

## NOTICE OF MEETING

MEETING:	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 6 SEPTEMBER 2011</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>COUNCIL CHAMBER - TOWN HALL</b>
CONTACT:	Gemma George, Senior Governance Officer <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>26 August 2011</i>

### AGENDA

### PAGE NO

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Members' Declaration of Intention to make Representations as Ward Councillor**
4. **Minutes of the Meetings held on:**
  - 4.1 **5 July 2011** **1 - 6**
  - 4.2 **26 July 2011** **7 - 20**
5. **Development Control and Enforcement Matters**
  - 5.1 **11/00795/FUL - Land to the South of Oakdale Avenue, Stanground, Peterborough** **21 - 36**
  - 5.2 **11/00910/FUL - Land to the West of Uffington Road, Barnack, Stamford** **37 - 44**



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.

5.3	<b>11/01018/R3FUL - Peterborough United Football Club Ltd, London Road, Peterborough, PE2 8AL</b>	<b>45 - 60</b>
5.4	<b>11/01023/FUL - Rear of 78 Welland Road, Dogsthorpe, Peterborough</b>	<b>61 - 70</b>
5.5	<b>11/01058/FUL - 93 Eastfield Road, Peterborough, PE1 4AS</b>	<b>71 - 82</b>
5.6	<b>The Draft National Planning Policy Framework</b>	<b>83 - 96</b>

## **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 5 July 2011

**Members Present:**

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

**Officers Present:**

Andrew Candy, Area Manager, Development Management  
Nick Harding, Group Manager, Development Management  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Principal Solicitor  
Alex Daynes, Senior Governance Officer

**1. Apologies for Absence**

No apologies were received at the meeting.

Cllr Simons' apologies were subsequently received after the meeting.

**2. Declarations of Interest**

Councillor Lane declared an interest in item 4.1 as he was acquainted with a member of the tennis club but declared that this would not affect his decision.

**3. Minutes of the meetings held on 24 May and 7 June**

The minutes from the meetings held on 24 May and 7 June 2011 were approved as accurate records of the meetings.

**4. Development Control and Enforcement Matters**

**4.1 11/00230/FUL - Peterborough Town and Sports Club, Bretton Gate, Bretton, Peterborough**

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

The location of the tennis courts on site had 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.

The Planning Officer addressed the committee and advised Members that although this item was related to another planning development item on the agenda, it should be treated as a separate application. Officers had recommended the application for approval as the floodlights were next to existing floodlit areas and the nearest property, although 46 metres away, was separated from the site by a road and bands of trees.

Mr John Dadge, the agent for the developer, along with two of the applicants, addressed the Committee in support of the application and responded to questions from Members. In summary the issues highlighted to the committee included:

- Joint planning application from both the Lawn Tennis club and Peterborough Sports Club;
- The application was supported by the landowner;
- The application was supported by Sport England and the Lawn Tennis Association.

During debate, concern was raised regarding the proximity of the development to the existing cricket boundary and noted the concern of Sport England who had stated that 2.74 metres should be maintained between a cricket boundary and any structure or obstruction, for safety reasons.

Following debate, a motion was put forward and seconded to approve the application subject to an additional condition being added to ensure the structure is at least 2.74 metres from the cricket boundary and where the boundary might be realigned the minimum standards contained within Sport England's 'Natural Turf for Sport' (2011) with regard to minimum distances from stumps to boundary can still be met (as contained in the additional information provided).

**RESOLVED:** (9 for, 0 against) to approve the application, as per officer recommendation subject to:

1. Conditions 1 and 4 as detailed in the Committee report;
2. Insert new condition:

Prior to work commencing on site a further plan to scale of not less than 1:500 should be submitted to, and approved by, the local planning authority, which indicates a minimum safety margin of 2.74 metres (3 yards) between the proposed floodlit tennis courts and the adjoining cricket boundary. This approved plan shall thereafter be implemented and maintained as such unless further written approval is obtained from the local planning authority. Any realignment to the cricket boundary required as a result of this requirement shall ensure that minimum standards contained within Sport England guidance 'Natural Turf for Sport' (2011) with regard to minimum distances from stumps to boundary can still be met.

**Reasons for decision:**

Subject to the imposition of the attached 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:

It was 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 was acceptable and on balance, the sky glow impact on the surrounding area would be

acceptable as it was adjacent to the existing floodlit sports facilities and to ensure adequate standards regarding cricket pitch provision can still be met on this site.

The proposal was 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.

#### **4.2 11/00225/FUL - Peterborough City Lawn Tennis Club, Park Crescent, Peterborough, PE1 4DX**

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

The site was 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 were the subject of this application. The courts were not currently in use, and had not been in use for a number of years. The site was currently laid grass, with the wooden clubhouse still in position, and was screened from Park Crescent by an approximately 2m high hedge and 1m high diaper work wooden fence.

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

The Planning Officer addressed the committee and members were advised that the application was only refused previously due to the lack of adequate replacement tennis court provision. This application had slightly changed regarding the access points to the site and the size of some of the windows in the design. The planning officer advised that condition 14 should have stated that the driveway would continue at a 5m width for its length, not reduce to 4.5m wide after 10m. Both previous Inspector reports were tabled for members for the committee to see.

Councillor Shearman and Councillor Peach spoke as ward councillors, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- that it was against the ethos of and policies for the conservation area;
- there was a shortage of open space in the ward;
- replacement facilities too far away;
- went against character of Park Crescent housing plots; and
- local views had been ignored when they should be considered more.

Mrs Anne Brosnan, Mr David Jervis and Mr Newell local residents addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the committee included:

- no tree survey had been conducted;
- replacement facilities were not accessible;
- negative impact on neighbouring properties; and

- frontage and colour of bricks would be out of character for the Crescent.

Mr John Dadge, the agent for the developer, addressed the Committee in support of the application and responded to questions from Members. In summary the issues highlighted to the committee included:

- application was approved for its design, layout and character;
- adjacent properties are quite modern;
- is delivering prestige homes in the city;
- car parking areas at the rear of the buildings;
- Sport England supports the replacement facilities.

The Planning Officer addressed the Committee in response to points raised by the speakers and stated that the inspector had indicated that designs were previously acceptable by the inspector, no tree report was required as there were no trees on the site, a separate planning application would be required to change the houses to flats, exits on to highway reduced and the conservation area concerned more the development of existing buildings rather than development on empty plots.

Following debate, a motion was put forward and seconded to approve the application.

**RESOLVED:** (9 for, 0 against) to approve the application, as per officer recommendation subject to:

1. Conditions 1 and 14 as detailed in the Committee report; and
2. Insert additional condition:

The dwellings shall not be occupied until the areas shown as parking and turning on the approved plan have been laid out on-site, and those areas shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings. Notwithstanding the details shown on the approved plan, the parking spaces must be a minimum of 2.4m x 5m with 6m clear manoeuvring.

**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 development was an unallocated site in a residential area which was appropriate for residential development, the density and design was appropriate and therefore it complied 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 complied with Policy CS17 of the Core Strategy, and the Park Conservation Area Appraisal/Management Plan.

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

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

#### **4.3 11/00695/FUL - St Theresa's House, Manor House Street, Peterborough, PE1 2TL**

Planning permission was sought 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 was approximately 63m<sup>2</sup> and could accommodate up to 35 people. No changes were proposed to the external appearance of the building other than general repair and redecoration. The building would 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 would take place primarily on weekdays, although some religious denominations may require a Saturday or Sunday funeral. The building would 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.

The Planning Officer addressed the committee and members were advised that the main considerations in the application were the impact on residents and the impact on the conservation area. Members were further advised that all parking on Manor House Street was restricted.

Mrs Janet Tasker and Mrs Margaret Randall, residents of Manor House Street, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the committee included:

- Distress to residents seeing coffins and funeral processions on a regular basis;
- Parking concerns in the area would be exacerbated and therefore needed addressing;
- Night time arrivals with bodies;
- Double parking in the street would obstruct the hearses; and
- Homeless centre was preferable.

Mr G H Taylor, the agent for the developer, addressed the Committee in support of the application and responded to questions from Members. In summary the issues highlighted to the committee included:

- Undertakers would be discreet and keep the premises well maintained;
- Other non-residential properties already on the street;
- Only two funerals per day could be managed;
- Funerals would not start from that site;
- Could use soundproofing materials for the service rooms if required;
- A screen could be erected at the rear of the premises to better cover the deliver of bodies; and
- There was no audible reverse indicator on the hearse or service vans.

The Planning Officer addressed the Committee in response to points raised by the speakers and stated that sound proofing could be conditioned into the application and condition 3 in the report could be amended to include a canopy in addition to a screen.

Following debate, a motion was put forward and seconded to approve the application subject to an additional condition to ensure soundproofing materials were used for the two internal chapels and condition 3 in the report being amended to reflect that instead of just a screen, a car port be erected which could be described as a solidly constructed covered loading and unloading area details of which would be submitted to and approved by the local planning authority.

**RESOLVED:** (9 for, 0 against) to approve the application, as per officer recommendation subject to:

1. Conditions 1 and 8 as detailed in the Committee report; and
2. revised condition 3:
  - a) details of a covered loading and unloading area of solid construction shall be submitted to and approved by the local planning authority;
  - b) the covered loading and unloading area shall be built as approved and retained thereafter; and
  - c) a scheme of sound attenuation to the rooms uses as service rooms and chapels of rest shall implemented in accordance with details to be submitted to and approved by the local planning authority.

**Reasons for decision:**

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

- The site 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; and
- 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.

13.30 – 16.05  
Chairman



Minutes of a Meeting of the Planning and Environmental Protection Committee  
held at the Town Hall, Peterborough on 26 July 2011

**Members Present:**

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

**Officers Present:**

Nick Harding, Group Manager, Development Management  
Jez Tuttle, Senior Engineer (Development)  
Kim Sawyer, Head of Legal Services  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Casey and Lane.

Councillors Winslade and Ash attended as substitutes.

**2. Declarations of Interest**

- 4.1 Councillor North declared a personal interest in that his stepdaughter attended Arthur Mellows Village College, but this would in no way affect his decision.
- 4.3 Councillor Simons declared a prejudicial interest in that he knew a number of residents in the area and he would withdraw from the meeting for the duration of the item.
- 4.4 Councillor Harrington declared a personal interest in that he knew of Mr Arthur Chambers, an objector, as he used to employ Mr Chambers' brother, but this would in no way affect his decision.
- 4.4 Councillor Stokes declared that she was Ward Councillor for the item and would be making representation as Ward Councillor on behalf of residents, but that she did not have a personal or prejudicial interest.

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

Councillor Stokes declared that she would be making representation as Ward Councillor on item 4.4, R and P Meats, 55 Cherry Orton Road.

**4. Development Control and Enforcement Matters**

- 4.1 **11/00720/FUL – Construction of all weather artificial pitch with floodlighting and accompanying external works at Arthur Mellows Village College, Glington, Peterborough**

The proposal sought permission to;

- Construct an all weather artificial pitch
- Erect 8 x 15 metre high columns with 28 floodlights, proposed to be conditioned so as not to be used after 21.30 Monday-Friday or after 20.30 Saturday, Sunday or Bank Holidays
- Erection of surrounding fences standing at 3.06 metres and 4.5 metres; and
- Accompanying external works

Use would be made of the existing temporary access off Lincoln Road to construct the development. The access had been used in conjunction with recently completed works on the site. Under a proposed condition, the access would be stopped up upon completion of the construction.

The application site formed part of the existing school playing field, which was an area in the region of 2.7ha, screened by mature hedgerows and trees to the North, East, South and West respectively.

The School itself was situated to the immediate East, separated by a dedicated car parking area. To the North were residential properties, and to the South and West circa 90 metres was the A15.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the policy context and the principle of development, light pollution and highway implications. The recommendation was one of approval. Whilst the development was located in open countryside, it was an existing playing field, it had also been demonstrated that the floodlighting would not be detrimental to residential amenity or highways safety and it would not be detrimental to protected species. The noise would also not be detrimental to residential amenity and the proposed planting of oak trees would help to soften the development into the landscape.

Members were advised that the objections received against the proposal related mainly to the impact that the floodlighting would have on the area in general terms. The area was outside of the village envelope and therefore the floodlighting would introduce a significant amount of lighting into an area that would otherwise be dark. Concerns had also been raised with regards to noise emanating from the proposal, traffic generation due to the pitch being available for public use outside of school hours, and the lack of a carbon reduction/offsetting proposal as part of the development.

Members' attention was drawn to additional information contained within the update report. Objectors had made reference to the non-application of planning officers of policy CS10 of the Core Strategy, this highlighted that new development should include measures to further the Environment Capital agenda. Members were informed that officers applied the policy by seeking a 10% improvement against current building regulation requirements. This could not be applied to this development for two reasons, namely the development was not subject to control under building regulations and due to the fact that the development was not a building, there was no 'target emission rate' that could be calculated for it, so there was no way of identifying a saving to be achieved.

Members were further advised that a response from Councillor Samantha Dalton had also been provided detailing non planning measures that the Council were undertaking in conjunction with schools in order to secure carbon reductions.

There had also been a noise survey submitted on behalf of the applicants by Acoustic Associates and this report highlighted that the development would lead to no further noise than was given off at the current time. However due to the pitches being floodlit, the noise would happen more frequently.

The Planning Officer further advised that it had been identified that Sport England had not received notification of the application therefore comments had not been received. The

application had been re-sent to them and they had verbally confirmed that it would be unlikely that they would have any issues with the proposal but there was still time for them to respond. Members were therefore advised that if they were minded to approve the application, they grant the Head of Planning Services authority to approve planning permission subject to their being no objections from Sport England.

The Chairman addressed the Committee and stated that Ward Councillor Diane Lamb and Parish Councillor Bob Johnson were in attendance and had requested to speak. Their application to speak had been received after the deadline and it was therefore for Committee Members to agree the request. Following a vote, the Committee agreed to allow both Councillors to speak, however it was noted that

Councillor Bob Johnson, a Glington Parish Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- Glington Parish Council opposed the application on five grounds, those being development outside the village envelope, noise and light pollution, hours of proposed use, loss of amenity and standard of life for the residents and the increased traffic flow
- A previous application for a golf driving range had been opposed and this was outside the village envelope
- The decision had been appealed and had been upheld by an Inspector sighting light pollution. How was this application any different?
- The height of the lighting columns would be almost twice the height of any buildings in the village apart from the church. The lights would therefore be able to be directly viewed from the vast majority of the village
- The development was in virtually open countryside, therefore the illuminated block of white light would have an adverse effect on the traffic travelling along the bypass
- If the scheme was to provide an all weather pitch for the use of school children during the hours of school, this would be acceptable
- With the imposition of floodlights, it was being turned into a business proposal
- The noise survey had stated that there would be no increase in noise, but the levels heard already could not currently go on in to the evening
- Hockey matches and football matches produced a lot of noise
- The proposed hours were considerably longer than those of the fitness suite on the site
- The proposal would be more acceptable if the hours were brought into line with the fitness suite
- The opening hours would have an overall detrimental impact on the local residents
- There would be increased traffic flow in the area
- The college gates were currently locked at the weekend, therefore where were people going to park? The parking spaces which could be accessed would not be sufficient, this would mean increased parking issues in the village
- The application would mainly be used by people outside of Glington and would therefore not be solely for community use
- There was only one football team in Glington, with no hockey team or cricket team
- The football team played during the daytime, therefore they would not need the floodlighting
- In the application there was no reference to toilet facilities or changing facilities
- If Members were minded to approve the application, conditions should be imposed to cover the concerns raised by the residents of Glington
- The impact of the development, the height of the columns and the light generated, would override the benefits

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

- The applicant's had not proposed any mitigation against the carbon footprint effect of the light usage. This was disappointing
- Policy CS10 of the Peterborough Core Strategy fully applied in this case
- The Planning Officers exclusion of Policy was based on interpretation of the wording and it was believed that this was a narrow interpretation and did not serve Peterborough City Council as home of environment capital
- In relation to informative number 1, detailed in the committee report, it was highlighted that the development was subject to building regulations. CS10 should therefore be made to apply
- The Officers should be questioned in order to verify their viewpoint
- The application, if approved, should be conditioned in a suitable manner to achieve mitigation of the carbon footprint
- Sufficient solar generation to mitigate the effective use should be implemented

Mr John Dadge, from Barker Storey Matthews speaking as a Governor, Mr Gilmore McLaren, Chair of Governors and Mr Jonathan Oakley, the Deputy Head, addressed the Committee jointly in support of the application and responded to questions from Members. In summary the issues highlighted to the Committee included:

- Arthur Mellows Village College was an Ofsted outstanding school, growing in numbers. 1550 students were currently on the role
- The sporting facilities were not up to standard, with no access to Astro turf facilities
- The facilities were proposed with similar opening times to those facilities of other schools so an equality of opportunity would be present
- The facility would be available for the benefit and use of the wider community. It was important to stress it would not be a commercial venture
- Arthur Mellows took sustainability seriously. Photo voltaic panels had recently been ordered to improve education facilities and to reduce the energy costs within the college
- The college operated a travel plan
- The relevant technical information had been provided to aid Members in making an informed decision
- The lighting would be focussed on the play area and light leakage would be minimal
- The noise levels would not be constant and would be set against the ambient noise of the bypass
- The Planning Officers had produced an onerous set of conditions and the College would comply with all stated
- The hours of operation were specifically worded in the condition and did not necessarily correlate with opening hours
- The pitch was not envisaged to be used every day until the curfew time
- There would be a site manager on site who would turn the lights on and off and would also open the car park to the college site at weekends and the changing facilities
- The maximum amount of cars on site during a match would not be comparable to the amount of cars on site during a school day
- The Design and Access statement submitted with the application had stated that play would stop at 9.00pm, with lights to be switched off at 9.30pm

The Highways Officer addressed the Committee and stated that the spread of light over the area outside the pitch was minimal due to the lights being focussed on the pitch area and. The Highways Officer advised that he had also yet to see a floodlit pitch that caused a

detrimental impact to drivers. Floodlit pitches were becoming more common and therefore people were less likely to take notice of them whilst driving past.

The Planning Officer addressed the Committee in response to points raised by the speakers and stated that contrary to what was stated in the Committee report, buildings regulations approval was not required for the development and with regards to car parking, it would be feasible to add a condition stating that car parking would be available for use by third parties whilst the pitch was in operation.

Following debate, Members expressed concerns with regards to a number of issues including the hours of operation and the apparent difference in interpretation of Policy CS10. However, Members further commented that the facility should be welcomed and would be of great benefit to the College and the residents of Peterborough at large.

Following further debate, a motion was put forward and seconded to approve the application, subject to no objections being raised by Sport England in the first instance, the hours of lighting to be reduced to 21.00 during the week and 19.30 at weekends and bank holidays. The investigation into a suitable timing cut off facility being implemented on site, and an additional condition being implemented stating that the car park and changing facilities would be available for use during operational hours. The motion was seconded and carried by 7 votes for and 3 voting against.

**RESOLVED:** (7 for, 3 against) to approve the application, as per officer recommendation subject to:

1. No objections being raised to the application by Sport England in the first instance
2. The conditions numbered 1 to 8 as detailed in the Committee report
3. The informatives numbered 1 to 5 as detailed in the committee report
4. The hours of lighting to be reduced to 21.00 during the week and 19.30 at the weekends and during bank holidays
5. An investigation being made into a suitable timing cut off device for the site
6. An additional condition stating that the car park and changing facilities would be available for use during operational hours

**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 All Weather Pitch was considered of appropriate size, scale, juxtaposition and appearance which would not detract from the character or appearance of the area or landscape;
- The proposal was not considered to have significant impact on neighbour amenity, by virtue of light, privacy or noise;
- The proposal was considered to provide satisfactory parking and would not result in a highway safety hazard; and
- The proposal was considered not to detract protected species and introduced an improved planting scheme.

Hence the proposal was in accordance with Policies CS14, CS16 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies LNE1, LNE9, LT10, LT12 and T10 of the Peterborough Local Plan (First Replacement) (2005), Planning Policy Statement 1 (2005), Planning Policy Statement 7 (2004) and the Peterborough Sports Strategy (2009-2014).

Policy CS10 of the Peterborough Core Strategy DPD (2011) could not be reasonably applied to the development as it would not significantly contribute to the Environmental Capital Agenda.

**4.2 11/00730/FUL – Amendments to previous planning permission (Ref: 10/00060/FUL) for the construction of a two storey rear extension and two single storey side extensions and the insulation and re-facing of north elevation and change to a window size (no lead glazing); and  
11/00731/LBC – Amendments to previous listed building consent (Ref: 10/00070/LBC) at 14 Church Street, Thorney**

The proposals sought to amend two aspects of a 2010 grant of planning permission and a listed building consent for the erection of a two storey rear extension and two single storey rear/side extensions. The proposal was to bring rearwards an existing recessed two storey rear element of the dwelling by 2.8 metres to be in line with the principle gable to the rear elevation of the dwelling.

Two single storey side extensions were proposed on either side of the existing rear flank walls to the dwelling. The eastern side ground floor extension was to have a depth of 4 metres and a width of 2.5 metres with a mono-pitched roof. The western side single storey ground floor extension was to be accessed off the kitchen and was to have depth of 5 metres with a width of 1.5 metres to form a WC and shower room.

Timber casement windows were proposed in the extensions to replace the originally approved leaded lights fenestration. A window in the rear elevation was to be made independent of a proposed door in that elevation. The rainwater goods were proposed to be of cast iron.

The rear gable wall of the existing dwelling was to have a single 'brick skin' added rearwards to provide a layer of insulation whilst also providing a uniform brick finish to the elevation.

There were no alterations in the current applications to the scale, general proportions and footprint of the previously approved extensions.

The application dwelling dated back to the 18<sup>th</sup> century and was of brick construction with a pantiled roof throughout. The dwelling previously had a thatched roof. The footprint of the dwelling was 'T' shaped and was part two storey to the rear with a prominent gable end, and part one and half storey to the front facing Church Street. The current appearance of the rear and west elevation was poor due to contrasting brick types and poorly maintained rendering.

The property lay at a prominent corner within Church Street at the eastern end of a row of terraced housing and Thorney Library. Immediately to the east of the dwelling was a Pharmacy business within a small building that was formerly a telephone exchange. The Pharmacy had a large forecourt area and was set slightly rearwards of the application dwelling. A curved style 1.8 metre high fence formed the eastern boundary with the Pharmacy. To the rear of the site was a car repair business and to the west a part attached dwelling with a substantial curtilage. To the south of the site lay the grounds of Thorney Abbey.

