made one way
- There needs to be signs directing visitors to the rear car park

COUNCILLORS

Cllr Nadeem has referred to application to Planning and Environmental Protection Committee having been approach by neighbours to the site objecting to the proposal on grounds of amenity. These issues are listed above.

7 REASONING

a) Policy context and the principle of development

The use as undertakers and the direction of funerals is included under Class A1 of the Use Classes Order and allows for both the administrative arrangements and functional arrangements incidental to the primary use. Applications for retail uses are primarily assessed against PPS4 and in particular policy EC14 which requires a sequential approach to be taken for site selection for such uses. The first choice within the sequence would be for a city centre site, however, it is considered that there is limited scope for a building with appropriate site characteristics to be available within the city centre. The second choice within the sequence would be an 'edge of centre' site described in PPS4 'as a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre.'

The site is within easy walking distance to the city centre is on a clear legible route with no major barriers and is considered an 'edge of centre' site. The main thrust of PPS4 is to ensure that retail development and other main town centre uses are located in the city centre as the first preference, thus protecting the vitality and viability of the City Centre. Despite this being an A1 use, it is not one, due to the activities associated with the use, that would normally occupy a site within a primary or secondary retail frontage and as such an 'edge of centre' location is a preferable choice of location. It is reasonable, however, to condition the planning consent to removed permitted development rights thereby preventing the site becoming retail use that would put at risk the retail strategy. The proposal therefore, does not undermine the core objectives of policy CS15 of the Adopted Peterborough Core Strategy and PPS4.

b) Impact on neighbouring amenity

This is an important material planning consideration and the proposal is primarily assessed on the potential amenity issues arising from the use including the likely increase in the general activity at the site and the subsequent noise and disturbance likely to be caused to neighbouring properties.

Due to the sensitive circumstances the very nature of undertakers/funeral directors are quiet and discrete operations, capable of being undertaken without disturbance to adjoining neighbours. The site has a number of characteristics which make it a suitable for use as undertakers. The site benefits by having vehicular access to the rear of the building. This area is reasonably enclosed and would allow for the receiving of the deceased/loading of hearses to a rear annex of the building which would be out of public view. This could be further enhanced by the erection of a screening panel adjacent to this entrance; and this requirement would be secured by condition. The internal layout of the building would provide the opportunity for displays of funeral furniture and memorials without being visible to passers by from outside the building. It is proposed that a condition preventing either cadavers or coffins being taken through the front of the building is attached to any grant of consent.

It is acknowledged that the use would generate a level of activity in the form of comings and goings of visitors and mourners. This is likely to be more intense when funeral services are held at the site. The service room has the capacity to accommodate up to 35 mourners. Consideration was given to the need to limit the number of funerals in any one day in order to avoid the overlap of services and possible numbers of people at the site at any one time. It is considered, however, that the number of funerals that could be delivered in any one day is limited by the modest size of the site. In any event, due to the sensitivity of these occasions, it would be inappropriate organisation on behalf of the funeral directors to have mourners/visitors waiting for one funeral to end before another one begins. The numbers of people accessing the site is likely to be considerably lower that would have been the case with the former use of the building as day centre/night shelter.

The main objection from neighbouring properties is the witnessing of coffins several times a day and the thought of dead bodies in the building. It is acknowledged that the characteristics of the activity can be disconcerting to some people even though an undertaker provides as necessary social function. The planning considerations are amenity and highway issues, as discussed within this report and in your officer's opinion the 'psychological effect', is not a material planning consideration.

It is the view that the proposed Undertakers would devalue the residential properties in the immediate area; again this is not a material planning consideration.

The Pollution Control Officer has been consulted on the proposal. To his knowledge there has never been any complaints regarding Undertakers in the city, however, consideration should be given to any likely noise implication arising from the use of plant equipment within the building. The details of this and any other extraction/filtration equipment would be agreed by condition.

The proposal will result in a degree of activity to and from the site however, this is unlikely to unacceptably impact on the amenity of the occupiers of neighbouring properties and accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

c) Highway Implications

The site has existing provision for the parking of 10 vehicles. There is some on-street parking along Manor House Street; however, most of Manor House Street has limited parking restricted to 'resident permit holders' on the north side and yellow lines on the south side. Drivers are therefore unlikely to park their vehicles outside permitted areas. There are however, public car parks within close walking distance to the site notably, Craig Street Car Park and the Multi Storey Car Park in Northminster. The site is also served well by public transport; Lincoln Road which approximately 50m to the west of the site, is a primary network route with a frequent bus service. The bus station and railway station are within reasonable walking distance. As the site lies within the city centre boundary the level of parking is considered adequate and planning policy CC15 seeks to resist car parking within the city centre particularly where off street parking is provided within easy walking distance, which is the case in this instance. Concern has been raised regarding the road being of inadequate width to accommodate large

hearses. Parking however, is restricted to the northern side of the street and the road is of sufficient width to accommodate larger vehicles.

Neighbouring residents are concerned that visitors to the site will park in the resident permit areas and that the signs should be made bigger. It is accepted that some visitors to the site may parking in these designated areas however, they do so at their own risk, as there is a penalty for doing so. Having larger 'permit holder' signs erected or areas marked out on the highway is not for the planning department to consider and should be taken up with the Local Highways Authority.