The Planning Officer addressed the Committee and gave an overview of the main consideration that being the impact of the proposed works upon the appearance of the Grade II listed building and the character of the Thorney Conservation Area. The recommendation was one of approval.

Following debate, Members commented that the revisions were an improvement to what was already a very pleasant and attractive property. A motion was put forward and seconded to approve application 11/00730/FUL. The motion was carried unanimously.

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

1. The conditions numbered C1 to C4 as detailed in the committee report

A further motion was put forward and seconded to approve application 11/00731/LBC. The motion was carried unanimously.

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

1. The conditions numbered C1 to C4 as detailed in the committee report.

#### **Reasons for decisions:**

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

- The proposed works would positively improve upon the character and appearance of the listed building and hence the Conservation Area, in accordance with policy CS17 of the Peterborough Core Strategy DPD.

The meeting was adjourned for ten minutes.

#### **4.3 11/00836/FUL – Residential development comprising 34 no. dwellings, associated access, landscaping and ancillary works at allotments, 1 Itter Crescent, Walton, Peterborough**

The application sought permission for residential development comprising 1 x 3 bed, 15 x 4 bed and 18 x 5 bed properties. The dwellings would be two and two and a half storey set on relatively large plots. The site would be accessed off Itter Crescent.

The site area was approximately 1.38 ha and was part of a site allocated for residential development under policy H3 (ref 3.21) of the Adopted Peterborough Local Plan (First Replacement) (2005). The site was former allotment land located to the southern end of Itter Crescent and overlooked Itter Park Recreation Ground to the east and was separated from it by a public footpath/right of way. The site was currently overgrown with scrub, grass and a number of trees. The site was bounded to the north (Itter Crescent) and west (Fane Road) by established residential properties and allotment land to the south. The character of Itter Crescent was comprised primarily of detached single storey and two storey properties circa 1950s with large rearward gardens. Each dwelling along the Crescent was of individual design. Properties located in Fane Road were primarily two storey terraced properties with rear gardens extending some 22 metres. The site lay adjacent to Itter Park which had been awarded the Green Flag Status; the national standard for the parks of England and Wales. It was divided into two sections by a hedge and included a playing field and a small formal garden.

There was no on site provision for open space due to the proposals proximity to Itter Park and in lieu of this, a £10k contribution would be made towards further improvements within Itter Park. The developer was also proposing to make a contribution in line with Peterborough City Council's Planning Obligation and Implementation Strategy (POIS) at both a strategic level and a local neighbourhood level.

The Planning Officer addressed the Committee and gave an overview of the application. The main issues for consideration were outlined and these included the policy context and the principle of development, the design and amenity on site, the impact on neighbouring amenity, residential amenity in general, highways implications, meeting housing needs, open space provision and landscape implications. The recommendation was one of approval.

Members were advised that the proposal was for 34 dwellings and this number had followed feedback received from local residents during previous consultations, where it had been identified that if development was to take place, lower density housing would be preferred. The proposed density of the site was slightly higher than was identified in the Adopted Local Plan, but this did not make the proposal objectionable.

In further response to neighbour feedback, the scheme also excluded any onsite provision of affordable housing. Instead a contribution of £840k was proposed for offsite provision could be made.

Members' attention was drawn to additional information contained within the update report. A further neighbour consultation had been undertaken due to minor revisions in the proposals which included the house at plot 16 being changed from a 'Beauchamp' house type to a 'Pickwell', minor amendments to the access road and the addition of a 0.5 metre verge between 'Road 1' and the footpath. Three further letters of representation had been received with a number of concerns highlighted.

Members were further advised that there had been an additional condition proposed by Cambridgeshire Fire and Rescue in relation to the provision of fire hydrants.

Mr Keith Warren, a local resident, addressed the Committee. In summary the issues highlighted to the Committee included:

- Residents had been down the road of development for many years and nothing had come to fruition. Why was development due to take place now?
- The concerns outlined in Mr Warren's original submission, and those submissions received from other local residents, were further endorsed specifically the points in relation to the poor state of Itter Crescent and road safety

The Planning Officer addressed the Committee in response to comments raised by the speaker. It was highlighted that the reasons around the development coming to the fore now could not be specifically outlined, however the time had clearly not been right previously in terms of asset disposal.

The Highways Officer addressed the Committee in response to concerns highlighted by Members in relation to the impact of traffic on Itter Crescent. Members were advised that Itter Crescent was an old concrete type road and would be for the maintenance team to rectify any defects going forward.

Councillor Simons left the meeting.

Following debate, Members raised concerns at the loss of the allotments to which the Planning Officer responded that Members were to be mindful that the land had previously been sited as development land in the Peterborough City Council's Site Allocations Document.

Following further debate, Members commented that the provision would promote prestigious housing and would enhance the area considerably. A motion was put forward



and seconded to approve the application with the additional condition submitted by the Fire Authority in relation to fire hydrants. The motion was carried unanimously.

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

1. The prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the social and physical infrastructural needs of the area
2. The conditions numbered C1 to C18 as detailed in the committee report
3. The additional Fire Authority condition in relation to the provision of fire hydrants as detailed in the update 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:

- This was an allocated housing site and would provide efficient and effective use of land and was in accordance with the spatial strategy for the location of residential development
- The proposal would provide a high quality development and meet the requirement for a need for executive homes;
- The scale and design of the development would respect the character and appearance of the surrounding area
- The development made adequate provision for the residential amenity of the future occupiers of the properties
- The development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings
- The proposal provided adequate parking provision for the occupiers of the dwellings and visitors and would not result in any adverse highway implications
- The proposal did not have an unsatisfactory impact on any ecological feature, trees of significant value or archaeological feature; and
- The proposal made satisfactory and justified off site provision for affordable housing, public transport, and open space by way of a financial contribution. The proposal also made a contribution towards the social and physical infrastructure demands that it would place on the city.

The proposal was therefore in accordance with Policies H3, H15, H16, LNE9, LNE10 and T10 of the Adopted Peterborough Local Plan (First Replacement), policies CS8, CS10, CS13, CS14, CS16, CS17 of the Adopted Peterborough Core Strategy and PPS1, PPS3, PPS5.

Councillor Simons joined the meeting.

Members requested clarification from the Legal Officer of

**4.4 11/00879/FUL – Change of use of existing residential store to store room for business use (part retrospective), removal of existing mono pitch roof, and replace with flat roof and covered access to store room, change of use of part of existing garage to upgraded toilets at 55 Cherry Orton Road, Orton Waterville, Peterborough**

Planning permission was retrospectively sought for the change of use of an existing store, formerly used by a nearby dwelling, to storage for R & P Meats. Also proposed was the removal of the existing mono pitch roof to the toilets and its replacement with a flat roof and creation of a covered access to the store room. Finally, there was a proposal to extend the existing single toilet, using part of an existing residential garage building.

The application site was located on the southern edge of the Orton Waterville Conservation Area. The site consisted of a dwelling to the front of the site that had been rendered and remodelled over the years and was no longer of historic character. Along the left hand side of the site and to the rear was the meat wholesale premises that had been in operation since the mid 1950's. Along the left hand side of the site these were relatively narrow, single storey brick built outbuildings that were in commercial use. To the rear of the site was a larger modern structure which was in mixed use of commercial, incorporating residential garaging. To the centre of the site there was a garden space and gravel driveway that was used for the parking and turning of the 4 commercial vehicles stored on site.

The Planning Officer addressed the Committee and gave an overview of the application. The main issues for consideration were outlined and these included the policy context and the principle of development, the design and visual amenity on site, whether the proposal would impact on the Conservation Area and highways implications. The recommendation was one of approval.

Members' attention was drawn to additional information contained within the update report. A further two letters of objection had been received against the application, one of which had been signed for multiple households and a number of photographs had also been submitted showing the problems local residents suffered in relation to parking and traffic congestion. The Planning Officer advised that given the very small area of floorspace involved in the application, it would be extremely difficult to prove that the application would further worsen the existing congestion and disturbance observed by neighbours.

Councillor June Stokes, Ward Councillor and Member of Orton Waterville Parish Council, addressed the Committee and prior to her own submission, read a letter which had been submitted by Councillor Sue Allen, Ward Councillor. Councillor Stokes responded to questions from Members and in summary the issues highlighted to the Committee included:

- The residents of Cherry Orton Road and adjoining roads, had had enough of the large lorries parking along the road
- The area was a Conservation Area and a beautiful village and it was being spoilt by having large lorries travelling up and down a narrow road
- Where the business was placed, it was causing a detrimental impact on the residents quality of life
- Residents had been blocked into their own driveways on occasions and had been told that they would have to wait whilst lorries unloaded
- There had been damage done to homes on several occasions and also to residents cars
- The business had originally started with five staff members there were now seventeen and if allowed to expand anymore, would cause even more of an impact on these people's lives
- The business should be placed in a more appropriate place i.e. an industrial site
- A number of planning applications had previously been refused for the site
- There had been many complaints from residents over the years with regards to this property
- When the lorries were unloading the road was completely blocked
- There was noise of vehicles returning late at night after returning from catering functions
- There were the sounds of crates and equipment being unloaded which could be heard by neighbours

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

- The committee report had been produced prior to objections being received from residents
- The Council had resisted expansion of the site previously due to the detriment of residential amenity
- The premises was inadequate for the number of lorries loading and unloading
- A forklift truck loaded and unloaded on the road, this was surely a safety issue
- Houses had been damaged by the large lorries
- There was noise pollution, both in the early morning and late evenings
- Blocking of driveways and light into properties by the lorries
- Diesel fumes drifting into properties whilst the lorries left their refrigerators running whilst unloading
- The number of employees had trebled
- The delivery capacity had increased at least fivefold
- A catering aspect had been added to the business, this was not indicative of a business that was intending to stand still, therefore there would surely be further expansion
- An increase in business activity would bring about a further decrease in residential amenity

The Applicant and Agent had registered to speak, however they were not in attendance.

Members commented that they sympathised with the residents' predicament. However, the application before the Committee did not affect the design and visual amenity of the property and it did not impact on the Conservation Area in its proposal and the highway implications were not affected by the current proposal.

The Highways Officer addressed the Committee and stated that it could not be proved beyond reasonable doubt that the proposal would cause further detriment to highways safety.

Following debate, Members commented that the location of the business was not ideal for the area, however there were no reasons as to why the application could be justifiably refused. A motion was put forward and seconded to approve the application. The motion was carried by 8 votes, with 2 voting against.

The Chairman addressed the Committee and stated that it would be of benefit for residents to contact Environmental Health as it was apparent that there were a number of issues that needed to be addressed.

**RESOLVED:** (8 for, 2 against) to approve the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C3 as detailed in the committee report

**Reasons for decision:**

The proposal would not impact on the character and appearance of the Conservation area and associated historic fabric. Also, because of the proposed uses and limited size, the proposal was unlikely to cause any significant intensification of business activity on the site and therefore was unlikely to be detrimental to residential amenity or highway safety.

The proposal was therefore in accordance with policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), IOW7 of the Adopted Peterborough Local Plan (First Replacement) 2005 and Planning Policy Statement 1 and 5.

#### **4.5 11/00911/FUL – Construction of first floor extension to rear of dwelling (retrospective) at 42 Berkeley Road, Peterborough**

Retrospective planning permission was sought for the construction of a first floor extension to the rear of the residential property. The extension had been built above an existing single storey rear extension and was of the following dimensions – 3300mm deep x 3500 mm wide. The proposal incorporated a gable roof with a ridge height of 5500 mm above ground level. The eaves were 500 mm above ground level.

The application dwelling was a detached two storey property situated to the north side of Berkeley Road. The property had a gable roof and was constructed from brick and tile with render to the front. The dwelling had an existing two storey rear extension. The property had a detached single garage located to the north side of the main house. A hard paved driveway was located to the front and side of the dwelling that provided on plot parking for two vehicles. The property had an existing dropped kerb. The front curtilage was flanked by a low rise brick wall.

The application site was located within a mature residential street scene characterised by two storey semi detached dwellings of a uniform character to the north side of the highway and bungalows to the south side.

The Planning Officer addressed the Committee and gave an overview of the proposal. The main issues for consideration were the design and impact on the character of the area and the impact of the development on neighbour amenity. The recommendation was one of approval.

Following debate, Members commented that the extension was impressive and the match of brick was good. A motion was put forward and seconded to approve the application. The motion was carried unanimously.

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

1. The condition numbered C1 as detailed in the committee report

#### **Reasons for the decision:**

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

- The extension by reason of its design, siting, scale and height will not result in a significantly detrimental impact on the character of the area or the amenity of the occupiers of neighbouring dwellings

The proposal was therefore in accordance with Policy CS16 of the Adopted Peterborough Core Strategy DPD.

#### **5. Changes to the Local Validation List**

The Committee received a report for information which outlined the changes to the Local Validation List, which had to be submitted with planning applications. The provision of a 'One Stop Shop' web based application checklist and guidance was also presented to the Committee for information purposes.

Members were advised that planning applications had to be accompanied by "standard" information set out in a National List of requirements and by any further information set out

in the Council's Local List of requirements. Peterborough City Council had a Local List of requirements published on its website. It had been noted that the presentation of what was required to be submitted could be improved upon and that further clarification on specific requirements for each application type was needed. These improvements were required both for applicants and agents submitting applications and for the Council's own technical support staff who were responsible for validation of applications. To this end a bespoke "One Stop Shop" web based checklist had been created which provided further detail and clarity on the requirements.

Many of the improvements made to the current Local List of requirements merely provided further clarification to items that appeared on the list. However, the review of the current list and preparation of the new lists to be provided in the "One Stop Shop" had highlighted a need in some areas to update the current Local List of Requirements. These updates were detailed in the committee report.

A demonstration of the 'One Stop Shop' was presented to the Committee and the benefits it could bring to the Council were highlighted. Members positively commented on the changes and stated that it would be of benefit to revisit the list in around six months in order to check on progress.

**RESOLVED:** to note the proposed changes to the Local Validation List (which was to be the subject of public consultation) and to note the provisions of the 'One Stop Shop'.

## **6. Six Monthly Appeal Performance**

The Committee received a report which outlined Planning Services' performance at appeals over the past six months.

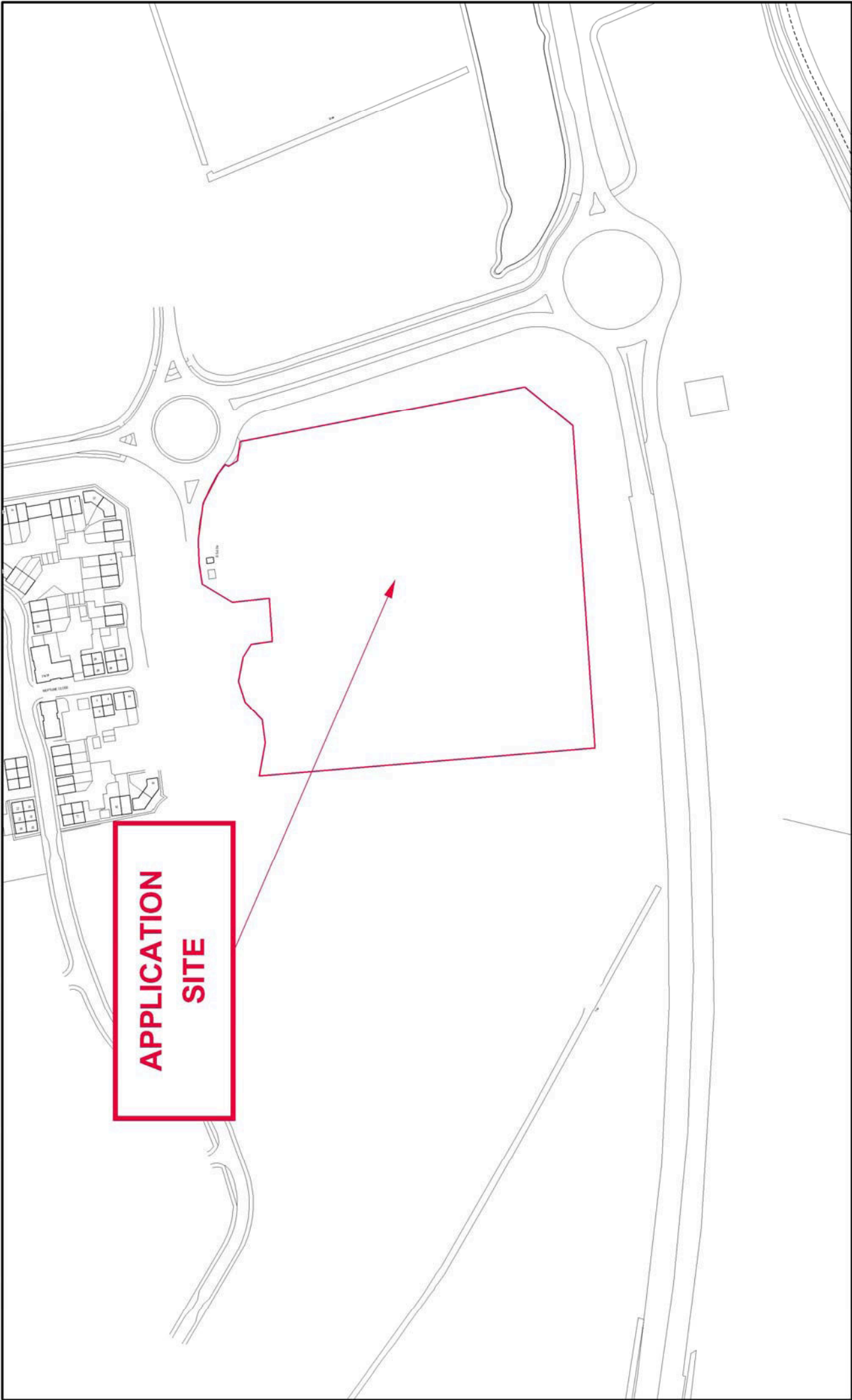
Members were advised that it was useful for the Committee to have sight of these outcomes in order to identify whether there were any lessons to be learnt in terms of appeal outcomes. This would help to inform future decisions and to potentially reduce costs.

Members were further advised that during January to June 2011, the Council had won 60% of the appeals lodged which was in line with previous targets set by the Government, and there had been no awards of cost made against the Council.

**RESOLVED:** that the Committee note past performance and outcomes, as attached at Appendix A to the committee report.

13.30 – 17.25  
Chairman

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**APPLICATION  
SITE**

**LOCATION PLAN 11/00795/FUL**

Land to The South of Oakdale Avenue

**Scale** NTS    **Date** 19/8/2011    **Name** AH    **Department** Planning Services

**PCC GIS**



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11/00795/FUL: CONSTRUCTION OF 138 DWELLINGS AND HIGHWAY INFRASTRUCTURE  
- (ALLOCATED AS EMPLOYMENT LAND) LAND TO THE SOUTH OF  
OAKDALE AVENUE STANGROUND PETERBOROUGH

VALID: 13 JUNE 2011

APPLICANT: PERSIMMON HOMES LTD

AGENT: JOHN MARTIN ASSOCIATES

REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING

REASON: DEPARTURE FROM LOCAL PLAN AND CORE STRATEGY

DEPARTURE: YES

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

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

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development on allocated employment land
- Connections with other development within South Stanground
- The layout and amenity standards of the proposed housing
- Highway safety and parking
- Section 106

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

## 2 PLANNING POLICY

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

### Development Plan Policies

Key policies highlighted below.

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

**H6 – Stanground South.** This Policy set out the basic requirements for the Urban Extension, and includes a reference to the provision of 5.5 ha of employment land.

**H7 – Housing development on unallocated sites.** This policy states that this will be permitted provided that (inter alia) the site is not allocated for any other use.

**H15 – Residential density.** Seeks the highest residential density compatible with the character of an area and the living conditions of local residents, that is of a good standard of design and that provides open space.

**H16 – Residential design and amenity.** Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.

**T9 – Cycle parking requirements.** Sets out minimum standards for cycle parking.

**T10 – Car parking requirements.** Sets out maximum standards for car parking.

**U1 – Water supply, sewage disposal and surface water drainage.** This policy requires that suitable facilities and provision are available.

#### **The Peterborough Core Strategy DPD**

**CS2 – Spatial Strategy for the location of residential development.** This policy sets out the major allocated areas for housing.

**CS8 – Meeting Housing Needs.** This policy sets out the requirements for affordable housing, lifetime homes and wheelchair housing.

**CS10 – Environment Capital.** This policy requires that development makes a contribution towards the City Council’s Environment Capital agenda.

**CS14 – Transport.** This policy seeks to reduce the need to travel, to provide sustainable travel options to support the Environment Capital aspirations, and to improve quality of life. Priority should be given to pedestrians, cyclists and public transport above private motor traffic.

**CS16 – Urban Design.** This policy requires high quality and inclusive design, taking into account character, the public realm, designing out crime, access, environmental impact and neighbour amenity.

### **Material Planning Considerations**

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

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

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

In addition Circular 05/2005 states the following principles:

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

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

**Draft National Planning Framework.** Applications for other uses of designated land or buildings should be treated on their merits.

## **3 DESCRIPTION OF PROPOSAL**

The proposal is to develop the site with 138 dwellings, including 129 houses and 9 flats, with associated streets and parking. The type and character of development, the layout and house styles, would be similar to the rest of the South Stanground development.

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

The South Stanground Urban Extension (SSUE) known as Cardea is situated between Oakdale Avenue to the north and the Stanground Bypass to the south; and the new Horsey Toll roundabout to the east and Peterborough Road to the west. There is a small length of dual carriageway heading off the new bypass into Cardea, which is referred to as the Entrance Avenue. At the end of this is a smaller roundabout leading to the various parts of Cardea.

Immediately to the east of the Entrance Avenue is an area of land that will be playing fields, to the north of that is the Local Centre site including a supermarket, pub, local shops and, eventually, some other facilities. There will also be a primary school within the development; the remainder will be housing parcels, with a grid of public open space including a Sustainable Drainage System.

The application site has the bypass and a drainage pond to the south, the Entrance Avenue to the east, and to the south and north will be strips of open space then more housing.

The estate as a whole is being constructed on former agricultural land, with open countryside to the south.

For Members information, a copy of the framework plan, which shows the developments described above, is attached as Annex A.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
03/00842/OUT	Outline application for Urban Extension including 1525 dwellings, school, local centre, 5.5ha of employment land, playing fields and other infrastructure.	17/8/2001	Approved
03/00507/FUL	Stanground bypass	27/10/2005	Approved
07/01651/REM	Entrance avenue from bypass to the centre of the estate	30/5/2008	Approved
07/01893/REM	Western part of the spine road (which runs through the north-west quadrant of the site and will become the bus route)	5/6/2008	Approved
08/00870/REM	135 dwellings with roads, phase 1a/1b	9/6/2009	Approved
08/01518/REM	115 dwellings with roads	7/4/2009	Approved
10/00153/REM	48 dwellings with roads, phase 1c	3/6/2010	Approved
10/00285/REM	Green Infrastructure incorporating a sustainable drainage system (SUDS) relating to the western part of Cardea		Pending
10/00146/REM	45 dwellings with roads	12/5/2010	Approved
10/00483/REM	Road to the south of the local centre	13/9/2010	Approved
10/00484/REM	Road to the north of the local centre	21/9/2010	Approved
10/00524/REM	Southern loop road (through the south-west quadrant of the site)	26/7/2010	Approved
10/00560/FUL	New centre for Stanground South comprising foodstore (use class A1) including petrol filling station and recycling facility, public house/restaurant (use class A4), day nursery (use class D1), retail terrace (use class A1 (restricted) A2, A3, A5, D1, B1a) together with associated car-parking, servicing and landscaping	20/8/2010	Approved
10/01027/REM	Part of the sustainable drainage system to the east of the Local Centre and playing fields sites, serving the school, Local Centre, playing fields and housing phases 1f, 1i and 2c; and landscaping to the east of the Local Centre	4/2/2011	Approved
10/01619/REM	33 dwellings with roads phase 1e	18/1/2011	Approved
10/01628/REM	48 dwellings with roads, replan of phase 1c	23/2/2011	Approved
11/00467/REM	110 dwellings with roads, phases 2a/2b		Pending
11/00487/FUL	Construction of foot/cycleway to link Cardea with Oakdale Avenue, across the open space by Oakdale Primary School	25/5/2011	Approved
11/00778/REM	Construction of 210 place C of E Primary School, including fenced games area, playing field and car parking		Pending

Applications to discharge conditions are not listed.

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Local Highway Authority** – Has confirmed that the Transport Assessment carried out for the original South Stanground application need not be revisited to reflect the change from Employment to Housing.

Detailed comments are contained in the main body of the report with the Local Planning Authority's position given under each comment made.

**Waste Management** – No objection.

**Archaeologist** – No objection. The area has already been evaluated, no further work necessary.

**Landscape Officer** – The landscape scheme submitted does not appear to include many trees, I am of the opinion that the applicant should explore opportunities with a view to diversifying the landscaping by including more trees. There are areas which would accommodate trees so long as the most appropriate variety is chosen in terms of space and future growth.

**Wildlife Officer** – No objection. Refer to Ecology Strategy relating to the Outline consent, which requires bat and bird boxes. Details of these would be required by condition. Native species should be included in the planting plans.

## **EXTERNAL**

**Senior Architectural Liaison Officer** – No objection, but:

- Seeks revisions to commented on gates, fencing and cycle stores [these comments have been addressed.]
- Surveillance of car parking areas generally fine subject to boundary treatments at the frontages being low enough to allow looking over.
- Recommends windows on side elevations to give views over side driveways.

**Environment Agency** – No objection. The Environment Agency has inspected the application and notes that the site lies outside of the floodplain and that all surface water is to be discharged into the drainage network of the Middle Level Internal Drainage Board.

**Middle Level Internal Drainage Board** – No objection. The Drainage Strategy has been considered. While a residential use is more vulnerable [than the anticipated employment use] it should be appreciated that the impermeable area will be significantly reduced and therefore is unlikely to be at an increased risk as a result of the change of use.

**Fire and Rescue Service** – Has requested that the suitable provision of fire hydrants is secured by condition or via a S106 agreement.

## **NEIGHBOURS**

No letters of representation have been received from local residents.

## **COUNCILLORS**

No comments have been received from Members.

## **7 REASONING**

### **a) Introduction**

Members will be aware that the South Stanground Urban Extension, with the associated bypass, was considered by Members and Officers over a period of years and granted consent in 2007. The bypass was opened in 2009 and housing development is proceeding with about 125 occupations to date, and the planning/construction of facilities and services underway.

Considerations and conditions which cover the entirety of the Urban Extension (for example archaeological investigation and contamination surveys) have been carried out already, under the Outline consent, and as the outcomes were satisfactory these matters have not been re-examined here.

**b) Policy issues and the principle of development**

This application is before Members as the proposal is a departure from the Local Plan and the Core Strategy, both of which refer to the provision of employment land within Stanground South. The figure of 5.5ha is given for employment land within the SSUE; the application site comprises 2.8ha. The figure in the Core Strategy also includes 1.5ha of employment in the Local Centre, which has since had permission granted for a supermarket, pub and local shops and facilities.

The third allocation of employment land (adjacent to Stanground College) is 1.1ha and is as yet undeveloped.

The agent employed by the applicant to market the site for commercial use has submitted a report setting out that the area has been marketed as such since September 2009, with little interest. Given that the site is immediately adjacent to housing land, and taking into account restrictions due to the nearby local centre uses, the only practical employment use would be offices. The agent has concluded that there is sufficient office space available in preferable locations (eg Thorpe Wood, Lynch Wood, Cygnet Park) to the extent that this site is unlikely to be developed for employment.

It is not considered that there is a strong case for safeguarding employment land when there is no market interest.

This site can instead be regarded as a windfall housing site which will contribute additional units to help meet the City Council's growth agenda for housing. The Core Strategy makes clear that the stated figure for housing growth to 2026 of 25,500 dwellings is a minimum figure, and there is no guarantee that the anticipated development will all come forward, therefore suitable windfall housing sites should be considered favourably.

It should also be noted that the number of housing completions in recent years is below that given in the Core Strategy's Housing Trajectory.

**c) Site context**

Cardea is at an early stage of development, with planning consent issued for 376 dwellings of which about 125 are occupied, and applications pending for a further 360 dwellings. Consent for the primary school is to be issued imminently, and the pedestrian/cycle link by Oakdale Primary School is expected to open shortly, connecting residents directly with existing local facilities.

Cardea will eventually incorporate public open space, a playing field with changing pavilion, and the local centre including a supermarket, public house, nursery and some small shops. The new primary school with additional community facilities is due to open in September 2012, and access to Stanground College will be direct for pedestrians, cyclists and buses.

The approved Framework Plan also shows an Extra Care site and a health centre, but as yet these have not come forward.

A bus service is in operation which connects Cardea with Stanground and the city centre. This bus service currently enters and leaves the estate via the entrance avenue; in due course it will run through Cardea from Peterborough Road to Park Farm. Pedestrians and cyclists will be able to use the bus links, as a short cut, as will emergency vehicles. It is intended that private motor vehicles all use the bypass, to encourage people to use alternative forms of transport and to prevent congestion in existing residential areas.

In terms of connection with local services and facilities, and also foot, bus, cycle and road connections with the City and beyond, the application site is suitable for housing in principle as required by Policies H16 of the Local Plan and CS16 of the Core Strategy.

**d) Layout and amenity standards of the proposed housing**

The layout has been subject to pre-application discussion and as now proposed offers an acceptable level of amenity for residents.

Most houses have suitable amenity space provision, and separation distances are such that there should be no unacceptable overlooking.

Some concerns were identified about the Aster units, which are one-bedroomed back-to-back houses, and Officers have sought improvements to the layout of this area. As a result, the area appears more coherent, and parking better integrated into the streetscene. This is the centre of the application site, and there is space for landscaping, including trees, which will help to ensure adequate landscaping overall.

Colleagues in the Waste Management team initially requested that SULO (underground) receptacles be provided for the Aster units. However after discussion it was agreed that these would not be practical as the agreement on the layout was at an advanced stage, and it was decided to allow for

Taylor bins instead. These will be kept in communal stores, as a way of preventing occupants of the Aster units (which do not have gardens) keeping individual bins outside their properties, where they would clutter the streetscene.

As the housing layout is fairly compact, consideration has been given to withdrawing Permitted Development (PD) rights for extensions, garage conversions, and new windows. This is considered necessary only where larger dwellings have restricted parking. All dwellings have gardens large enough to absorb extensions within the PD limits without unacceptable impact, and the recent (2008) changes to the Householder PD allowance for upstairs windows will adequately control overlooking should householders wish to put any new windows in.

Overall, the development would provide suitable levels of residential amenity as required by Policy H16 of the Local Plan and CS16 of the Core Strategy.

**e) Highway safety and parking**

Parking for residents has been designed to be easy to use, to encourage people to park in their allocated spaces, and all dwellings have at least one off-street parking space. These are generally accessed directly from the street, rather than being in rear parking courts, although there is one mews-style court which includes both houses and parking, and three parking courts which serve housing and include garages under flats.

The shared surface streets have been designed to accommodate informal parking, which it is recognised will occur. Speed will be controlled by this on-street parking, also by long “islands” which will deflect traffic, as well as providing areas for additional tree planting.

A concern has been raised by the Local Highway Authority relating to the closeness of the south and east streets to the balancing pond and drainage ditch. It has been established that there is space to accommodate works which may be necessary, and that these works would not adversely affect the drainage system.

The planning issues relating to this matter have been adequately addressed. Details can be agreed under Highways technical vetting.

Highway access and parking is in accordance with Policies T9 and T10 of the Local Plan, and Policy CS14 of the Core Strategy.

Summarised comments from the Local Highways Authority are listed below with the Local Planning Authority’s position given under each of the comments. The LHA raises no objections to the proposals, subject to the following issues being addressed and conditions and informatives being appended to any permission granted.

1. Several amendments to the ‘Southern Loop Road’ immediately to the north of this site are required.  
*A condition is recommended requiring the details to be submitted to and approved by the LPA before development commences, and for the works to be carried out prior to the occupation of any of the dwellings.*
2. Squared ‘plinths’ of 1m x 1m will be required around the street lighting columns on the adoptable shared-surfaces. These plinths are located outside the ‘kerb-lines’ indicated on the plans. Careful consideration must be given to the design of the street lighting scheme to ensure that these required areas can be provided.  
*A condition is recommended requiring details of the design and location of any street lighting. Given the limited amount of space on the street to the immediate south of the Aster block, any lighting will need to be designed to ensure that there would be no light spillage into living rooms and bedrooms of the adjacent properties.*
3. Several plots are located very close to the highway boundary. This may result in overhanging eaves, porches or windows which would all cause a hazard for highway users. No part of any building may be located within 0.5m of the highway boundary.  
*A revised plan is required showing the slight repositioning of these plots. The recommendation to Committee is that this is submitted to and approved by the LPA before any planning permission is issued.*

4. The front garden to plots 587, 588 should be extended to reduce the carriageway width to 7.5m and increase the distance between the dwellings and the highway boundary therefore providing forward visibility around the bend.  
*A revised plan is required showing this change. The recommendation to Committee is that this is submitted to and approved by the LPA before any planning permission is issued.*
5. It may be necessary to introduce a build-out outside plots 576 and 578 in order to alter the priority of the adjacent junction to allow the required 2.4m x 25m vehicle-to-vehicle visibility splays to be provided. This will not impact on the property locations and may increase the available space for landscaping to the front of these plots.  
*As above, revised plan to be submitted to and approved by the LPA before the issuing of any consent.*
6. Shared private accesses must be a minimum of 5m for the first 10m from the highway, and a minimum of 4.5m width thereafter for the remaining shared distance. Where these accesses provide the only pedestrian access to any of the dwellings served, the widths must be increased to 5.5m and 5m respectively.  
*On balance, the LPA finds the current proposal acceptable and does not intend to ask for an amendment in this instance given the low number of vehicles that will be using the private drives and the low risk to highway safety.*
7. The road junction between plots 593 and 597 will require 2.4m x 25m vehicle-to-vehicle visibility splays.  
*A minor change to the proposed kerb alignment would address this issue. This can be shown on the revised plan to be submitted.*
8. Refuse collection points will be required at the highway end of all private drives.  
*This is being conditioned.*
9. The loop roads at the south and east of the site are still shown to be located immediately at the top of the embankments around the watercourses which is not acceptable without amendment to these earthworks. It would need to be proven that the embankments would be capable of supporting the construction and loading of the roads before the roads could be considered for adoption.  
*Changes to the road in this location will be shown on the revised plan to be submitted to and approved by the LPA before any consent is issued. There is a technical solution to strengthening the adjacent embankment to the balancing pond, details of which will need to be submitted to and approved by the Local Highway Authority at technical vetting stage.*
10. The driveways to plots 517, 545, 620, 621, 626-629 and 647-650 must be increased to a minimum of 6m in length.  
*A condition is recommended requiring the above plots to provide vertical garage doors to allow sufficient space for a vehicle to park on the drive and off the public highway while the garage door is being opened.*
11. The parking bays to the south of the Aster block will need to be revised to move them further away from the road junction adjacent to plot 548. A 1.5 – 2m wide path will also need to be provided for refuse collection from the bin store.  
*A slight shift in the row of parking spaces will be shown on the revised plan. The refuse collection will take place along the central path of the Aster block which overcomes the issue concern raised.*
12. The shared surface must be widened to 6.5m at the site access.  
*This will be shown on the revised plan to be submitted.*
13. The condition on the outline consent (03/00842/OUT) relating to the construction management plan must be discharged for this site before the development commences.  
*Noted.*

**f) Drainage**

A Drainage Strategy and Flood Risk Assessment were prepared for the western half of Cardea, which includes the application site, and approved in January 2010 after consultation with the Environment Agency and the Middle Level Internal Drainage Board. These reports and calculations assumed that the application site would be put to Employment use. The issue for Members to consider is whether the change of use of this area from Employment to Housing will affect the drainage system, and whether the risk of flooding will increase, or be unacceptable.

Cardea will be drained using a Sustainable Drainage System (SuDS) with surface water flowing through the site into large balancing ponds on either side of the Entrance Avenue, and thence to reed beds on the south side of the bypass, where water will be cleaned before discharging into the Farcet Nene (Pigwater). This principle has been long agreed with interested parties.

The Drainage Strategy has been amended and reviewed by the Internal Drainage Board and the Environment Agency. The EA has made no specific comment on the application, however the IDB, which is more directly involved, has advised that there is unlikely to be a flood risk issue, as the impermeable area for housing is less than for employment use and therefore more surface water would go directly into the ground.

The Consultant Engineer (who has been dealing with the entire Cardea development since its inception) has explained that the balancing pond to the south of the application site has been designed so that in extreme circumstances (if all the pipes and outlets were blocked) flood water would discharge over the bypass and down towards the watercourse, instead of up into the development. The change of use from employment to housing would make no material difference to this.

The alterations to the pond mentioned above, which may be necessary, may slightly affect the capacity of the pond, however this is not considered to be a concern. The Drainage Strategy states that the capacity designed into the system is significantly above the minimum required, and that there is additional capacity in the reed beds. Any necessary alterations to the pond could be agreed by a planning condition.

Overall, it is considered that the proposed change of use would have no detrimental impact on the drainage system, and the development would not be at unacceptable risk of flooding. The proposal is therefore in accordance with Policy U1 of the Local Plan

**g) Landscaping and Ecology**

Some landscaping will be included within the site, and will be of the same character/species selection as landscaping over the rest of the estate. The exact details of the landscaping will be agreed by condition, however given the constraints of the site, and bearing in mind that the areas of open space around the site will be landscaped, the areas proposed for landscaping are considered to be acceptable.

An Outline condition applies across the estate as a whole requiring the provision of bat and bird boxes. That condition will not apply to this site therefore a similar condition is recommended should Members be minded to approve this application; to ensure that bat and bird boxes are provided on a certain proportion of dwellings.

Suitable landscaping, and provision for the enhancement of biodiversity, will be provided in accordance with Policy LNE9 of the Local Plan and Policy CS21 of the Core Strategy.

**h) Sustainability**

Policy CS10 of the adopted Core Strategy requires that developments make a positive contribution to the City Council's Environment Capital agenda. It was agreed as part of the Section 106 negotiations that no such contribution would be made in this case.

**i) Loss of Employment Land**

Section Persimmon Homes approached Peterborough City Council (PCC) to determine whether a 2.8Ha parcel of the South Stanground site currently zoned for employment use could be changed to residential use as they are unable to secure employment use due to lack of commercial interest.

PCC Planning Policy has confirmed that the land could be treated as a windfall site for housing due to the lack of interest expressed for its use as an employment site. Persimmon Homes commercial agent, Budworth Hardcastle, provided evidence to show that no interest has been received. On balance the Planning Policy team accept that there is no case for safeguarding employment land when there is no market interest and welcome this windfall site due to the additional housing units it



will provide in helping to meet PCC's Growth Agenda as outlined in the Council's adopted Core Strategy.

**j) Section 106 Contribution**

Persimmon Homes have stated that they are able to make a total S106 contribution of £1.5M, including monitoring fees. However, in order to be able to contribute this amount the site will need to be for 100% market housing as Persimmon are obliged to make a land use change uplift payment to the landowner. To support this approach Persimmon Homes submitted a Homes and Communities Agency Economic Appraisal Toolkit which demonstrated that the £1.5M offered by Persimmon Homes is reasonable given the underlying viability and market conditions.

Whilst additional housing that will contribute to the Council's growth ambitions contained in the Core Strategy is welcomed, there will be additional pressures put on the provision of school places. Therefore the Children's Services' team have undertaken an analysis of what the increased educational requirements would be as a direct result of the proposed additional 136 dwellings. To summarise, it has been demonstrated that the overall requirement, across all age groups is:-

Pre-school:	£47,064
Primary school:	£451,814
Secondary school:	£576,947

**Total: £1,075,825**

It should be noted that the above costs are 'actual costs' as opposed to the normally applied POIS costs which are substantially lower.

Based on these amounts this would provide an Affordable Housing Commuted Sum of £394,175. Affordable Housing of 30% of the total dwellings provided is normally sought under current Core Strategy policy for sites of 15 units and above. Where it is accepted that on-site provision is not possible due to exceptional circumstances Policy CS8 of PCC's adopted Core Strategy notes that an Affordable Housing Commuted Sum is acceptable. Housing Strategy has provided evidence to support an Affordable Housing Commuted Sum of £828,198.

The recognised crucial issue of providing additional school places has been considered against the need for affordable housing. Accepting that there is a need for affordable housing in the Stanground area Strategic Housing accepts that on balance the sum of £394,175 is acceptable due to the pressing need to provide additional school places. It should also be noted that Strategic Housing are satisfied with the ongoing provision of affordable housing on the overall much larger South Stanground site.

Also, the Minister for Decentralisation issued a written Ministerial Statement on 23<sup>rd</sup> March 2011 which is capable of being regarded as a material planning consideration. Please refer to <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1878047.pdf>

The statement includes '*Understanding the impact of planning obligations on the viability of development will be an important consideration when obligations are reviewed, particularly where they were reached in different economic circumstances. An appropriate review of obligations, which takes account of local planning priorities, could allow development to proceed on stalled schemes*'.

Applying the principles of this statement to this application and in conjunction with the demonstrated market and viability issues and weighing the competing demands of both Education and Affordable Housing provision the split of the identified £1.5M is considered appropriate.

With regard to additional Public Open Space (POS) and community facilities it is believed that the larger South Stanground development will provide adequate POS and community facilities and will be able to accommodate the increased demands from an additional 136 dwellings. Consequently no S106 contributions are sought towards these infrastructure items.

PCC Highways team has considered the potential impact on the local highway network as a result of this proposal and has confirmed that no TA is required for the change of use from employment to a residential development serving up to 136 dwellings.

On balance it is considered that this proposal to develop redundant land offers a good opportunity to provide additional housing to assist in meeting PCC's Growth Agenda, whilst also providing a sufficient S106 contribution to assist with meeting crucial infrastructure requirements, in particular additional school places.

## **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 has been demonstrated that the site is unlikely to come forward for its allocated employment use and therefore a departure from plan policy is justified. Such a justified departure is supported by para 75 of the Draft National Planning Policy Framework. In addition the development of the site for housing will assist in the Council achieving the delivery of housing in accordance with the Core Strategy's trajectory.

In terms of connection with local services and facilities; foot, bus, cycle and road connections with the City and beyond; and residential amenity, the application site and the proposed layout is suitable as required by Policies H16 of the Local Plan and CS16 of the Core Strategy.

Highway access and parking is in accordance with Policies T9 and T10 of the Local Plan, and Policy CS14 of the Core Strategy.

The proposed change of use would have no detrimental impact on the drainage system, and the development would not be at unacceptable risk of flooding. The proposal is therefore in accordance with Policy U1 of the Local Plan

Suitable landscaping, and provision for the enhancement of biodiversity, will be provided in accordance with Policy LNE9 of the Local Plan and Policy CS21 of the Core Strategy.

Section 106 contributions have been sought for education and affordable housing provision. Whilst normally contributions would be sought toward a wider range of physical and social infrastructure, a bias towards education provision can be justified due to the level of need.

## **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 towards education provision (£1,075,825) off site affordable housing (£394,175) plus monitoring costs, and the submission and approval of a revised layout plan addressing the highways issues listed in the report, the Head of Planning Transport and Engineering be authorised to grant planning permission subject to the following conditions:

**1. 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).

**2. The private drives serving plots 526-531 and 535-546 shall be dedicated as rights of way for pedestrians and cyclists prior to any occupation with the site, and shall thereafter be maintained as such.**

Reason: To enable direct access for residents to the public open space and the footway/cycleway network, in the interests of residential amenity and encouraging travel by sustainable modes in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

**3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

**4. Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.**

The scheme shall include the following details:

- **Planting plans including retained trees, species, numbers, size and density of planting**
- **An implementation programme**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

**5. Notwithstanding the submitted information, prior to the commencement of development details of the hard surfacing and landscaping of all areas other than enclosed private rear gardens at a scale of 1:200 or 1:250, shown on a single plan, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved. The details to be submitted shall include (but not necessarily be limited to):**

**Planting as proposed under Condition 4 above**

**Surface finishes including the delineation and identification of parking spaces**

**Boundary treatments**

**Lockable self closing gates to rear access paths**

**Visibility splays**

**Refuse bin collection points**

**Location of the traffic islands required under Condition 7.**

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and layout in the interests of residential amenity and highway safety, in accordance with Policy DA2 and T1 of the Peterborough Local Plan 2005 (First Replacement).