There is currently no cycle parking provision at the site and it is considered reasonable for the applicant in accordance with policy CC16 of the Adopted Peterborough Local Plan (First Replacement) 2005 to provide 5 no. cycle parking stands within the site.

The site is at a sustainable location within a short walk of the city centre and accessible by a choice of modes of transport. The proposal therefore accords with policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD.

d) Impact on the historic environment

The site is located within the Park Conservation Area boundary and the building is a good surviving example of Victorian architectural style. The building retains many of its original features including a large tripartite central window and provides variety and interest to the street scene and contributes to the Victorian character of the area. The building has been added to the draft list of 'buildings of local importance' and is considered as one of Peterborough's heritage assets. One of the Government's objectives as outlined in PPS5 is 'to conserve England's heritage assets in a manner appropriate to their significance by ensuring that wherever possible heritage assets are put to an appropriate and viable use that is consistent with their conservation'. The Conservation Officer supports the proposal as the change of use to undertakers would bring the building back into beneficial use, is sustainable and would ensure the ongoing maintenance of the building. There would be no alterations to the external appearance of the building and hence the character and appearance of the conservation area would be preserved. Hence the proposal accords with policy CBE11 of the Adopted Peterborough Local Plan (First Replacement) 2005 and PPS5.

e) S106 contribution

In accordance with the Planning Obligations Implementations Scheme applications for a change of use are considered on a case by case basis. S106 contributions are not sought for A1 retail floorspace under 500m². The floorspace for the proposed A1 use is 370m² and therefore in accordance with policy CS13, no contribution is sought for this proposal.

8 CONCLUSIONS

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

- The site is within an 'edge of centre' location which is considered appropriate for use as undertakers (A1); and the use would not impact on the viability and vitality of the city centre;
- The use would be sympathetic to the surrounding character and would not result in any detrimental impact on the amenity of occupiers of neighbouring properties.
- All activities associated with the use shall be undertaken inside the building and shall not be visible from any public view or from the adjoining neighbouring properties;
- The site is accessible by a choice of means of transport and the proposed use is unlikely to result in any adverse impact on the adjoining highway;
- The proposal would bring the building back into beneficial use.

Hence the proposal accords with policies CBE11 and CC15 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS13, CS14, CS15, CS16 and CS17 of the Adopted Peterborough Core Strategy DPD and PPS4 and PPS5.

9 **RECOMMENDATION**

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

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 The building shall be used as an Undertakers and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987) (or any provision equivalent to that class in any statutory instrument revoking and re enacting that Order with or without modification), notwithstanding the provisions of the Town & Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re enacting that Order).**
Reason: In order to protect the viability and vitality of the Central Retail Area and in accordance with CS15 of the Adopted Peterborough Core Strategy DPD and PPS4.
- C3 Notwithstanding the details hereby approved; a privacy screening panel shall be erected at the rear entrance to the building. The details of the height, material and position of the screening panel shall be submitted to and approved in writing by the Local Planning Authority. The screening panel shall be erected in accordance with the approved details prior to the Undertakers being brought into use and shall remain in situ in perpetuity.**
Reason: In order to protect the amenity of the occupier of neighbouring properties and in accordance with Policy CS16 of the Adopted Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the details hereby approved; no coffin or deceased person shall be taken in through or out of the front entrance of the building.**
Reason: In order to protect the amenity of the occupiers of neighbouring properties and in accordance with Policy CS16 of the Adopted Peterborough Core Strategy DPD.
- C5 All extraction equipment to the atmosphere shall be suitably filtered to avoid nuisance from odours to persons in nearby properties. Unless otherwise agreed in writing by the local planning authority details of the nature and location of such filtration equipment shall be submitted to and agreed in writing with the Local Planning Authority before installation. Installation shall be in accordance with the approved details before the Undertakers hereby approved is brought into use.**
Reason: In order to protect the amenity of neighbouring properties and in accordance with policy CS16 of the Adopted Peterborough Core Strategy.
- C6 The noise levels of any plant equipment to be used on site (e.g. refrigeration) shall be submitted to and approved in writing by the Local Planning Authority prior to the Undertakers hereby approved being brought into use.**
Reason: In order to protect the amenity of neighbouring properties and in accordance with policy CS16 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C7 No works to the external appearance of the building shall be undertaken, other than re-painting and general maintenance, without the prior approval of the Local Planning Authority. Details of any external works shall be submitted to and approved in writing by the Local Planning Authority and development shall be implemented in strict accordance with the approved details.**
Reason: In order to protect the character and appearance of the building and in accordance with Policy CBE11 of the Adopted Peterborough Local Plan (First Replacement) and Policy CS17 of the Adopted Peterborough Core Strategy.
- C8 Prior to the Undertakers being brought into use details an area shall be made available within the site for the parking of cycles. The details of the cycle parking measures shall be submitted to and approved in writing by the Local Planning Authority and that area**

shall thereafter be retained for the purpose of cycle parking in connection with the approved Undertakers, in perpetuity.

Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policy CS14 of the Adopted Peterborough Core Strategy DPD.

Copy to Councillors Nadeem, Khan and Jamil

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