**6. Before the dwellings are occupied, the visibility splays identified under Condition 5 shall be provided and maintained free from any obstruction over a height of 600mm within an area of 2m x 2m (for shared accesses) and 1m x 1m (for individual plot accesses and the sub-station) measured from and along respectively the highway boundary.**

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

**7. Prior to the occupation of any of the dwellings hereby approved, and notwithstanding the approved plans, the traffic-calming islands on the shared surface streets shall be installed in accordance with details to be agreed in writing with the Local Planning Authority. The details shall include (but not necessarily be limited to)**

**Exact locations of islands**

**Dimensions**

**Sections**

**Materials**

**Planting including details of tree pits and guards**

Reason: In the interests of highway safety and the general amenity of the area, in accordance with Policies CS14 and CS16 of the adopted Peterborough Core Strategy DPD

**8. Prior to the occupation of any of the approved dwellings, the parking bay to the electricity substations adjacent to the site shall be provided as shown on plan 100 Revision H.**

Reason: In the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

**9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), garages within plots 517, 541, 542, 520, 621, 633, 634, 635, 645, 646, 651 shall be retained for the parking of vehicles and not used for any other purpose. The garages to plots 517, 545, 620, 621, 626-629 and 647-650 shall be fitted with vertical opening garage doors only.**

Reason: In the interests of providing adequate off street parking to serve the development in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and T10 of the Peterborough Local Plan (First Replacement).

**10. No development shall commence on site until a scheme showing alterations to the highway that connects the development site to the entrance roundabout has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.**

Reason: In the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

**11. No dwelling shall be occupied until the garage(s), parking space(s) and turning area which serves it has been constructed, in accordance with the details shown on the approved plans. The garage(s), parking space(s) and turning area shall thereafter be available at all times for the parking and turning of vehicles, in connection with the use of the dwellings. The garages shall not be rented to non-residents or made available for use by persons not living at or visiting the building the garage(s) is/are intended to serve.**

Reason: In the interests of providing adequate off street parking to serve the development in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and T10 of the Peterborough Local Plan (First Replacement).

**12. No dwelling on the development shall be occupied before the highway linking that dwelling to the existing entrance roundabout serving the Stanground South development area has been completed to base course level.**

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

**13. If gates are to be provided to the shared private vehicular accesses they should be electronically operated, inward opening and set back 6m from the edge of the carriageway.**

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.

**14. Prior to the occupation of any of the Aster units (plots 548 to 579) the approved refuse bin and cycle stores shall be constructed and ready for use, and secured to prevent unauthorised access. The stores shall be so retained thereafter.**

Reason: in the interests of residential amenity and encouraging travel by sustainable modes in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

**15. The "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (not exceeding a gradient of 1 in 15) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to meet the needs for access for all in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

**16. Prior to the commencement of development, a scheme showing the location and design of all street lighting and an implementation programme shall be submitted to and approved in writing by the Local Planning Authority. The street lighting shall be installed in accordance with the approved details and programme of work.**

Reason: in the interests of residential amenity, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

**17. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

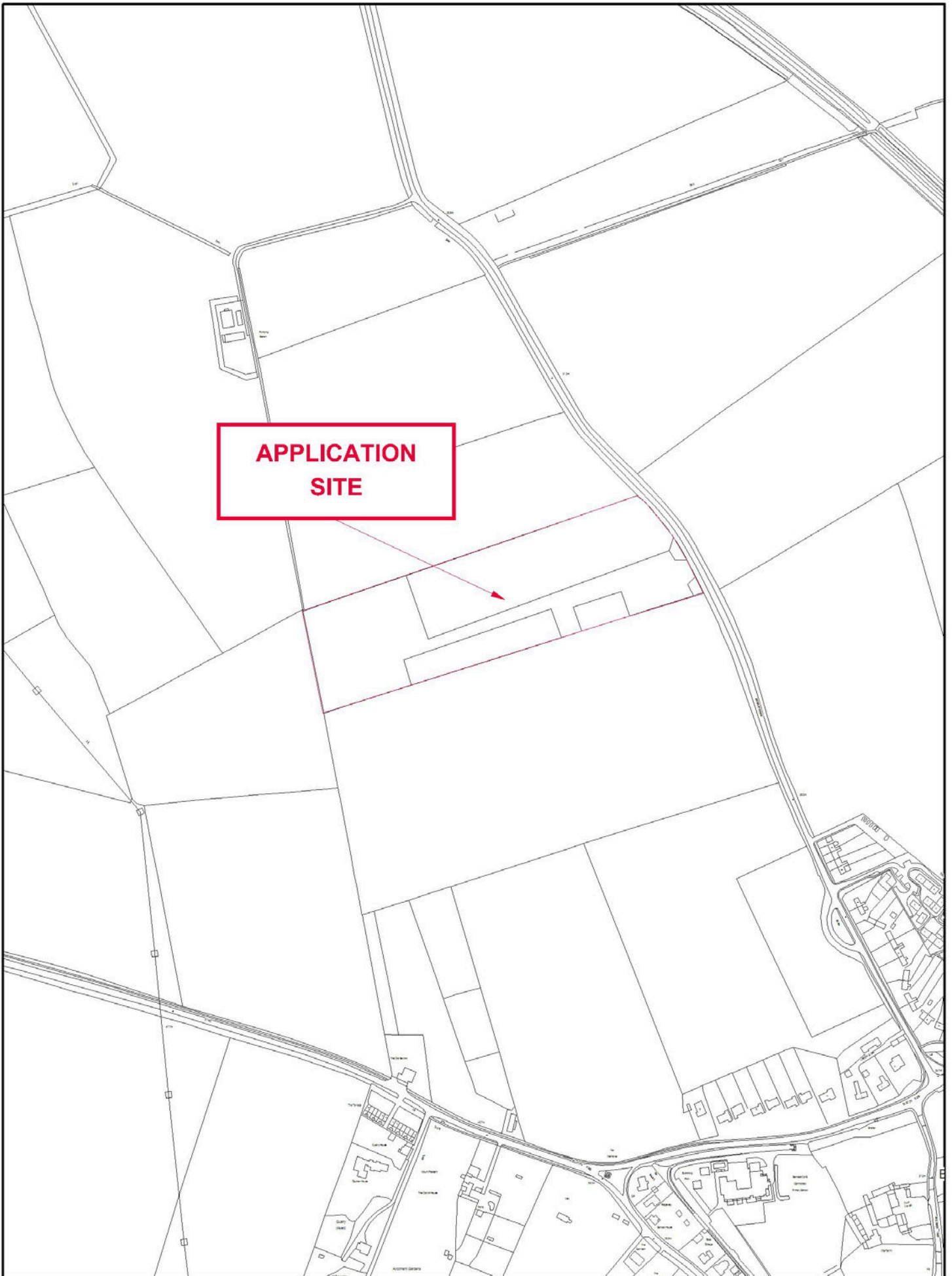
Reason: To ensure all contamination within the site is dealt with in accordance with PPS23 Planning and Pollution Control.

If the S106 has not been completed by the 12 September 2011 without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

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

Copy to Councillors Bush, Walsh, Cereste

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**LOCATION PLAN**      **11/00910**

Land to the West of Uffington Road

**PCC GIS**

**Scale** 1:5000    **Date** 19/8/2011    **Name** AH    **Department** Planning Services



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11/00910/FUL: 2.4M HIGH POST AND WIRE STOCK ENCLOSURE FENCING AT RABBIT FARM at LAND TO THE WEST OF UFFINGTON ROAD, BARNACK, STAMFORD

VALID: 23<sup>RD</sup> JUNE 2011

APPLICANT: MR P KERRY

AGENT: N/A

REFERRED BY: BARNACK PARISH COUNCIL

REASON: HIGHWAY SAFETY, VISUAL AMENITY OF THE AREA, NUISANCE AND HEALTH HAZARD TO NEARBY RESIDENTIAL.

DEPARTURE: NO

CASE OFFICER: MATT THOMSON

TELEPHONE: 01733 453478

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

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

The main considerations are:

- Impact on Landscape Character
- Impact to Neighbour Amenity

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

## **2 PLANNING POLICY**

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

### **Peterborough Core Strategy DPD (2011)**

**CS14 Highways:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a Highway Safety Hazard

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

**CS20 Landscape Character:** states new development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape character area and sub area in which it would be situated.

**CS21 Biodiversity and Geological Conservation:** The City Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the area.

### **Peterborough Local Plan (First Replacement) (2005)**

**LNE1 Development in the Countryside:** Development in the countryside will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation or public utility services.

**LNE9 Landscaping Implications of Development Proposals:** Development should ensure provision and retention of landscape and ecological features of value, should provide new tree, shrub and hedgerow planting suitable for the location and protect and manage existing landscape features during and after construction, including replacement of trees or plants.

Government Policy/Advice

**Draft National Planning Policy Framework (DNPPF) (2011)**

Paragraph 10 of the Framework sets out the three key principles underpinning planning on a national level; these three components should be pursued in an integrated way, looking for solutions which deliver multiple goals. These are;

- Planning for prosperity (an economic role);
- Planning for people (a social role); and
- Planning for places (an environmental role).

**Planning Policy Statement (PPS) 1: Delivering Sustainable Development**

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

**Planning Policy Statement 7: Sustainable Development in Rural Areas**

The Governments objective is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimises impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

**3 DESCRIPTION OF PROPOSAL**

The proposal seeks permission to erect 7 stock enclosures. The enclosures will each be 2.4m high. Whilst each enclosure does not have a traditional roof, wires (with balls affixed to keep birds away) are strung parallel to each other every 2m to form a semi open wire roof. The enclosures have capacity to hold 900 rabbits.

**4 DESCRIPTION OF SITE AND SURROUNDINGS**

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

The site is situated in excess of 250m North-West from the edge of Barnack Village.

**5 PLANNING HISTORY**

Application Number	Description	Date	Decision
07/00649/FUL	Erection of boundary fencing, stables, hardstandings and use of land for grazing horses	19/7/2007	APPROVED
10/01594/FUL	Construction of a barn for rabbit breeding and construction of 1 X Poly tunnel for trees, shrubs and plants	17/2/2011	REFUSED

**INTERNAL**

**Highways** – No objection - The proposal does not amend the existing access and it is unlikely to generate a significant increase in vehicle movements.

**Natural England** – No objection - This application is in close proximity to Barnack Hills and Holes SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

**Wildlife Trust** – No comments

**Landscape Officer** – Request a condition that the applicant provides detail on the existing hedging and proposed management and the tree planting detail.

**Wildlife Officer** – No objection

**EXTERNAL**

**Parish** – Object to the proposal,

- Access presents a highway safety hazard;
- The field is not a stock nursery, and was mown when this application was submitted;
- The 2.2m high galvanised posts to support lines will be a scar on the landscape and unsightly at the approach to the village of Barnack and are totally unacceptable in this prominent location in open countryside surrounded by arable farmland. The whole proposed plan will create a complete eyesore;
- Proposed boundary treatment insufficient;
- Details of the shelters proposed in the stock enclosures will be required;
- The planning application states that feed and tools are to be stored on site in mobile structures. Details are required of these mobile structures showing the design and the materials used; and
- There are no mains services on or near the site.

**NEIGHBOURS** – 9 letters of objection have been received, comments of which have been summarised below. Full letters of representation can be seen on request;

- A rabbit farm does not currently exist;
- proposed rabbit farm business is a front to gain permission for residential;
- detract the visual amenity of the area;
- highway safety;
- wild rabbits currently are a problem for surrounding farmers, any escapees would exacerbate this problem;
- loss of agricultural land;
- create a precedent;
- British Public promotes moving away from battery farming for chickens hens, why are we accepting 'battery rabbits?'
- Disposal of rubbish;
- Smells;
- Health and Safety Executive requires toilets/hand basins, place to store clothing ... and somewhere to rest and eat meals for employees. No provision made on submitted details; and
- Proposed wire and ball across the tops of the enclosures will do little to prevent crows from gaining access.

**OTHERS** - People for the Ethical Treatment of Animals (PETA) Foundation – Object to the application because of concerns about the welfare of rabbits.

## **7 REASONING**

### **A) Introduction**

The use of the land for rabbits does not itself require permission as this is an agricultural use. In 2007 an application was approved for change of use of the land for equine use, however the land is currently being used as a tree nursery.

### **B) Policy context and the principle of development**

The proposed fencing will form enclosures for the breeding of rabbits; the rabbits are being bred for the production of meat, which is recognised as an agricultural use. The fencing is considered to be essential for the needs of agriculture therefore complies with Policy LNE1 of the Peterborough Local Plan and PPS7.

### **C) Design, Layout and impact on the Landscape.**

The proposal will introduce 2.4m high stock enclosures. The enclosures will not have a solid side or solid roof; however it will have the visual appearance of a solid structure which would be at odds with the generally open character of the area where in most cases agricultural buildings are centred on farmsteads. Officers supported the previously refused application for a breeding barn on the site but by comparison this proposal is less traditional in appearance.

### **D) Impact to neighbouring Amenity**

Objectors have expressed concerns over noise and smells from the proposed rabbit farm. This cannot be considered in the determination of this application as the proposal is for the enclosures only.

### **E) Highway Safety**

Uffington Road is a 'C' classified road and the proposal illustrates two accesses, thus allowing vehicles to enter and leave in a forward gear and pull clear of the Highway (12metres). Several letters of neighbour and Parish representation object to the proposal on Highway Safety grounds, however Highways have responded with no objections.

### **F) Ecology & Landscaping**

Whilst planting could be used to help make the development, this would take many years to reach effectiveness. Also, the form of planting would be out of character with the area.

The proposal is not considered to affect any ecological or biodiversity sites.

### **G) Other Matters**

- Dwelling – Letters of representation have highlighted that if the proposal is approved, the site will come forward for residential development. To confirm Appendix A of PPS7 covers the application process for Agricultural Dwellings, which is a 3yr process where any Applicant is required to satisfy financial and functional tests to prove the business is both viable and sustainable. This would form a separate planning application.

## **8 CONCLUSIONS**

The proposed enclosures are considered unacceptable as;

1. The enclosure would have an appearance of a solid structure;
2. Given Point 1 above and the density of the enclosures, the proposal will be at odds with the landscape; and
3. Planting would take many years to mitigate the visual harm of the proposal; any intensification of planting would detract from the attractive landscape character and form.

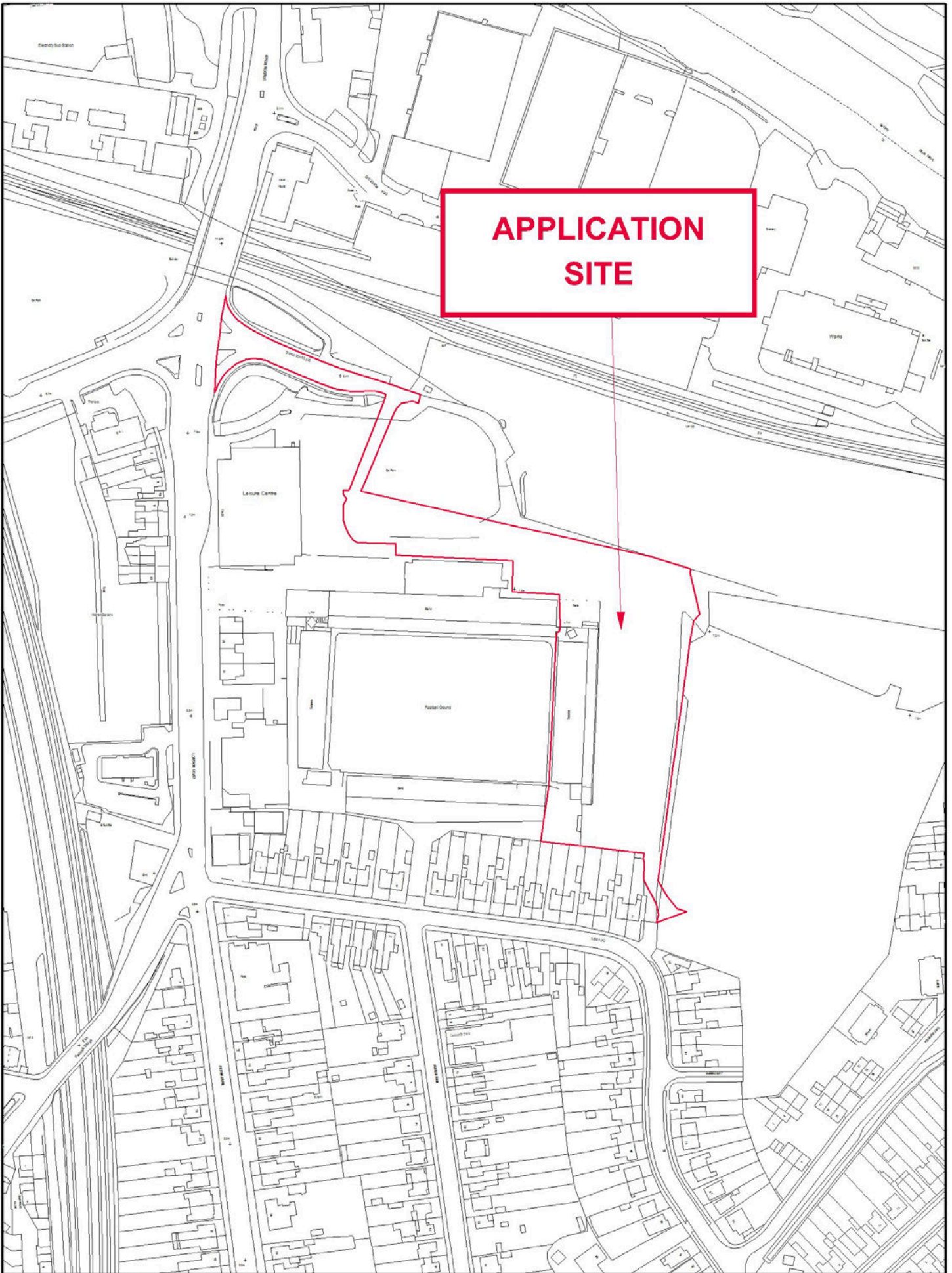
## **9 RECOMMENDATION**

It is recommended that the application is **REFUSED** as follows:

The proposed enclosures will have the appearance of solid structures and by virtue of mass, density and appearance the enclosures will be at odds with the attractive character of the landscape. A proposed landscaping scheme would fail to mitigate the visual harm on the landscape, and as such the proposal is contrary to Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011), PPS1 (2005) and PPS7 (2004).

Copy to Councillor Over

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**LOCATION PLAN**

**11/01018/R3FUL**

Peterborough United Football Club Ltd London Road Peterborough PE2 8AL

**Scale** NTS

**Date** 22nd August 2011 **Name** JF **Department** Planning Services



**PETERBOROUGH**



CITY COUNCIL

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11/01018/R3FUL: DEMOLITION OF EXISTING STAND, CONSTRUCTION OF NEW STAND WITH EDUCATION CENTRE AND ENERGY CENTRE, TOGETHER WITH ACCESS AND PARKING – MOYS END STAND (EAST STAND) AT PETERBOROUGH UNITED FOOTBALL CLUB, LONDON ROAD, PETERBOROUGH

VALID: 5 JULY 2011  
 APPLICANT: PETERBOROUGH CITY COUNCIL  
 AGENT: MR DAVID SHAW  
 REFERRED BY: HEAD OF PLANNING SERVICES  
 REASON: IN THE WIDER PUBLIC INTEREST  
 DEPARTURE: NO

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

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of development
- Design and the impact upon the character and appearance of the surrounding area
- Highways implications
- Impact of the development on neighbour amenity – air quality, noise disturbance and overlooking/loss of privacy
- Ecology
- Ground contamination and remediation
- Crime prevention and community safety
- Drainage and flood risk

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

## 2 PLANNING POLICY

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

### Peterborough Core Strategy DPD (2011)

**CS4 The City Centre:** The City Centre will be developed and promoted to maintain its position as a centre of regional significance. Major new cultural and leisure developments which meet the needs of the city and its sub-region will be encouraged.

**CS10 Environment Capital:** Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK.

**CS11 Renewable Energy:** In addition to seeking reductions in energy demand and carbon emissions, opportunities to deliver on-site or decentralised renewable or low-carbon energy systems will be supported on appropriate sites.

**CS12 Infrastructure:** New development should be supported by, and have good access to infrastructure.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required to meet the principles of Policy CS12, then this may be negotiated on a site-by-site basis however the City Council will encourage payments based on a standard charge set out in the Peterborough Planning Obligations Implementation Strategy SPD (2010).

**CS14 Transport:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

**CS17 The Historic Environment:** The City Council will protect, conserve and enhance the historic environment throughout Peterborough. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated.

**CS18 Culture, Leisure and Tourism:** The existing cultural, leisure and tourism facilities will be protected and enhanced.

**CS21 Biodiversity and Geological Conservation:** The City Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the area.

**CS22 Flood Risk:** All appropriate development should employ sustainable drainage systems (SUBS) to manage surface water run-off where technically feasible and appropriate.

#### **Peterborough Local Plan (First Replacement) (2005)**

**T8 Connections to the Existing Highway Network:** Vehicular access on to a highway as a result of development must be appropriate for the level and type of traffic likely to be generated.

**CC11 South Bank Opportunity Area:** Mixed use redevelopment within a comprehensive framework will be supported including office, leisure and cultural uses. Proposals for any development which would prejudice the comprehensive redevelopment of the Opportunity Area will not be permitted.

**CC15 Car Parking:** Where alternative off-street spaces are not available, the number of car parking spaces should be that which serves the operational requirements and the needs of motorists with mobility difficulties.

**CC16 Cycle Parking:** New City Centre development should provide secure, safe, convenient and high quality parking for cycles in accordance with the minimum standards set out in Appendix IV.

**CF8 Development of Community Buildings:** New community buildings will be required to provide safe and convenient access by foot, cycle and public transport; should not cause unacceptable noise and disturbance to the amenities of occupiers of nearby properties; to ensure it does not prejudice development of the land for residential or employment use; and ensure that any associated car parking is not detrimental to the character or appearance of the area.

**U1 Water Supply, Sewage Disposal and Surface Water Drainage:** Development which increases the demand for off- or on-site water supply, sewage disposal or surface water drainage infrastructure will only be permitted if facilities of adequate capacity and design are available, or will be provided without detriment to the environment.

#### **National Planning Policies**

##### **National Planning Policy Framework (NPPF) Consultation Draft (2011)**

**Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)**

**Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change (2007)**

**Planning Policy Statement 5 (PPS5): Planning for the Historic Environment (2010)**

**Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (2005)**

**Planning Policy Guidance 13 (PPG13): Transport (2011)**

**Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation (2002)**

**Planning Policy Statement 22 (PPS22): Renewable Energy (2004)**

**Planning Policy Statement 23 (PPS23): Planning and Pollution Control (2004)**

**Planning Policy Guidance 24 (PPG24): Planning and Noise (1994)**

**Planning Policy Statement 25 (PPS25): Development and Flood Risk (2010)**

**Circular 05/2005: Planning Obligations**

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

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

In addition Circular 05/2005 states the following principles:

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

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

### **3 DESCRIPTION OF PROPOSAL**

The application relates to the existing Moys End Stand (East Stand) at Peterborough United Football Club and forms the first phase in the redevelopment of the stadium. The proposal seeks the demolition of the existing stand of a standing capacity of 3,495 which no longer meets the demands of the football club, as well as removal of the existing floodlighting column to the north-eastern corner of the site. Following demolition, the scheme seeks the erection of a new 2,500 capacity all seated stand and connected education centre for Science, Technology, Engineering and Mathematics. The education centre will cater for approximately 300 students aged 14 to 19 years and provide laboratories, IT suites, flexible teaching spaces and a refectory. The stand will result in an overall loss of capacity of 995 albeit the overall floorspace of the building will increase by some 4,000 sqm. The footprint of the building will be approximately 9 metres deeper however the main bulk will not be sited any closer to the Glebe Road properties.

Associated to this, there is a proposed Renewable Energy Centre which will generate economically viable heat and/or power and be fed by mains gas through Biomass boilers. The energy generated will

feed both the football ground facilities and the adjacent Carbon Challenge housing scheme to the north and east. The energy centre will consist of 1 off 220kWe Biofuel CHP unit, 1 off 200kWe Natural Gas CHP unit, 1 off 330kW Pellet Boiler, 2 off 1.0MW Natural Gas Boilers and 4 off Thermal Storage Vessels. Also associated with the application are alterations to the access from London Road, and internal changes to the car parking areas. At present there are 198 car parking spaces on the site, which will be reduced to 168 as a result of the proposal, a loss of 30 spaces. There will no longer be parking provided on site for football supporters. The existing Glebe Road access is to be altered so that it is for emergency use only. A coach turning and drop off area is to be provided using Cripple Sidings Lane as the access.

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

The Peterborough United Football ground is situated on the corner of London Road and Glebe Road with the main vehicular access taken from London Road along Cripple Sidings Lane. To the south of the site is a row of residential properties along Glebe Road, with rear gardens bounding the ground site. To the north and east is situated the area recently approved for the Carbon Challenge Housing Scheme and beyond this to the north is the railway line and to the east, the Frank Perkins Parkway.

At present parking for 198 cars is provided informally to the north and east on an area of rough hardstanding. Emergency access is taken to the south eastern corner of the site onto Glebe Road. The site is affected by contamination.

#### **5 PLANNING HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Date</b>	<b>Decision</b>
06/01868/OUT	Demolition of existing stand and construction of new stand and residential development		NOT DETERMINED
07/00028/NONDET	Appeal A/07/2040666/NWF following refusal of application reference 06/01868/OUT	23.08.2007	ALLOWED
09/00013/DEMOL	Demolition of two storey football terrace stand	15.02.2010	CLOSED
09/01071/FUL	Continue use of open air market on existing car park	13.11.2009	PERMITTED
10/00950/WCPP	Variation of Condition C5 of planning permission 09/01071/FUL dated 13.11.2009 to change the opening time of the open air market from 09.00 to 08.00 and to change the existing operating hours from 06.00-16.00 to 06.00-14.00 on Sundays	22.09.2010	REFUSED
11/00008/SCREEN	Screening opinion for the need of an Environmental Impact Assessment for proposed energy centre	21.06.2011	EIA NOT REQUIRED

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

##### **INTERNAL**

**Transport and Engineering** – No objection. Having assessed the potential traffic generated by the development, the numbers are not dissimilar to those produced by the applicant and could be met through an associated Travel Plan secured by S106. Off-site works should be carried out to provide a yellow hatched box at the site entrance on Cripple Sidings Lane to ensure traffic queues into the Carbon Challenge site and not onto the Oundle Road junction. The received tracking drawing requires amendment to the road width to allow coaches to pass within the site. Conditions relating to car park management and ensuring no double use of the car parking should be attached to any permission to ensure adequate parking on site for the proposed uses. Revised tracking information has been requested and further comments will be provided in the Update Report to Members.

**Pollution Control Officer** – No objection. The proposed contaminated land remediation strategies are acceptable albeit a strategy for appropriate gas infiltration prevention measures requires specification and agreement. This can be dealt with by way of a condition. A condition relating to noise from plant and equipment needs to be attached to any planning permission as follows: The rating level of noise emitted from the site shall not exceed 42 dB LAeq, 1 hour between 07:00 and 23:00 Monday to Saturday and 35 dB LAeq, 5 minutes at any other time. The noise levels shall be determined at (the nearest noise sensitive premises.) The measurements and assessment should be made according to BS:4142:1997. The glazing specification to the external elevations of the new stand should have a minimum manufacturer's rating of at least *Rw* 33 dB. Upon the basis of the boiler data provided, modelled concentrations with a 19 metre stack height are better than the requirements for the air quality objectives for the protection of human health, both in short term and long term exposure scenarios.

**Landscape Officer** – No objections subject to a suitable scheme for landscaping.

**Wildlife Officer** – No objection. If demolition works are to commence during bird nesting season (1 March to 31 August), a thorough check of the stand should be made for nesting birds and if any are found, appropriate mitigation measures should be implemented.

**Archaeological Officer** – No objection. The surrounding area has produced evidence of occupation dating from the prehistoric period. Whilst much of the site is likely to have been heavily disturbed, a monitoring and recording brief (or trial trenching) on undeveloped areas is recommended.

**Drainage Officer** – No objections. Recommend a condition requiring full details of the drainage system to be used based upon the volume of run-off from buildings of 37.8l/s/ha.

## **EXTERNAL**

**Environment Agency** – No objection. Site proposes a negligible risk to controlled water but the site is underlain by shallow groundwater which may be in hydraulic continuity with nearby surface waters. Therefore, given the sensitivity of the site, recommend the imposition of a condition relating to unsuspected contamination.

**Natural England** – No objection.

**Cambridgeshire Constabulary Architectural Liaison Officer and Cambridgeshire Constabulary Counter Terrorism Security Advisor** – No objections as the submitted Crime Impact and Counter Terrorism Statement sets out the principles for crime prevention and community safety measures that will be incorporated into the future development.

**Peterborough Civic Society** – Support application.

## **COUNCILLORS**

### **Cllr Lee**

- The proposed height of the chimney stack.
- The energy generator being built so close to neighbouring properties, I feel it would be more appropriately located away from existing properties.
- The emissions from the chimney which will be in extremely close proximity to residents gardens.

## **NEIGHBOURS**

468 local residents were consulted on the application, including the entirety of Glebe Road and Fairfield Road. Letters of objection have been received from 5 neighbours raising the following issues:

- Concern that the chimney will result in pollution and smoke coming down onto gardens and properties
  - Associated with this, concern that garden produce will be affected
- No consultation took place on the chimney at the public exhibition

- The chimney will be prominent and constantly visible due to its height and proximity to neighbouring gardens
- The chimney will generate noise 24 hours a day, 7 days a week
- Additional bus trips will generate noise and pollution which will harm residents quality of life

## **PETERBOROUGH DESIGN REVIEW PANEL**

The application scheme was taken before the Peterborough Design Review Panel held on 13<sup>th</sup> July 2011. The comments made were as follows:

‘Very exciting use proposed. Pleased with quality and delicacy of some of the materials, but use of tough, solid elements such as fair-faced concrete could be appropriate on a robust building like this. Would like to see more detail and consideration of materiality, quality of fabric to give the building a more ‘techy’ appearance pertaining to an education facility specialising in Science, Technology, Engineering and Mathematics. Particularly would like to see architectural philosophy on the East façade to show it off for what it is. An opportunity has been missed to make this a really interesting building, which wears its “heart on its sleeve” in terms of passive and active sustainable energy.’

## **7 REASONING**

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

Policy CS18 of the Peterborough Core Strategy DPD (2011) clearly states that the City Council will seek to improve and enhance existing cultural, leisure and tourism facilities (including sports activities). The Peterborough United Football Club stadium provides a sporting attraction not only for the City but the wider sub-region and its redevelopment is seen as a key element to the redevelopment of the South Bank, an identified Opportunity Area.

In addition to the redeveloped stand, the proposal will provide a new education facility offering specialism on science, technology, engineering and mathematics. The mixture of uses is promoted for the South Bank in Policy CC11 of the Peterborough Local Plan (First Replacement) (2005) and makes use of the site’s sustainable location within the City Centre, readily accessible on foot, cycle and by public transport.

Furthermore, Policy CS11 of the Core Strategy promotes opportunities to deliver on-site or decentralised renewable or low-carbon energy systems such as the proposed Energy Centre. Given the above and that the development will take place on previously developed brownfield land, the principle of development is accepted and supported.

### **b) Design and the impact upon the character and appearance of the surrounding area**

The design of the proposed stand has needed to incorporate two different building uses within the overall scheme and as such, there is a definite junction between the two external elevations. The main bulk of the education centre is to the north-eastern corner of the football ground and consists of a triple height entrance atrium with a largely glazed and curved façade thereby allowing maximum exposure to natural daylight. The remaining façade of the building is a mixture of transparent fully glazed panels, glass panels with transfers, translucent panels allowing minimal light penetration and opaque cladding panels. This elevation is punctuated by three stair towers of translucent cladding which break the horizontal emphasis and create relief to the façade.

The majority of the ground floor space is set aside for the proposed education centre and will comprise of uses which require a minimum level of natural daylight. This area also includes the proposed Energy Centre which will consist of 2no. combined heat and power units, 3 no. boilers and 4 no. thermal storage vessels. The first floor is comprised of a split between teaching classrooms, offices, the pupil canteen and the concourse to the football stand seating. Finally, the second floor consists of predominately education floorspace including laboratories, technician rooms and materials stores albeit there is an area set aside for a general purpose room associated with the football club.

The proposed 19 metre high chimney stack will undoubtedly be visible given its height; however it is of a slim profile (0.9 metres in width) and will only project 3.4 metres above the plant area on the stand's roof. The stack is not considered to represent an unduly dominant or obtrusive element within the character of the area.

It is considered that the proposed design of the building introduces a modern and appropriate facility to the overall football stadium. The entrance to the education centre with a grand atrium creates impact through innovative design and acts as a focal point within the site as a whole. The mixture of glazing and cladding panels will ensure that the development integrates well into the existing stadium whilst setting a design cue for the future redevelopment of the north and west stands. The design is of a high quality which appears appropriate within its context.

The application site is set on very low lying land which is generally flat and this extends beyond the urban edge of the City. As such, there are limited long distance views across the city, within or surrounding it. The submitted Townscape Appraisal clearly shows that the proposal will not appear visually dominant within the townscape and views of the Cathedral will be maintained.

c) **Highways implications**

The Local Highways Authority has assessed the potential traffic generated by the development independently in order to check the proposed traffic modelling in the submitted Transport Assessment. Whilst the numbers are slightly higher than the applicant has calculated, they are not dissimilar and could be met through an associated Travel Plan secured by legal agreement. The applicant has agreed to enter into such a Travel Plan and this may be secured by condition and legal agreement.

The initial comments received from the Highways Officer highlight concern regarding the proximity of the access to the development from the junction on the Cripple Sidings Access onto the Oundle Road junction. Following discussion with the agent, a scheme has been agreed which would involve the installation of a yellow 'Keep Clear' box to the junction, allowing any traffic to the Stem Centre to take priority and making traffic from the Carbon Challenge Site give way. This would ensure that any queuing that would occur will take place within the development and not onto the junction. A revised red line site location plan has been submitted to include the required area for this traffic management and this is currently out to consultation with Highways Engineers. Their response will be provided in the Update Report to Members.

The Highways Officer has also queried how the car parking on site will be managed both in terms of the usage for the education centre and the football stand on match days. It is proposed that the development be conditioned so that the education centre cannot be in operation on match days/evenings thereby preventing any conflict in terms of traffic management. Furthermore it is recommended that details of car parking be conditioned also.

Furthermore, the applicant has provided amended tracking diagrams showing how buses will enter and manoeuvre within the site. This is currently out to consultation with Highways Engineers and their response will be provided in the Update Report to Members.

Local residents have expressed concern regarding the use of the vehicular access at the south-eastern boundary of the site onto Glebe Road. The applicant has proposed that this access only be retained for use by emergency vehicles with a barrier to prevent other vehicles. This element can be conditioned and will ensure that all vehicular traffic associated with the football club and education centre be directed along Cripple Sidings Lane.

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

There are two separate elements to the impact of the development upon neighbour amenity – air quality as a result of the proposed Energy Centre and noise disturbance by virtue of increased vehicular movements and the Energy Centre.

*Air quality impact*

The applicant has submitted an Air Quality Modelling Report in support of the application which models the impact of the proposed Energy Centre upon air quality. The report shows that as a result

of the proposed Energy Centre, all predicted concentrations will fall below the appropriate Air Quality Objectives for the protection of human health. The findings of the Air Quality Modelling Report have been assessed by the City Council's Pollution Control Officer and accepted. As such, it is considered that the proposal will not have a detrimental impact upon the air quality of the surrounding area and human health both in the short term and the long term.

#### Noise disturbance

A report on the existing noise climate of the site and the implications of the application proposal has been submitted in support of the application scheme. The background noise levels at the site have been surveyed – the noise climate at the site is dominated by road traffic noise from the adjacent A15 London Road attributable to tyre 'roar' which has a characteristic mid-frequency tonal peak which the highest levels are attributable to HGV movement. In addition to this there is noise generated by the Frank Perkins Parkway to the east of the site and punctuated higher noise levels created by trains passing-by on the line to the north of the site.

The proposed football stand is of a lesser capacity than the existing and as such, it is considered that the noise levels produced will be far less than at present.

The design of the proposed education centre, must meet the requirements of Building Bulletin 99 (part of E4 of the Building Regulations, 2000) to ensure that it provides a suitable level of sound reduction. It is proposed that the glazing to the building be of standard thermal double glazing (also laminated) which will provide a sound reduction of approximately 33dB(A). This reduction is more than adequate to ensure that internal noise levels within the education centre are at an acceptable standard.

With regards to the proposed Energy Centre, the City Council's Pollution Control Officer has advised that the plant noise at this location should be equal to or below the prevailing background noise level. In order to comply with this, the Energy Centre should not generate noise levels (when measured at the site boundary with the properties along Glebe Road) any higher than 42dB(A) during the daytime and 35dB(A) during the night time. This requirement can be conditioned and will ensure that the proposal does not generate any noise disturbance to local residents.

#### Overlooking/loss of privacy

There is some concern regarding the internal arrangement of the first floor of the education centre, which would allow communal and teaching areas direct views into the rear gardens of dwellings approved on the Carbon Challenge site. Officers are content that suitable glazing which can be secured by condition will prevent any issues of overlooking.

#### e) **Ecology**

A bat survey has been undertaken to establish whether the proposed demolition would result in the loss of any areas used for bat roosting. The survey has concluded that due to the open nature of the Moys End Stand, and the floodlighting used at the stadium, that there is low potential for roosting bats. The Council's Wildlife Officer has agreed to these findings. However, the stand does offer areas for bird nesting and as such, demolition should be undertaken outside the breeding bird season (March to August inclusive). Subject to this, it is considered that the demolition and redevelopment proposal will not result in any detrimental impact upon nearby ecology.

#### f) **Ground contamination and remediation**

Owing to the previous use of the site and the geophysical nature of the surrounding area, a ground investigation report has been submitted in support of the application, including investigation on ground contamination and proposed remediation works. The study has highlighted elevated concentrations of benzo[a]pyrene and lead which would only cause detriment to health in residential and landscaping uses. Given that the site is to be re-landscaped, the remediation report suggests the removal of a sufficient thickness of surface layers and replacement of imported topsoil. In addition suitable gas infiltration measures have been submitted to the Local Planning Authority and have been agreed by the Council's Pollution Control Officer.

Furthermore, to ensure that no further unsuspected contamination is found to be present on the site, this element may be conditioned. The applicant must ensure that the implementation of the



remediation strategy be checked during construction, keep appropriate records and a Validation Report submitted to Officers to ensure that development has been carried out to an acceptable standard.

g) **Crime prevention and community safety**

The proposed development is subject to several risks in terms of crime and community safety: burglary; theft of and from motor vehicles; theft from facilities; assault; criminal damage; anti-social behaviour; crowd management; and potential terrorist attacks. Following consultation with the Cambridgeshire Constabulary Police Architectural Liaison Officer and Counter Terrorism Security Advisor, the applicant has submitted a Crime Impact and Counter Terrorism Statement which details the general principles for crime prevention and community safety matters that will be incorporated into the development.

The fine details of these measures are to be conditioned following detailed discussion with the Police. Notwithstanding this, the developer has demonstrated that security and community protection has been considered in the design of the proposal.

h) **Drainage and flood risk**

The Peterborough United Football ground is located within Flood Zone 1, at lowest risk of flooding incidents. Notwithstanding this, the site is underlain by shallow groundwater which may have hydraulic continuity with nearby surface waters (e.g. the River Nene located approximately 400m to the north of the site). As such, given the sensitivity of the site and contaminants present in the soil, the Environment Agency has requested a condition relating to unsuspected contamination to ensure that any unforeseen contaminants are appropriately dealt with.

Furthermore, whilst the site has a minimal risk of flooding from rivers, there is a potential risk of flooding caused by surface water run-off. The applicant is proposing that the site should achieve a 30% reduction in surface water run-off rates in comparison to original levels as the proposed development will increase the level of impermeable surface compared to the existing development. Subject to this provision, it is not anticipated that there will be any increase in the likelihood of flooding onsite, in the surrounding area or the adjacent Carbon Challenge site.

i) **Other matters**

Policy CS10

Given that the application scheme includes the provision of an Energy Centre, providing renewable energy through combined heat and power it is considered that this meets the requirements of Policy CS10 and therefore no further reduction in target emissions will be required.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

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

- The proposed Moys End Stand and education centre will provide a mixed use development of high quality, in a sustainable location which adheres to the general principles for the redevelopment of the South Bank Opportunity Area and the City Centre in accordance with PPS1 (2005), Policy CS4 of the Peterborough Core Strategy DPD (2011) and Policy CC11 of the Peterborough Local Plan (First Replacement);
- The design of the proposed development is innovative and of high quality which will not appear unduly incongruous within its setting in accordance with PPS1 (2005) and Policy CS16 of the Peterborough Core Strategy DPD (2011);
- The Energy Centre will offer low-carbon on-site renewable energy and contribute towards the City's Environment Capital agenda in accordance with PPS22 (2004) and Policies CS10 and CS11 of the Peterborough Core Strategy DPD (2011);
- The proposal will not result in any detrimental impact upon the amenities of occupants of neighbouring properties in accordance with PPG24 (1994) and Policy CS16 of the Peterborough Core Strategy DPD (2011);

- Suitable remediation can be carried out on contaminants found within the soil in accordance with PPS23 (2004);
- There will be no harmful impact upon ecology as a result of the proposal in accordance with PPS9 (2005) and Policy CS21 of the Peterborough Core Strategy DPD (2011); and
- The proposal will have no detrimental impact upon the flood risk of the surrounding area in accordance with PPS25 (2010) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

## **9 RECOMMENDATION**

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

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

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

**C2 No development (other than demolition and groundworks) shall take place until details of the following materials have been submitted to and approved in writing by the Local Planning Authority.**

- External cladding
- Windows and external doors (including obscure glazing)
- Rainwater goods
- External vents and ducting
- Any other external material

**The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except 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).

**C3 No development (other than demolition) shall take place within undeveloped areas of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**

Reason: To ensure that archaeological remains are (recovered or) not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Statement 5: Planning for the Historic Environment (2010) and Policy CS17 of the Peterborough Core Strategy DPD (2011).

**C4 Prior to the commencement of the demolition or development, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**

- **A scheme of chassis and wheel cleaning for demolition and construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;**
- **A scheme of working hours for demolition and construction and other site works;**
- **A scheme for access from the Parkway system, including measures to ensure that all demolition and construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;**
- **A scheme for parking of contractors vehicles;**
- **A scheme for access and deliveries including hours.**
- **Details of the vehicles visiting the site.**
- **Swept path analysis to demonstrate that the vehicles can safely access, turn within the site and exit the site in forward gear.**

- **Details of the site access to be used during the demolition and construction including geometry and all visibility splays.**
- **Details of where the waste is to be taken to.**

**The demolition and construction shall thereafter be carried out in accordance with the approved demolition and construction management plan, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order to ensure the amenities of surrounding residents are preserved and no obstruction to the adjacent public highway takes place in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011).

- C5 No development (other than demolition) shall take place on the site until a full Remediation Method Statement to deal with the contamination present on the site has been submitted to and approved in writing by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority. Upon completion of remediation, a Validation Report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the closure report.**

Reason: To ensure the proposed remediation plan is appropriate and all works are carried out to the require standard and in accordance with Planning Policy Statement 23: Planning and Pollution Control (2004).

- C6 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a Method Statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**

Reason: To ensure all contamination within the site is dealt with in accordance with Planning Policy Statement 23: Planning and Pollution Control (2004).

- C7 Notwithstanding the details hereby approved and prior to first use of the building, an education facility closure plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details in perpetuity.**

Reason: In the interests of creating safer and sustainable communities in accordance with Planning Policy Statement 1: Delivering Sustainable Development (2005).

- C8 The rating level of noise emitted from the site shall not exceed 42 dB LAeq, 1 hour between 07:00 and 23:00 Monday to Saturday and 35 dB LAeq, 5 minutes at any other time. The noise levels shall be determined at (the nearest noise sensitive premises.) The measurements and assessment should be made according to BS:4142:1997.**

Reason: In order to protect and preserve the amenities of occupants of nearby properties in accordance with Planning Policy Guidance 24: Planning and Noise (1994) and Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C9 Notwithstanding the details submitted in respect of Condition C2 above, the glazing specification to the external elevation of the new building should have a minimum manufacturers rating of at least Rw 33 dB.**

Reason: In order to ensure that occupants of the education centre do not experience an unacceptable level of noise disturbance in accordance with Planning Policy Guidance 24: Planning and Noise (1994).

- C10 Prior to first occupation of the stand/education centre hereby approved, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first**

planting season following the occupation of any building or the completion of development, whichever is the earlier.

The scheme shall include the following details:

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- Details of hard landscaped areas including materials
- Details of any street furniture and external lighting
- An implementation programme.

Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed, become diseased or unfit for purpose within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement) and Policies CS16 and CS21 of the Peterborough Core Strategy DPD (2011).

- C11** Prior to the first occupation of the development, the area shown for loading, unloading, parking and turning on drawing no. 4367-L107 Rev S1 shall be drained, surfaced and demarked in accordance with details to be submitted to and approved in writing by the Local Planning Authority. That area shall thereafter be retained for the purpose of the loading, unloading, parking and turning of vehicles in connection with the Peterborough United Football Club and education centre in perpetuity.

Reason: In the interest of Highway safety, in accordance with Policy T10 of the Peterborough Local Plan (First Replacement) (2005) and Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C12** Prior to first occupation of development, full details of 60 cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. These spaces shall be implemented in accordance with Peterborough City Councils Cycle Parking Standards prior to first use of the building hereby approved and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to promote more sustainable methods of transport in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C13** Prior to the first use of the building hereby approved, details of a yellow 'keep clear' box within the westbound carriageway of Cripple Sidings Lane adjacent to the new access road shall be submitted to and approved in writing by the Local Planning and then installed and thereafter maintained until such time as the road becomes adopted public highway.

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

- C14** Prior to first use of the building hereby approved, full details of the management of the car park shall be submitted to and approved in writing by the Local Planning Authority. The details shall include management of the car parking for both the education use and for match days associated with Peterborough United Football Club. The management of the car park shall be carried out in accordance with the approved details in perpetuity.

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

- C15** Prior to commencement of development (other than demolition), a travel plan shall be submitted to and approved in writing by the Local Planning Authority.

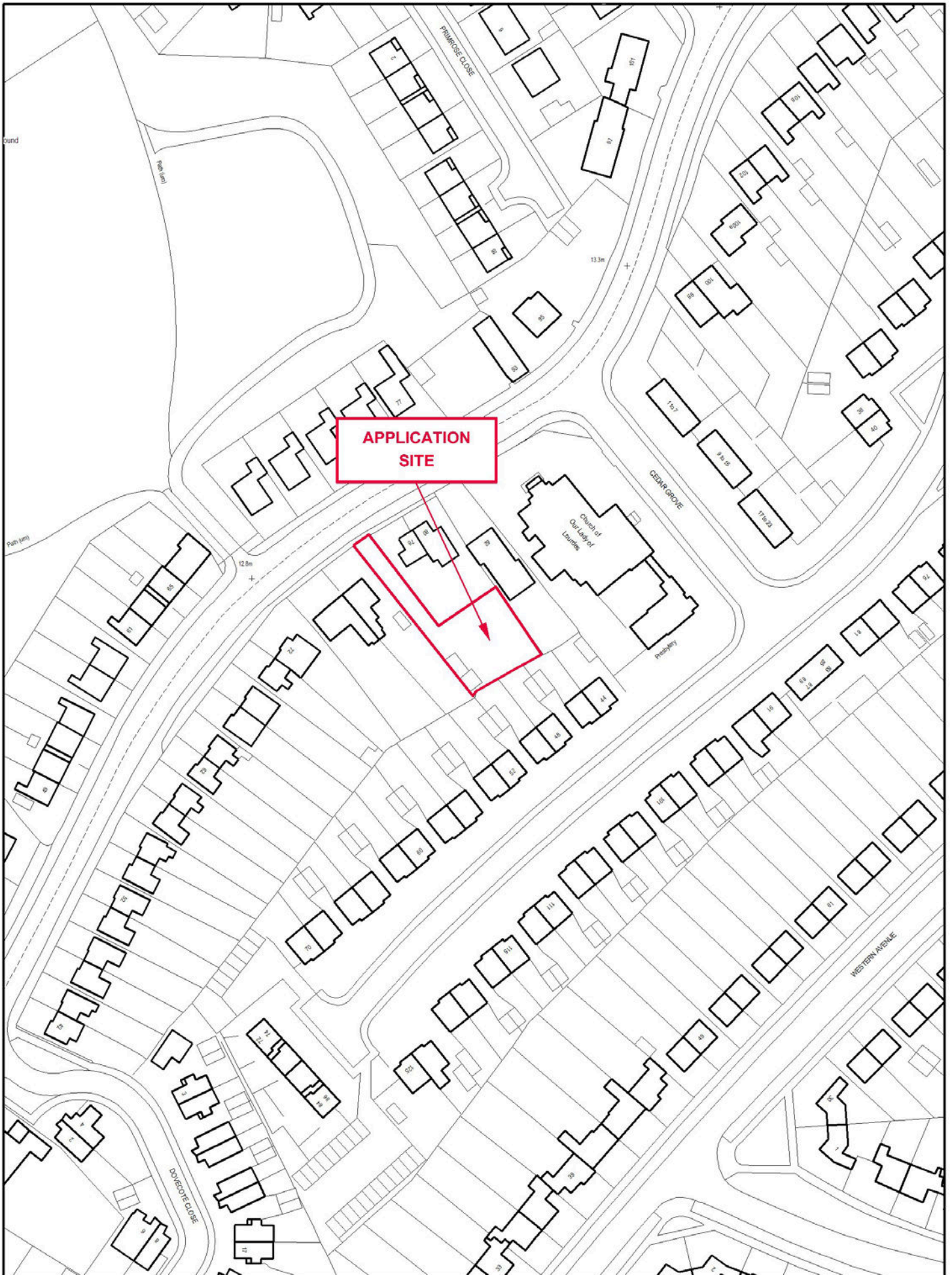
Reason: In order to promote more sustainable methods of transport in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C16** The vehicular access to the south-eastern corner of the site onto Glebe Road shall be for emergency vehicles only and shall be controlled in accordance with details submitted to and approved in writing by the Local Planning Authority.  
Reason: In order to protect the amenities of occupiers of nearby properties in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).
- C17** Prior to first use of the energy centre hereby approved, a scheme shall be submitted to and approved in writing by the local planning authority detailing the management of deliveries to and from the energy centre. The management of deliveries shall be carried out in accordance with the approved details in perpetuity.  
Reason: In order to protect the amenities of occupiers of nearby properties in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).
- C18** Notwithstanding the Crime Impact and Counter Terrorism Statement submitted, prior to first use of the building hereby permitted, a scheme including full details of all crime reduction and counter terrorism measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be installed in accordance with the approved details and prior to first use of the building.  
Reason: In the interests of creating safer and sustainable communities in accordance with Planning Policy Statement 1: Delivering Sustainable Development (2005).
- C19** Prior to commencement of development (other than demolition), full details of surface water drainage systems to be installed shall be submitted to and approved in writing by the Local Planning Authority. These systems shall be installed in accordance with the approved details.  
Reason: To ensure the development does not result in an increase in flood risk elsewhere, in accordance with Planning Policy Statement 25: Development and Flood Risk (2010) and Policy CS22 of the Peterborough Core Strategy DPD (2011).
- C20** Prior to commencement of development of the groundsmans store, full details of the elevations, roofing and external materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual appearance of the development in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011),

Copy to Councillors Benton, Lee and Serluca

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**LOCATION PLAN 11/01023/FUL**

Rear of 78 Welland Road, Dogsthorpe

PCC GIS

Scale 1:1250 Date 19/8/2011 Name AH Department Planning Services



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11/01023/FUL: CONSTRUCTION OF BUNGALOW (PART RETROSPECTIVE – PART AMENDMENT) AT LAND REAR OF 78 WELLAND ROAD, DOGSTHORPE, PETERBOROUGH

VALID: 5 JULY 2011

APPLICANT: MR P MILLER

AGENT: MR J DADGE (BARKER STOREY MATTHEWS)

REFERRED BY: COUNCILLOR C ASH

REASON: DEVELOPER HAS NOT ADHERED TO ORIGINAL PLANNING PERMISSION, SIGNIFICANT NEIGHBOUR OBJECTION AND DETAILED PLANNING HISTORY

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

TELEPHONE: 01733 454439

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

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the development on neighbour amenity

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

## 2 PLANNING POLICY

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

### Peterborough Core Strategy DPD (2011)

**CS2 Spatial Strategy for the Location of Residential Development:** New residential development should be focused in and around the urban area, creating strong, sustainable, cohesive and inclusive mixed-use communities and making most effective use of previously developed land.

**CS10 Environment Capital:** Development proposals will only be supported where they make a clear contribution to the aspiration of the Peterborough Sustainable Community Strategy for Peterborough to become the Environment Capital of the UK.

**CS12 Infrastructure:** New development should be supported by, and have good access to infrastructure.

**CS13 Developer Contributions to Infrastructure Provision:** Where a planning obligation is required to meet the principles of Policy CS12, then this may be negotiated on a site-by-site basis however the City Council will encourage payments based on a standard charge set out in the Peterborough Planning Obligations Implementation Strategy SPD (2010).

**CS14 Transport:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

## **Peterborough Local Plan (First Replacement) (2005)**

**H7 Housing Development on Unallocated Sites:** Residential development in the Urban Area, not allocated for any other use, will be permitted where it would make efficient use of the site in terms of density; respects the character of the surrounding area; provides good quality living conditions; does not result in a danger to highways safety or traffic flow; would not unacceptably constrain development of adjoining land for an allocated use; and would not result in the loss of open space.

**H16 Residential Design and Amenity:** New residential development will be required to provide a satisfactory standard of daylight and natural sunlight; privacy of habitable rooms; noise attenuation; and private outdoor amenity space.

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

**DA6 Tandem, Backland and Piecemeal Development:** Tandem, backland or other piecemeal development will be required to demonstrate that it can be satisfactorily accommodated on the site in terms of scale and density; would not harm the character of the area; would not harm the amenities of neighbouring residents; can be satisfactorily accessed from the public highway; and would not prejudice the comprehensive development of a larger area.

## **National Planning Policies**

### **National Planning Policy Framework (NPPF) Consultation Draft (2011)**

### **Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)**

### **Planning Policy Statement 3 (PPS3): Housing (2010)**

### **Circular 05/2005: Planning Obligations**

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

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

In addition Circular 05/2005 states the following principles:

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

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

## **3 DESCRIPTION OF PROPOSAL**

The application relates to an existing 3 bedroom bungalow which has not been built in accordance with the approved plans. The as-built dwelling differs from the approved scheme (01/01585/FUL) in the following ways:

- Footprint of dwelling increased;
- Dwelling built 0.5 metres closer to the southern boundary;

- Dwelling built 1 metre closer to northern boundary;
- Garage built 1.5 metres closer to southern boundary;
- North-western corner of the dwelling 'filled out' and dwelling constructed 5 metres closer to the southern boundary;
- Arrangement of rooms internally altered to increase the number of primary habitable rooms facing Nos.46-50 Figtree Walk;
- 2.5 metre boundary breeze block wall;
- Alterations to front elevation design;
- Number of windows to the southern elevation increased and size of windows increased also; and
- Ridge height increased by 0.7 metres.

This application includes a series of proposed amendments, which the applicant believes will address the concerns raised by Offices, Members and residents.

This revised scheme has been submitted following extensive discussion between the Applicant, Officers, Ward Councillors and local residents of Figtree Walk albeit it is accepted that the proposal may not overcome all concerns raised by local residents. The revisions to the dwelling include a reduction in the ridge height of the roof to that approved under application reference 01/01585/FUL, construction of a 1.8 metre high close boarded boundary fence, alterations to the glazing of the rear elevation and restriction to the outdoor lighting. The scheme proposes replacement of all four no. double patio doors with fixed standard glazed windows and insertion of a 400mm strip of obscure glazing.

There have been several applications submitted to regularise the situation however none have been successful and at present, the dwelling has no planning permission. Furthermore, an Enforcement Notice requiring the dwelling to be amended in line with the approved plans under application reference 01/01585/FUL was served upon the owner on 3<sup>rd</sup> August 2010. This Notice was appealed and upheld, with the period of compliance extended to 6<sup>th</sup> December 2011.

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

The site was previously part of the rear private gardens to Nos. 78 and 80 Welland Road, a pair of semi-detached dwelling houses. The site is bound to the north east by part of the side wall and the rear garden to No.82 Welland Road and to the south east by the rear gardens of properties along Figtree Walk.

The dwelling itself is situated to the rear of the plot, at its narrowest approximately 2 metres from the rear boundary wall and at its widest 3.2 metres. The form is roughly 'L-shaped' with the main amenity area to the front of the dwelling. A detached garage is situated close to the boundary on the south-west side and access to the highway is provided via a driveway along side No.78 Welland Road. The driveway has not been completed.

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
01/01585/FUL	Erection of dwelling	26.02.2002	PERMITTED
08/00615/FUL	Amendments to bungalow design under application 01/01585/FUL – retrospective	30.06.2008	WITHDRAWN
08/01120/FUL	Erection of a 4 bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme	23.12.2008	REFUSED
09/00170/FUL	Erection of a three bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme (as built)	24.04.2009	REFUSED
09/00029/REFPP	Appeal A/09/2107626/WF in relation to application reference 09/00170/FUL	22.12.2009	DISMISSED
09/01266/FUL	Construction of a three bedroom bungalow and	19.01.2010	WITHDRAWN

	single garage with rear boundary wall and 2.2m reed fencing and part obscure glazing to rear windows and doors – retrospective revised scheme		
10/00554/FUL	Retention of dwelling including alterations to rear boundary wall and window glazing	06.07.2010	REFUSED
10/00032/REFPP	Appeal A/10/2131460/WF in relation to application reference 10/00554/FUL and Enforcement Notice	06.12.2010	DISMISSED

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

Archaeological Officer – No objections

Transport and Engineering – No objections subject to conditions relating to the provision and retention of parking and turning

### **EXTERNAL**

None

### **NEIGHBOURS**

Letters of objection have been received from 2 neighbours raising the following issues:

- The Enforcement Notice should be upheld as the proposed alterations do not address the reasons for its issue
- Concern that the alterations (if approved) would not remain as the applicant has failed to comply with the planning permission since development began
- Proposed landscaping does not fulfil the same role as the trees and hedging removed
- Reduced ridge height will still have a substantial impact on properties along Figtree Walk
- Too close to the boundary
- Loss of aspect/view
- Noise and nuisance generally
- Poor design and unacceptable size/scale
- How many times must a planning application be rightly refused and independent appeals be dismissed before the property is removed

### **COUNCILLORS**

**Councillor Ash** – In light of previous history, the application should go to Committee for debate and decision.

**Councillor Saltmarsh** – Objections remain the same, the bungalow should be built as per the original specification with a lower roof and further away from the fence which is in the rear gardens of the properties in Figtree Walk (Nos. 48 and 50 being worst affected). The height and the near proximity of the bungalow affect the quality of life of neighbouring residents as it is very intrusive and not in keeping with properties in the area.

## **7 REASONING**

### **a) Introduction**

There is a long planning history on the site dating back to the implementation of the original planning permission (reference 01/01585/FUL). The current position is the result of an enforcement enquiry which established that the bungalow was not being built in accordance with the approved plans.

The first revised application (08/00615/FUL) was withdrawn due to inaccuracy of the submitted plans. The second application (08/01120/FUL) was refused by Members on 23 December 2008. A third application (reference 09/00170/FUL) was again refused by Members on 26 April 2009 and the

subsequent appeal was dismissed. The reasons for dismissal related to the increased number of openings (and their size) in the rear elevation from that which was approved and the significant overlooking impact this caused to properties along Figtree Walk, the insufficient separation distance which conflicts with the aims and objectives of the Peterborough Residential Design Guide (SPG), and the overbearing impact upon residents along Figtree Walk of the proposed boundary wall. A revised scheme (09/01266/FUL) attempting to address the Inspectors concerns, was withdrawn on 19 January 2010. Following this, a further revised scheme (10/00554/FUL) was submitted again attempting to address the Inspectors concerns in April 2010. This was refused by Members against Officer recommendation on 6 July 2010 for the following reason:

*R1 The proposal for the wall and window alterations has arisen as a response to the fact that the dwelling has not been built in accordance with the approved plans. The development has been constructed so it is taller and closer to the boundary with the adjacent Figtree Walk properties with a greater area of fenestration facing them. The proposed wall, whilst preventing overlooking, will be of such a height that it will have an overbearing and detrimental impact on the amenity of the adjacent residents in Figtree Walk and does not overcome the overbearing impact of the dwelling itself which arises as a result of it being built significantly closer and taller than the previously approved plans. The proposal is therefore contrary to the provisions of Adopted Local Plan Policies DA2 and DA6 (Peterborough Local Plan, First Replacement, Adopted 2005).*

As a result of the refusal, an Enforcement Notice was served on the landowner and an appeal lodged relating to both the Enforcement Notice and refusal of application 10/00554/FUL. The appeal was dismissed on 6 December 2010 and the time limit for compliance varied until 6 December 2011. The Inspector's report stated:

*'...in making his case on ground (f) the appellant's agent itemises a number of proposals which, in my judgement, may have the making of a potential planning permission, which could be capable of satisfying, as far as possible, the concerns of the various parties involved in these appeals. He suggests for instance a reduction in the overall height of the roof to equate to that approved. He also indicates that some repositioning of the back wall in part may be possible without demolishing the present bungalow in its entirety. Matters of this sort would need to be the subject of a fresh planning application. It is not my normal approach to indicate in an appeal decision what areas such a revised application should address. However, there have been various attempts at getting a form of development that would allow the new bungalow to co-exist with its well established neighbours in Figtree Walk and to my mind it seems counterproductive to try to replicate another Inspector's ideas only for another planning application to be rejected yet again. It would be far better if the parties to this dispute were to resolve this matter among themselves without involving The Planning Inspectorate anymore.'*

As such, the current application proposal has been submitted in order to try and amend the development to an acceptable scheme.

**b) Principle of development**

The principle of infill development in this location has already been established under application reference 01/01585/FUL. The site is capable of accommodating the level of development without appearing cramped and as such, is considered acceptable.

**c) Impact on the amenity of neighbouring properties**

As permission was previously granted for a bungalow on the site, the issue is not how much the impact on neighbours has changed from that approved under 01/01585/FUL, but whether the impact of what has been built and the changes proposed is unacceptable.

The impact on the amenity of neighbouring properties should be considered against No.82 Welland Road and the properties adjoining the site along Figtree Walk. Each of these will be discussed in turn.

No.82 Welland Road

The maximum ridge height of the dwelling constructed has not altered significantly in relation to No.82 Welland Road from the bungalow previously approved albeit the dwelling has been built approximately 0.7 metres closer to the shared boundary (eastern). It is considered that there is sufficient separation distance between the application dwelling and the neighbouring property to ensure that no overbearing or overshadowing impact will occur and as such, the impact on this property has not significantly changed.

#### Nos.46-50 Figtree Walk

The previously permitted bungalow had a smaller footprint and the ridge height was approximately 0.4 metres lower than that which has been built (ridge height of 5.2 metres). In addition, the dwelling constructed is approximately 1 metre closer to the southern boundary which abuts the properties along Figtree Walk. These neighbouring properties have a lower site level to that of the application site and as such, the property has been considered to have an overbearing impact upon the amenities of occupants of these dwellings.

The application scheme currently under consideration, seeks to overcome this impact by reducing the overall ridge height of the dwelling by 0.4 metres, back to that which was previously approved under application reference 01/01585/FUL. It is considered that whilst the separation distance will not be altered, the development as amended would not result in a significantly overbearing impact upon the amenities of neighbouring residents. Furthermore, the issue of loss of view is not a material planning consideration as there is no right in planning law to a private view.

With regards to the overlooking impact that was considered unacceptable in previous refusals and appeal dismissals, this scheme has sought to overcome these objections. The proposed 1.8 metre boundary fence in combination with the proposed obscure glazing and alterations to the window form of the rear elevation will prevent any occupant of the application dwelling from looking into the gardens and primary habitable rooms of neighbouring properties. At present, there are four no. sets of double patio doors inserted into the rear elevation of the dwelling. It is proposed that all of these will be replaced with static standard glazed windows. In addition to these replacement windows, all windows in the southern elevation are proposed to have the top 400mm obscure glazed. This will ensure that any person standing in these rooms will not have a clear line of sight below the boundary wall.

In relation to the boundary fence and in line with the preferences expressed by surrounding neighbours at pre-application discussions, it is proposed that the fence will stand at 1.8 metres in height when measured from the application site. When measured from the rear gardens of Figtree Walk, this will reach a height of 2.3 metres. It is understood that the previous Appeal dismissal commented on the overbearing impact that a significant boundary wall would have upon the amenities of surrounding residents however the current proposal has sought to reduce the height of the boundary whilst maintaining a height which will prevent overlooking. It had previously been requested by one resident that boundary planting in the form of trees be undertaken to further screen the dwelling. However, given the small area between the boundary and the dwelling constructed this is not considered appropriate or feasible. Such planting would result in a significantly overshadowing impact upon the occupants of the dwelling and would cause an unacceptably harmful impact upon amenity. In addition, maintenance of this landscaped area would be difficult and unachievable.

Further to this, concern has been raised regarding outside lighting that has been erected on the application property. The applicant has agreed that any external lighting be placed no higher than 1.6 metres above ground level when measured from the application site. This would ensure that any lights were behind the proposed boundary fence and as such, will not glare into the rear gardens and habitable rooms of the properties along Figtree Walk. This may be controlled by condition.

#### d) **Planning Obligations**

The original permission was granted without contribution and under the provisions of the Planning Obligation Implementation Scheme SPD adopted on 8 February 2010 a contribution of £6000 plus a monitoring fee of £120 is required. The applicant has agreed to enter into such an agreement and the process is currently ongoing.

e) **Other matters**

Imposition of Policy CS10

The provisions of Policy CS10 cannot realistically be applied as the dwelling is effectively completed and it would not be possible to retrofit features that would deliver a 10% betterment over building regulations.

In addition, the following comments have also been made:

The Enforcement Notice should be upheld as the proposed alterations do not address the reasons for its issue

The Enforcement Notice served on the owner is still in force and must be complied with by 6<sup>th</sup> December 2011. However, the applicant has the right to submit a planning application during this time to try and overcome the reasons for its issue. This scheme is currently under determination and is the subject of Members decision.

Concern that the alterations (if approved) would not remain as the applicant has failed to comply with the planning permission since development began

The current scheme (if approved) would reduce the overall ridge height of the development by some 0.4 metres. Any increase in the ridge height would require planning permission from this Authority and if works are carried out without permission, Enforcement action would be taken. With regards to the glazing alterations and boundary wall, it is proposed that these are conditioned to remain in perpetuity.

Proposed landscaping does not fulfil the same role as the trees and hedging removed

It is accepted that the proposed landscaping of climbers would not fulfil the same role as the mature trees and hedging that were removed. However, for the reasons given above, the planting of trees along the boundary would not be an acceptable option.

How many times must a planning application be rightly refused and independent appeals be dismissed before the property is removed?

It is a function of the planning system and of Council's Planning Services to provide planning advice to applicants and to process, assess and formulate recommendations relating to applications made in accordance with the relevant legislation, regulations and guidance. These processes and procedures have been applied with regards to this application. The Enforcement Notice served on the site is still in force and, should this application be refused, must be complied with by 6<sup>th</sup> December 2011.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

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

- The bungalow is situated on a residential area on an unallocated site. Development is considered to be in keeping with the character of the area, providing adequate living conditions for residents and suitable highway access
- The impact on occupiers of neighbouring properties is not substantially worse than the impact of the development permitted under 01/01585/FUL and the proposed mitigation measures will prevent any issues of overlooking.

The proposal is therefore in accordance with Planning Policy Statement1: Delivering Sustainable Development (2005), Planning Policy Statement 3: Housing (2010), Policies CS2, CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies H7, H16, and DA6 of the Peterborough Local Plan (First Replacement) (2005).

## 9 **RECOMMENDATION**

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

- C1** Within three months of the date of this permission, the alterations to the southern elevation of the constructed dwelling shall be implemented in accordance with the details shown on drawing no. 4125/1.  
Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).
- C2** The dwelling hereby permitted shall be of single storey only; with no habitable accommodation in the roof space.  
Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).
- C3** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the top 400mm of any windows on the southern elevation of the dwelling shall be obscure glazed to a minimum of Level 3 Obscurity. These windows shall be maintained as such in perpetuity.  
Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).
- C4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no windows shall be inserted into any roof slope of the dwelling other than those expressly authorised by this permission.  
Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).
- C5** Any external lighting installed on the southern elevation of the dwelling hereby permitted, shall be sited no higher than 1.6 metres above ground level.  
Reason: In the interests of the amenity of neighbouring residents in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

If the S106 has not been completed before the expiration of the application following this resolution without good cause, the Head of Planning, Transport and Engineering Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure a contribution towards infrastructure implications of the proposal however, no S106 Obligation has been completed and the proposal is therefore considered to be contrary to Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).

Copy to Councillors Ash, Miners, Saltmarsh





**LOCATION PLAN** 11/01058/FUL

93 Eastfield Road

PCC GIS



**PETERBOROUGH**



CITY COUNCIL

**Scale** 1:1250 **Date** 19/8/2011 **Name** AH **Department** Planning Services

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11/01058/FUL: EXTENSION AND INSTALLATION OF NEW SHOP WINDOW AND ROLLER SHUTTER AND CHANGE OF USE OF SHOP FROM A1 TO A5 HOT FOOD TAKEAWAY AT 93 EASTFIELD ROAD, PETERBOROUGH

VALID: 11 JULY 2011

APPLICANT: MR F CALITRI

AGENT: MR P BRANSTON

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: COUNCILLOR GOLDSPIK HAS AN OUTGOING LEASE INTEREST IN THE PROPERTY

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

TELEPHONE: 01733 454439

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

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact of the development on neighbour amenity – crime and anti-social behaviour
- Noise and fumes from extraction equipment
- Highways implications

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

## 2 PLANNING POLICY

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

### Peterborough Core Strategy DPD (2011)

**CS14 Transport:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

**CS15 Retail:** The strategy for retail development in Peterborough will be to support and regenerate the City Centre to maintain its position at the top of the retail hierarchy; support and regenerate where necessary existing District and Local Centres to ensure they cater for the retail needs of the communities they serve; and apply the national policy approach of PPS4 in decision making.

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

### Peterborough Local Plan (First Replacement) (2005)

**R9 Non-Retail Uses in Other Retail Frontages of District and Local Centres:** Planning permission for non-retail uses outside primary retail frontages in District and Local Centres will be granted provided that the use would not be inappropriate within a retail centre; would cause a deficiency in local convenience shopping facilities; be likely to generate levels of traffic or parking that would result in

unacceptable congestion or road safety hazard; or be likely to have an unacceptably detrimental effect on the amenities of occupiers of nearby properties.

**DA19 Shop Fronts:** Planning permission for any new, replacement or altered shop front will only be granted if its design would be sympathetic to the building to which it would be fitted; it would not detract from the character and appearance of the street as a whole; and any advertising material is incorporated as an integral part of the design.

**DA20 Security Shutters:** Planning permission for the installation of an external security shutter will be granted only where the City Council is satisfied that there is a persistent problem of crime or vandalism and the property is not a listed building or located in a conservation area; the shutter is designed to a high standard, taking account of the design features of the frontage to which it would be installed.

### **National Planning Policies**

**National Planning Policy Framework (NPPF) Consultation Draft (2011)**

**Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)**

**Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth (2009)**

**Planning Policy Statement 23 (PPS23): Planning and Pollution Control (2004)**

**Planning Policy Guidance 24 (PPG24): Planning and Noise (1994)**

### **3 DESCRIPTION OF PROPOSAL**

The application seeks planning permission for the change of use of an existing A1 retail shop currently selling wigs and hair accessories to an A5 hot food takeaway. According to the applicant this unit is soon to be vacated. No details have been provided of the proposed occupant however it is proposed for the unit to have a kitchen to the rear, a servery and shop area with five seats for waiting customers.

In addition permission is sought for an extension of the shop front including new shop window and security roller shutters. The proposed extension measures 1.2 metres in width to incorporate an additional door. The proposed roller shutters are to have perforations of no less than 150mm x 150mm and will extend across the entire of the new shop front.

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

The application site comprises a two storey mid-terraced Victorian building located on Eastfield Road, close to the junction with Padholme Road and opposite the cemetery. The site is located within an identified Local Centre within the Peterborough Local Plan (First Replacement) (2005) albeit there is no primary retail frontage.

The properties either side of the application site are of A1 retail use (specifically a convenience store/off license and a former domestic appliance store that is now vacant). There is also an existing hot food takeaway within the Local Centre. There is no off road parking provided at the site and Eastfield Road is restricted by double yellow lines preventing parking immediately to the front of the site. Parking is provided on-road to the south and north of the site albeit this is restricted.

### **5 PLANNING HISTORY**

None

**INTERNAL**

**Pollution Control Officer** – Further information is required to determine whether the proposed extraction system will be sufficient. Sound Power Level (SWL) data is required to enable an adequate assessment of the likely impact on local residents. Information on stack height, location, design and efflux velocity is also required. Due to the proximity of the proposed new business to residents, the hours of business use should be considered.

**Transport and Engineering** – No objections.

**EXTERNAL**

**Cambridgeshire Constabulary Police Architectural Liaison Officer** – I would assess the potential of crime risk to any new Hot Food Take away, “which shutters would prevent”, as low to moderate. If you do not support the fitting of external shutters, the applicant could also be considered installing internal shutters as shown in the photograph supplied, together with heavy duty laminated windows and doors, tested to minimum security standard of LPS 1175 SR2 or higher. Such windows and doors would still be prone to damage, but would, under normal conditions, be resistant to forced entry for up to 15 minutes.

The local Neighbourhood Police Team Sergeant who is responsible for the policing of this area has been consulted and has raised fundamental concerns in respect of this application. In summary, the points of concern raised are:

- There is an existing problem of cars being parked on footpaths and illegally causing obstructions
- The provision for parking is poor, there is already consistent illegal parking on Padholme Road especially on the junction
- There are insufficient bins in the area, which already causes litter in the immediate vicinity.

Detailed crime research indicates that in the previous 24 months there have been 42 reports of Rowdy and Nuisance behaviour close to the premises. Anti social behaviour figures are the top scores. A Hot Food Take Away would not improve the situation and is likely to lead to an increase in incidents of this nature. Crime and anti-social behaviour at this type of premises is often made worse due to the effect of customers at takeaways, late at night, who have been drinking. The typical situation is that when licensed premises close for the evening the clientele move on to the nearest takeaways. The shops themselves are often small. This leads to groups of customers who are intoxicated being squeezed into confined areas inside and queues or others hanging around outside. Under these conditions arguments can quickly escalate into incidents of crime, disorder and noise, which all adds to the disturbance to local residents.

**NEIGHBOURS**

One letter of objection has been received from a local resident with regards to the application proposal. A copy of this letter has been provided at Appendix A of this report.

**COUNCILLORS**

**Councillor Goldspink** – I support the resident’s views and wish to see this application determined by committee. There is no need for another take away in this area and I believe the application should be refused, for all the valid reasons set out by Mr Straker. Further the landlord has let the property deteriorate despite regular requests from the current tenants to make it fit for use.

**Rt Hon Stewart Jackson MP** – Request that the application be referred to Committee for determination.



a) **Principle of development**

Policy R9 of the Peterborough Local Plan (First Replacement) (2005) supports the change of use to non-retail uses providing that several criteria are met. At present there are a number of non-retail premises within the Eastfield Road Local Centre albeit the frontage in which the application site is situated has good provision of local convenience shopping facilities including a Post Office. However, for the reasons given in parts c and d below specifically the impact upon neighbour amenity as a result of disturbance and anti-social behaviour, it is considered that the principle of use as an A5 hot food takeaway is unacceptable and cannot be supported.

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

Part of the application proposal includes the extension of the existing shop front to create a larger window frontage. It is considered that the design of the extended shop front has sought to respect and reflect the size, scale and architectural proportions of the original building. Given the character of the Local Centre and neighbouring properties, the proposed shop front would not appear incongruous or at odds within the streetscene. As such, no harm to the visual amenity of the local area would occur. This element of the application proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy DA19 of Peterborough Local Plan (First Replacement) (2005).

With regards to the proposed roller shutters, Policy DA20 of the Peterborough Local Plan (First Replacement) (2005) clearly states that the City Council must be satisfied that there is a persistent problem of crime or vandalism affecting a property which cannot be satisfactorily or reasonably addressed by alternative measures. The Architectural Liaison Officer has recommended that the risk to the application site of crimes that shutters would prevent is only low to moderate. As such, it is considered that the principle of the installation of security roller shutters is not accepted. Alternative measures could readily be implemented if required.

c) **Impact of the development on neighbour amenity – crime and anti-social behaviour**

Objection has been received from one resident with regards to the detrimental impact of the proposal upon the amenities of surrounding neighbours. In addition to this, the Cambridgeshire Constabulary Police Architectural Liaison Officer and local Sergeant have raised concerns with regards to anti-social behaviour. From statistics provided by the Police, in addition to 6 reported incidents of crime, over the previous 24 months there were 42 reports of Rowdy/Nuisance behaviour in and around the applicants address.

It is considered that the proposed change of use to a hot food takeaway will result in an unacceptable increase in incidences of rowdy/nuisance and anti-social behaviour. As mentioned in the applicant's own Crime Area Statement containing data which has been taken from the City Council's public access mapping system, the area surrounding the application site is a highly active area for street level crime and anti-social behaviour (figures of which are the top scores). This evidence in addition to the above reports of anti-social behaviour clearly indicate that the introduction of a hot food takeaway in the area would not improve the current situation and is instead likely to lead to an increase in incidents of this nature.

The Cambridgeshire Constabulary Police Architectural Liaison Officer advises that the type of use proposed is generally associated with crime and anti-social behaviour. Typically, given the small nature of the premises, groups of customers who are often intoxicated, are squeezed into confined areas inside and queues or others congregating outside. Under these conditions, arguments can quickly escalate and lead to incidents of crime, disorder and noise which in turn result in disturbance to neighbouring residential premises. As such, it is considered that the proposal is likely to result in detriment to the amenities of these occupants, contrary to Planning Policy Statement 1 (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005).

Officers consider that planning conditions would not alleviate the problems associated to a take away use in this location.

d) **Noise and fumes from extraction equipment**

Some details relating to the extraction and ventilation equipment associated with the proposed use have been provided. Further details are, however, required in order to be content that no unacceptable levels of emission, noise and odour result. This could reasonably be met through conditioning an approval and therefore cannot be used as a reason for refusing the application.

e) **Highways implications**

It is acknowledged that one of the key grounds for the objections received from the local resident and Police Architectural Liaison Officer bases upon the impact on the highways network and most notably, the poor level of parking in the area resulting in cars parking on the footway creating an illegal obstruction. Whilst these objections are valid, Highways Engineers have considered the application proposal and have raised no objections. Given that the application site is located within a Local Centre and that the current use is retail, it is considered that the proposed change of use would not result in an intensification in demand for parking and as such, any objection on highways grounds could not be sustained or supported at appeal.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

It is considered that the proposed change of use from A1 retail unit to A5 hot food takeaway is unacceptable and contrary to the relevant development plan policies against which any proposal must be assessed. Particularly, the proposal would result in an increase in the levels of crime and anti-social behaviour in the area which in turn, would lead to a detrimental impact upon the amenities of surrounding residential properties by virtue of noise and general disturbance. This is contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005).

Furthermore, the applicant has failed to satisfy the City Council's requirement that there is a clear need for security roller shutters as a result of crime and vandalism affecting the property. As such, it is considered that the proposal would result in the unnecessary proliferation of roller shutters within the area, resulting in harm to the character, appearance and visual amenity of the locality.

## **9 RECOMMENDATION**

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

- R1** The proposed change of use from an A1 retail unit to A5 hot food takeaway is likely to result in increased levels of rowdy/nuisance and anti-social behaviour already experienced within the surrounding area. As such, the proposal will result in significant noise and general disturbance to the occupants of surrounding residential properties, to the detriment of their amenity and contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005) which state:

Paragraph 27 of PPS1

In preparing development plans, planning authorities should seek to:

- iii. Promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community.

Policy CS16

High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. Design solutions should take the following principles into account:

- New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

Policy R9

At locations within District and Local Centres but outside primary retail frontages, planning permission will be granted for non-A1 uses, provided that the proposal would not:

- (a) be inappropriate within a retail centre; or
- (b) cause, or contribute to, a deficiency in local convenience shopping facilities; or
- (c) be likely to generate levels of traffic or parking which would result in unacceptable congestion or road safety hazard; or
- (d) be likely to have an unacceptably detrimental effect on the amenities of occupiers of nearby properties.

**R2** The City Council is not satisfied that there is a persistent problem of crime or vandalism affecting the application property which cannot be satisfactorily and reasonably addressed by alternative measures. The proposal is therefore contrary to Policy DA20 of the Peterborough Local Plan (First Replacement) (2005) which states:

**Policy DA20**

Planning permission for the installation of an external security shutter will be granted only where the City Council is satisfied that there is a persistent problem of crime or vandalism affecting the property which cannot be satisfactorily and reasonably addressed by alternative measures, and:

- (a) the property is not a listed building or situated in a conservation area; and
- (b) the shutter is designed to a high standard, taking account of the design features of the frontage to which it would be installed.

Copy to Councillors Goldspink, Shabbir and Todd



## Appendix A – Objection letter from Mr C Straker

Head of Community Safety  
Operations Directorate  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

4<sup>th</sup> August 2011

Dear Sir/Madam

Ref: Road Safety, Parking Issues, Antisocial Behaviour and Community Safety in Eastfield Road, Peterborough & Planning Application (Change of Use) – 93 Eastfield Road, Peterborough (11/01058/FUL).

I am writing to you with reference to the enclosed copy letter regarding a recent planning application at 93 Eastfield Road in Peterborough.

I feel that this copy letter is self-explanatory. However I would like address issues surrounding Road Safety, Parking, Antisocial Behaviour and Community Safety, which I believe are now of paramount concern to residents living in this area. And I understand that various people such as the Police, Community Safety groups and local Councillors have been involved in raising and dealing with these issues also.

I believe that this current planning application and all others concerning past, current and possible future business in this area, are closely linked to and are mainly responsible for having made a major contribution to the impact in creating these negative issues which have arisen in this part of Eastfield Road.

Therefore I feel that any current and future applications for business in this area need to be carefully considered, so as to not create any future or add to any currently existing negative issues affecting this area.

Due to the very high concentration of business selling food and alcohol in such a densely populated residential area, this area has suffered severely in the past few years from a plague of antisocial behaviour, mainly related to the sale and consumption of food and alcohol, but this has also brought with it serious concerns surrounding road and personal safety.

Therefore as I recognise that these issues cross boundaries and require a multidisciplinary approach, I have also copied this letter to other organisations I feel relevant such as Parking Services, The Police and Local Councillors.

Therefore as I recognise that these issues cross boundaries and require a multidisciplinary approach, I have also copied this letter to other organisations I feel relevant such as Parking Services, The Police and Local Councillors.

I would like to address the following issues:

**Area:** The main area in question is the Eastfield Road, from the beginning at the large roundabout, up to the Princess Gardens Road junction. Whilst this area is predominantly a residential area, there are a substantial number of businesses operating also. Most of these businesses occupy the ground floor of the property, with the upper floors being residential flats or apartments. In this area there are a total of 30 visible businesses, with 15 of them, that is 50% selling food until late. At least 9 of these businesses are also selling alcohol. In the last few years this area has seen a mushroom growth of these 'Off-Licence' style shops and 'Fast-Food' outlets with many being open until 2am in the morning, and in line there has

also been a dramatic increase in Antisocial Behaviour, Parking, Road Safety and Community Safety issues.

**Parking:** This small area has a mixture of both parking permit bays for residents and short term parking bays for visitors to the various businesses. However I have noticed that few customers use these designated parking bays and choose instead to park on double yellow lines or on pavements. I have outlined in my copy letter the main reason why people park on double yellow lines. However too many customers are blocking footpaths, forcing pedestrians to walk on the road. This is of course extremely hazardous, especially for those with pets, mobility issues, pushchairs, prams and for wheelchair users as an example.

Many of those parking on the pavements, appear to be the owners or staff at the shops, but some residents are also committing this offence. I have noted that there are some houses where the owner has removed the front garden wall and paved over the front garden, thus creating a parking space. However they have to drive over a raised kerb and still then a substantial portion of their vehicle is protruding onto the pathway, causing blockage and inconvenience for pedestrians. Some of the shops appear to have done this also. I had understood that it was an offence to park on a footpath, yet the Traffic Wardens (as I have discussed in my copy letter) appear to be ignoring this fact and doing nothing to contribute to Road Safety!

It is clear that parking resources in this area are insufficient to cater for or cope with the volume of customers these businesses generate. And therefore careful consideration should be given to these issues before any further permissions for additional business are granted in this area.

I personally would like to see the rising of all dropped kerbs in this area, except for where the property has a genuinely authorised right of access to a designated driveway. The path and roadway are in places wide enough to provide additional parking spaces on both sides of the road. However I am uncertain as to how far into the pathway the shops boundaries extend. But in some places you literally have the shop boundary, then cars parking on the pavement. The area between 'Upgrade Barber's' at No.30 and 'A2Z Food and Wine Centre' at No.48 is especially prone to this problem.

However towards the other end where you have the Traffic Light T Junction onto Padholme Road, there is a serious issue with people parking on double yellow lines so close to the junction as to cause a serious and hazardous situation. The worst places for this offence are right outside the Post Office, with the Royal Mail Van itself being a daily offender, and right outside 93 Eastfield Road, which coincidentally is where the aforementioned planning application is for!

**Road Safety:** Having made the above comments concerning parking, I feel that it is now clear what the Road Safety issues are in this area. People parking so as to block the view for other car drivers at junctions, blocking views for pedestrians, forcing pedestrians to walk into the road, parking on footpaths rather than in designated parking spaces etc.

**Sale of Fast Food:** This small area of Eastfield Road appears to have become saturated with food outlets. As shown in my copy letter, there are now over 16 businesses selling food in this small area, with at least 9 of them selling alcohol. Whilst I have no issue with people selling or purchasing these items, I question the need for such a high density of these outlets in this small area, and do not feel that any future applications for such outlets can now be justified in this section of road. I am concerned that any additional outlets will add to the already existing problems discussed and place additional burden upon the already stretched resources of local services.

**Sale of Alcohol:** My comments on the sale of alcohol are much as above for 'Fast Food'. However I would like to add that since PCC in their wisdom introduced 'No Drinking' zones into the city, all that has happened is the problem has moved out of the City Centre and into areas such as Eastfield Road. PCC are fully aware that these policies do nothing to resolve such issues, they merely transfer the issue from one area to another! Since the introduction of this policy and the increase in outlets selling alcohol in this area, the issue of antisocial behaviour and personal safety in the Eastfield Road has risen dramatically. I am now seeing the Police visiting this area on a daily basis.

**Rubbish:** A substantial amount of rubbish is generated in this area, most of which appears to originate from either the shops or takeaway's, in the form of food wrappers, beer cans or bottles, foam trays etc. I see the council street cleaners working in this area at least on a weekly basis to clear away the rubbish that has appeared. And much of this rubbish is now spilling into Vergette Street. I have to now routinely check my car to ensure that I do not drive over any glass bottles and damage my tyres.

**Antisocial Behaviour:** I have heard of and witnessed various forms of anti-social behaviour occurring in this area. My personal experience is of people whom I am presuming to be drunk harassing me for money almost everytime I walk down this stretch of road. Many of these people hover outside of the 'off-licences' or near to the cemetery, but usually in that area of Eastfield Road where all the shops are. I have also witnessed people routinely urinating in side alleys & private parking bays. There is a rear parking space/access area for a block of bed-sits directly opposite my front door where people routinely urinate, often with bottle in hand!

I have already mentioned in my copy letter the man who last year lost his life in this area because people thought he was a drunk, when in fact he was having a heart attack. I point the finger of blame for this incident not at those passers by who ignored him, but at PCC and other agencies for allowing or indeed encouraging this type of attitude to grow in the first place by their lack of action! This surely is as good an example as any that positive action is needed now to combat these issues, how many more people need to lose their lives before these issues are taken on board and dealt with?

**Noise:** As I have a severe hearing loss, I cannot personally comment on this issue too much as I may not hear much of the noise generated. However I have been informed by several sources that there are problems relating to noise pollution in this area. I myself have noted very loud bass frequencies generating from unknown areas, when I have been in my house and garden, but so far have been unable to trace their source, with the exception of a neighbour who routinely has parties/barbeques in their back garden.

When I first moved into this area three years ago I found it quite a pleasant area to live in, with good neighbours and easy access to local and central amenities. I feel now that all that has changed and I have seen the area slowly disintegrate, not only due to the issues discussed above but also due to the high rate of rental properties and flat conversions that PCC has allowed to creep into this area. I find it intriguing that whilst there does not appear to be any issue with owners converting houses into flats or bed-sits in this particular area of Park Ward, this does not appear to occur in the more affluent areas of Park Ward, even though owners have sought planning permission to do so, and question why that should be so? Surely all areas should be treated with the same level of protection and concern, otherwise this could be seen as a discriminatory approach allowing one area to degrade whilst protecting another!

[REDACTED]

I thank you for taking the time to look into the issues I have raised and look forward to receiving your response shortly.

Thank you.

Yours sincerely

Mr Christian Straker

CC: Mr Nick Harding, Head of Planning Management, Planning Services, PCC.  
Mr Simon Machen, Head of Planning Services, Peterborough City Council.  
Mr Stewart Jackson MP, House of Commons, London.  
Mr John Peach, Councillor Park Ward, Peterborough City Council.  
Ms Pam Krelling, Councillor Park Ward, Peterborough City Council.

Mr John Shearman, Councillor Park Ward, Peterborough City Council.  
Community Safety Team, Bayard Place, Peterborough City Council.  
Police Community Support Team, Thorpe Wood Police Station, Peterborough.

**In addition, the following comments have also been received from Mr Straker**

In any event my objection and reasons for as set out in my letter still stand. I would be grateful if you could please arrange for my letter to be read out in full at committee as I feel it important that all committee members should be made fully aware of the issues which are facing residents in this area as a direct result of such business in the Eastfield Road. I feel that my letter does not solely reflect my own personal opinion on the matter, but also offers a true reflection of other residents living in this area. Before writing my objection I conducted extensive research taking into account issues from both points of view, as I understand these issues from both the residents and business viewpoints and I wished to make sure that any comment I made was factual, fair and truly reflective of current circumstances. During the course of my research I have not come across anyone, Resident, Police, Council Officer, or Community Representative who feels that this type of application is appropriate given current issues in the Eastfield Road area and that further extensive review is needed in order to deal with existing anti-social issues before granting permission for a venue that may only add to existing problems.

Perhaps you would add these comments above to my objection also.

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>6 SEPTEMBER 2011</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller, Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen - Head of Planning, Transport and Engineering Richard Kay – Group Manager – Strategic Planning and Enabling	Tel. 453475 Tel. 863795

### THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

R E C O M M E N D A T I O N S	
<b>FROM :</b> Simon Machen, Head of Planning, Transport and Engineering	<b>Deadline date :</b> Cabinet Member Decision Notice ahead of response to the Department of Communities and Local Government by 17 <sup>th</sup> October 2011
The Committee is recommended to note the contents of the draft National Planning Policy Framework, its potential for use as a material planning consideration and the intention of the Cabinet Member for Housing, Neighbourhoods and Planning to approve a response to the consultation via Cabinet Member Decision Notice.	

#### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following a request from Councillor Hiller to present a summary of the draft National Planning Policy Framework.

#### 2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide a summary of the draft National Planning Policy Framework, highlighting the proposed key changes to the planning system which will arise once the Framework has been finalised. The council will be submitting a formal response to the Department for Communities and Local Government, following approval by Councillor Hiller via a Cabinet Member Decision Notice.

#### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	
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#### 4. SUMMARY OF THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

- 4.1 As part of Government's continuing reform of the planning system through the Localism agenda, the draft National Planning Policy Framework (NPPF) intends to replace all existing national Planning Policy Statements (PPSs), all Planning Policy Guidance Notes (PPGs) and some Circulars into one single national planning policy document. Annex A to this report provides a full list of all existing guidance to be replaced.

4.2 It is important for Members of the Planning and Environmental Protection Committee to be fully aware, and understand the contents, of the NPPF because it will be a key material planning consideration in the determination of planning applications. At the same time, the council will no longer be able to rely on the existing detailed set of national guidance once this has been superseded by the NPPF. The full consultation document and impact assessment can be viewed on-line here:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>.

4.3 The publication of the draft NPPF stems from the Coalition Agreement, which committed the Government to preparing a clearer, simpler, more coherent national planning policy framework that is intended to be easier to understand and easier to put into practice.

4.4 Members may have read media reports at the point of publication of the draft NPPF, and it has certainly created debate amongst, in particular, those bodies which tend to lobby on 'environmental' issues. It is therefore worth emphasising to Members what the key thrust of the draft NPPF is, as officers see it:

- The NPPF does not propose a fundamental shift in the way the planning system operates. It still promotes (indeed reinforces) the local plan-led system i.e. planning applications should be approved in accordance with up to date local planning policies.
- The NPPF aims to remove large elements of 'detailed' national guidance and instead focus on national priorities and rules only where Government thinks it is necessary to do so (with the aim of allowing local authorities and communities to produce their own plans that reflect local issues).
- The NPPF reflects what is already contained within the suite of PPSs, PPGs and Circulars, albeit at around 5% of the length of all those guidance notes. There is no fundamental shift in national policy – other than a new default position of 'yes' to sustainable development proposals where there is no local plan, or where it is out-of-date or silent on an issue. (An up to date Local Plan is defined as being one that is consistent with the National Planning Policy Framework. It will be open to local planning authorities to seek a certificate of conformity with the framework).
- The NPPF makes it clear that Government wants to ensure the planning system achieves growth and sustainable development (Government defines 'sustainable' as ensuring that better lives for ourselves does not mean worse lives for future generations).
- The NPPF is very much 'pro-growth', with sustainable development being about positive growth – making economic, environmental and social progress for this and future generations.

4.5 A summary of the main points of the NPPF are as follows.

#### Protecting and Enhancing the Natural Environment

4.6 The draft framework:

- Retains protection for Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest and other environmental designations. It aims to improve the quality of the natural environment across England and halt the decline in habitats and species.
- Retains Green Belt protections.
- Sets out a new right for local communities to protect green areas of particular importance to them.
- Makes clear that local authorities should seek to ensure good access to high quality local public transport for new developments, with priority given to cyclists and pedestrians. It encourages decision makers to provide charging points for electric

cars and other low emission vehicles. Schools, shops and other key facilities should be within walking distance of most properties, wherever possible.

- Requires the planning system to seek to protect and enhance biodiversity.
- Requires planners to seek to avoid noise pollution as a result of new developments, and to protect areas that are prized for their peace and quiet.
- Requires planners to limit the impact of light pollution by encouraging good design.
- Confirms planning's important role in tackling climate change and making the transition to a low carbon economy.
- Requires planning to ensure new development is future proofed against climate change.
- Requires planners to prevent unnecessary building in areas of high flood risk.
- Promotes growth for the telecoms industry, but reiterates that this growth should be sensitive to local areas.
- Aims to secure an adequate and steady supply of indigenous minerals needed to support sustainable growth, whilst limiting impact on the natural and local environment.

#### Promoting Sustainable growth and prosperity

- 4.7 The NPPF makes clear that local councils should be positive and proactive in encouraging sustainable growth and addressing barriers to investment by setting a clear economic vision and strategy based on understanding of local business needs.

#### Presumption in favour of sustainable development

- 4.8 The NPPF requires councils to work closely with businesses and communities to plan positively for the needs of the local area and provide sufficient flexibility to respond to rapid shifts in demand or other economic changes.
- 4.9 The presumption in favour of sustainable development is aimed at encouraging plan-making by councils and communities to meet local development needs; and will be applied if an up to date Local Plan is not in place.

#### Duty to Co-operate

- 4.10 The Localism Bill will place a new Duty to Co-operate on councils and other bodies to work together to address planning issues that impact beyond local boundaries; and this is supported in the draft framework. The duty to co-operate will form one of the 'soundness' tests for key parts of the local development framework.

#### Housing

- 4.11 In terms of housing, the draft framework requires councils to:
- Be ambitious in delivering new homes that local communities need. The Local Plan must meet the full demand for market and affordable housing in their areas.
  - Have a rolling five year supply of deliverable sites to meet their housing needs with at least 20% additional allowance to create competition and choice in the land market.
  - Bring back into use empty homes and buildings wherever possible.
- 4.12 The framework removes the existing target specifying the levels of housing development that should take place on previously developed ('brownfield') land.

#### Town centres

- 4.13 The framework maintains the 'town centre first' policy approach which means that retail and leisure development should look for locations in town centres first, and only if suitable

sites are not available, should decision makers look for edge of centre and then out of centre sites.

#### Neighbourhood planning

- 4.14 The NPPF supports Neighbourhood Planning, which is introduced in the Localism Bill. The NPPF states that proposals put forward by neighbourhoods should be aligned with the strategic needs and priorities of the local area and therefore must be in general conformity with the strategic priorities of the Local Plan. Secondary legislation will accompany the Localism Bill and should provide further information on the matter.

#### Historic Environment

- 4.15 The draft framework reaffirms protections for the historic environment and heritage. It requires councils to have up to date evidence about the historic environment in their areas and use it to assess the significance of heritage assets and the contribution they make to the environment.

#### Design

- 4.16 The framework requires the planning system to promote high quality design for all development. Local Plans, including any neighbourhood plans, should set out the quality of development expected for an area; ensuring development reflects the character and identity of local surrounding areas.
- 4.17 Developers will be expected to work closely with those directly affected by their proposals to evolve design proposals that take account of the views of the community.

#### How does existing and emerging Peterborough Planning Policy fit with the NPPF?

- 4.18 The draft NPPF has been published for consultation. Officers in Planning, Transport and Engineering are currently reading and analysing the draft framework to see what it means in detail for planning for the future of Peterborough. In particular, officers are checking that, with the deletion of large quantities of national advice to be replaced by very limited advice, an important national policy has not been 'lost' in the process, especially one which this council has relied upon in the past in helping to determine planning applications. Officers will recommend a final response for approval by the Cabinet Member for Housing, Neighbourhoods and Planning, and subsequent submission to the Department for Communities and Local Government.
- 4.19 However, officers' initial views are that the council is in a good position to fit with the NPPF. As Members will be aware, the council has a recently adopted Core Strategy, a Site Allocations Document which is at its final 'Examination' stage, a collection of Supplementary Planning Documents (such as the one on development in villages), a well advanced Planning Policies Document (which we are aiming to put to Members in November), an adopted Minerals and Waste Core Strategy and an almost complete Minerals and Waste Site Allocations Document. By having such an up to date set of 'local' plans in place, means that the council will still be able to take advantage of the brief national planning policy guidance in the NPPF whilst having the local policies in place to deliver high quality development, where and when we want it.
- 4.20 Not many other councils are in as fortunate a position as this council is. Many other councils have far more limited, or even non-existent, up to date local plans meaning that, on final publication of the NPPF, they will likely be subject to high levels of speculative, uncoordinated development proposals which will be hard to refuse.
- 4.21 It is important, therefore, that this council continues to make good progress in finalising its set of local planning policy documents, and ensures they remain up to date in the future.



## Advice produced by the Planning Inspectorate for use by its Inspectors

- 4.22 Taken from an advice note produced by the Planning Inspectorate for use by its Inspectors, Annex B to this report highlights (as the Inspectorate sees it) the key changes that the draft NPPF makes to existing national policy. Whilst some of the advice is quite detailed and technical, Members may find elements of it useful and interesting. The Planning Inspectorate's advice also hints at how the draft NPPF can be used: *'Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft National Planning Policy Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case'*. However, existing national planning policy statements, guidance and circulars still remain until the guidance in NPPF is finalised and published by the Government.

## **5. CONSULTATION**

- 5.1 Consultation is currently being undertaken within the Planning, Transport and Engineering Service.
- 5.2 The Head of Assets and School Place Planning has provided feedback in relation to planning for schools.
- 5.3 Councillor Peter Hiller will be asked in due course to sign off Peterborough City Council's formal response to the consultation draft NPPF via the Cabinet Member Decision Notice (CMDN).

## **6. ANTICIPATED OUTCOMES**

- 6.1 To provide information to the Planning and Environmental Protection Committee on the Coalition Government's Draft NPPF, which is capable of being used as a material planning consideration in the determination of planning applications.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 To ensure Members are aware of the draft NPPF, the implications of it for planning in Peterborough and the intention, via a CMDN, to formally respond to the consultation.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 An alternative option would be not to respond to the national consultation. This option has been rejected because the Department for Communities and Local Government has requested feedback and officers think it is important to provide a response to important changes to national planning policy.

## **9. IMPLICATIONS**

- 9.1 The contents of the NPPF will primarily impact on how planning applications are decided, especially once the NPPF is finalised by government.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

The Draft National Planning Policy Framework, Department of Communities and Local Government, London, July 2011.

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

The Draft National Planning Policy Framework Impact Assessment, Department of Communities and Local Government, July 2011.

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

Advice produced by the Planning Inspectorate for use by its Inspectors. National Planning Policy Framework: Consultation Draft, the Planning Inspectorate, Bristol, July 2011 (revised 9<sup>th</sup> August 2011).

[http://www.planningportal.gov.uk/uploads/pins/advice\\_for\\_inspectors/nppf\\_consult.pdf](http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf)

### Which national policy documents will be cancelled when the Framework is introduced?

It is proposed that the following policy documents should be cancelled by the Framework when the document is published in its final form.

<b>National Planning Policy documents to be cancelled</b>
Planning Policy Statement: <i>Delivering Sustainable Development</i>
Planning Policy Statement: <i>Planning and Climate Change – Supplement to Planning Policy Statement 1</i>
Planning Policy Guidance 2: <i>Green Belts</i>
Planning Policy Statement 3: <i>Housing</i>
Planning Policy Statement 4: <i>Planning for Sustainable Economic Growth</i>
Planning Policy Statement 5: <i>Planning for the Historic Environment</i>
Planning Policy Statement 7: <i>Sustainable Development in Rural Areas</i>
Planning Policy Guidance 8: <i>Telecommunications</i>
Planning Policy Statement 9: <i>Biodiversity and Geological Conservation</i>
Planning Policy Statement 12: <i>Local Spatial Planning</i>
Planning Policy Guidance 13: <i>Transport</i>
Planning Policy Guidance 14: <i>Development on Unstable Land</i>
Planning Policy Guidance 17: <i>Planning for Open Space, Sport and Recreation</i>
Planning Policy Guidance 18: <i>Enforcing Planning Control</i>
Planning Policy Guidance 19: <i>Outdoor Advertisement Control</i>
Planning Policy Guidance 20: <i>Coastal Planning</i>
Planning Policy Statement 22: <i>Renewable Energy</i>
Planning Policy Statement 23: <i>Planning and Pollution Control</i>
Planning Policy Guidance 24: <i>Planning and Noise</i>
Planning Policy Statement 25: <i>Development and Flood Risk</i>
Planning Policy Statement 25 Supplement: <i>Development and Coastal Change</i>
Minerals Policy Statement 1: <i>Planning and Minerals</i>
Minerals Policy Statement 2: <i>Controlling and Mitigating the Environmental Effects of Minerals Extraction In England.</i> (This includes its Annex 1: Dust and Annex 2: Noise)
Minerals Planning Guidance 2: <i>Applications, permissions and conditions</i>
Minerals Planning Guidance 3: <i>Coal Mining and Colliery Spoil Disposal</i>
Minerals Planning Guidance 5: <i>Stability in surface mineral workings and tips</i>
Minerals Planning Guidance 7: <i>Reclamation of minerals workings</i>
Minerals Planning Guidance 10: <i>Provision of raw material for the cement industry</i>
Minerals Planning Guidance 13: <i>Guidance for peat provision in England</i>
Minerals Planning Guidance 15: <i>Provision of silica sand in England</i>
Circular 05/2005: <i>Planning Obligations</i>
Government Office London Circular 1/2008: <i>Strategic Planning in London</i>
Letter to Chief Planning Officers: <i>Addition of the Forestry Commission to the List of Non-Statutory Consultees</i>
Letter to Chief Planning Officers: <i>Town and Country Planning (Electronic Communications) (England) Order 2003</i>
Letter to Chief Planning Officers: <i>Planning Obligations and Planning Registers</i>
Letter to Chief Planning Officers: <i>Model Planning Conditions for development on land affected by contamination</i>
Letter to Chief Planning Officers: <i>National Policy Statements</i>
Letter to Chief Planning Officers: <i>Local authorities' role in new consenting process for nationally significant infrastructure projects</i>
Letter to Chief Planning Officers: <i>Planning for Housing and Economic Recovery</i>
Letter to Chief Planning Officers: <i>Development and Flood Risk – Update to the Practice Guide to Planning Policy Statement 25</i>
Letter to Chief Planning Officers: <i>Implementation of Planning Policy Statement 25 (PPS25) – Development and Flood Risk</i>
Letter to Chief Planning Officers: <i>The Planning Bill – delivering well designed homes and</i>

<b>National Planning Policy documents to be cancelled</b>
<i>high quality places</i>
Letter to Chief Planning Officers: <i>Planning and Climate Change – Update</i>
Letter to Chief Planning Officers: <i>New powers for local authorities to stop ‘garden- grabbing’</i>
Letter to Chief Planning Officer: <i>Area Based Grant: Climate Change New Burdens</i>
Letter to Chief Planning Officers: <i>The Localism Bill</i>
Letter to Chief Planning Officers: <i>Planning policy on residential parking standards, parking charges, and electric vehicle charging infrastructure</i>

## Advice produced by the Planning Inspectorate for use by its Inspectors

### NATIONAL PLANNING POLICY FRAMEWORK: CONSULTATION DRAFT

#### Changes to national planning policy noted in NPPF Impact Assessment part B

This annex highlights key policy changes in the single policy document. The text below is the text as it appears in Part B of the Impact Assessment ('Changes to National Planning Policy'), with the exception of the text in parts (v) & (vi) of paragraph 23, on Green Belts, which is taken from paragraphs 137 and 138 of the NPPF. Inspectors are strongly advised to familiarise themselves with the entirety of the draft NPPF and also with Part B of the Impact Assessment.

#### i. Presumption in favour of sustainable development

1. The presumption in favour of sustainable development (the 'presumption') is central to the policy approach in the Framework, as it sets the tone of the Government's overall stance and operates with and through the other policies in the document. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers.

2. It does this by placing increased emphasis on the importance of meeting development needs through plans; on the need to approve proposals quickly where they are in line with those plans; and on the role of the Framework as a basis for decisions where plans are not an adequate basis for deciding applications.

#### ii. Removing office development from 'Town Centre First' policy

3. Current town centre policy applies to office development as it does to retail, leisure development. This means that office development is subject to the requirement to demonstrate compliance with the sequential test and assess the likely impacts of the scheme on a range of impact considerations.

4. The objective of the change is to free office development from the need to follow the requirements of the 'Town Centre First' policy and for proposals to be judged on their individual merits including taking account of local and national policies on the location of new development that generates significant movement of people and the relative supply and demand of/ for office space in different locations.

#### iii. Time horizon for assessing impacts

5. The time horizon for assessing impacts of unplanned, retail and leisure schemes in the edge or out of centre locations is currently set at up to 5 years from the time the planning application is made. In some cases this is too short a time to allow the full impacts of large schemes to be assessed (especially for large sites and those that take considerable time to build). Often new retail and leisure development will have substantial consequences for other local businesses, local residents, transport infrastructure and the environment. When a development takes a number of years to build, and then takes a number of years to establish itself in a new market, five years may not be long enough to capture the full extent of the costs and benefits of the new development. This may restrict local councils from making the best choices in determining planning applications, and restrict their ability to plan for the long term.

6. Changing the time horizon to 10 years would allow a reasonable period of time from the time at which a planning application is made for planning permission to be granted, the planning permission implemented and the development to realise its full operational impacts on town centre vitality and viability. This will allow local authorities to have full information when making a decision over future retail and leisure development.

#### **iv. Removing the maximum non-residential car parking standards for major developments**

7. The current policy (Planning Policy Guidance Note 13: Transport)<sup>1</sup> sets out national maximum parking standards for non-residential uses (i.e. the upper level of acceptable car parking provision) and size thresholds at which these maximum standards should apply. The aim of the policy was to encourage councils and developers to use land efficiently and where possible to take measures to minimise the need for parking. Local councils could set lower standards if there was an evidenced local need to do so.

8. Current Government policy on non-residential parking standards for major developments, such as retail and leisure developments over 1,000m<sup>2</sup> and offices over 2,500m<sup>2</sup> is too centralised and prevents local councils from developing policies that are most appropriate to their local circumstances and communities. Centrally prescribed maximum non-residential parking standards do not reflect local circumstances.

#### **v. Peat – removing the requirement for local councils to set criteria for the selection of sites for future peat extraction (i.e. to identify new sites).**

9. This policy will allow the planning system to support the Government’s aim to phase out the use of peat in the UK. In 2010 Department for Environment, Food and Rural Affairs consulted on dates for phasing out the use of peat, which were 2020 for the amateur sector and 2030 for the professional sector. This will have environmental benefits by reducing greenhouse gas emissions and the destruction of rare habitats and archaeology. This policy will remove a requirement on local councils and will ensure that the planning system supports the Government objective (led by Department for Environment, Food and Rural Affairs) to phase out the use of peat.

#### **vi. Landbanks**

10. The policy change amends the length of landbanks in national policy, making it less prescriptive for scarcer/non-aggregate minerals. The wording is proposed to change from: “at least 10 years for silica sand; at least 15 years for primary materials and secondary materials where these materials aim to supply an existing cement plant only; 25 years for brick clay and 25 years where it is needed to support a proposed cement plant” to: “allocating sufficient land to maintain landbanks by ensuring landbanks of...at least 10 years for crushed rock. Landbanks for scarcer minerals, (silica sand and brick clay) should be for at least 10 years and longer landbanks may be justified in specific circumstances, such as the need to ensure the viability of proposed new investment”.

#### **vii. Removing the brownfield target for housing development**

11. A specific target for brownfield land was first established by the 1995 housing white paper, which aspired to 50 percent of all new dwellings being built on brownfield land. In 1998, this was increased to 60 percent.

12. Government wants to move away from a prescriptive designation of land towards a concept of “developable” land where local areas decide the most suitable locations for housing growth based on their local circumstances. This approach will enable local councils to assess land for its suitability for development based on its characteristics and their needs without top down central government intervention.

13 The preferred option would be to remove the target to allow local councils to determine the most suitable sites for housing, giving greater discretion and decision-making powers to local councils reflecting the fact that land supply constraints vary across local councils.

14. The removal of the brownfield target may impact on sites brought forward for housing development in the local plan. Local councils will be able to allocate sites that they consider are the most suitable for development without being constrained by a national brownfield target.

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<sup>1</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1758358.pdf>

### **viii. Requiring local councils to allocate an additional 20% of sites against their five year housing requirement.**

15. The Government's policy objective is that local councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground.

16. The preferred option is that local councils identify additional 'deliverable' sites for housing. The proposal is for this to be a minimum additional 20 per cent on top of current five year land supply. For example, in the first five years, local councils should identify sites to meet at least 120% of the annual housing requirement.

### **ix. Remove the national minimum site size threshold for requiring affordable housing to be delivered.**

17. Current national planning policy sets a minimum site threshold of 15 units for requiring affordable housing to be delivered for all local councils. This means that any development of 15 units or more will trigger a negotiation over a contribution (paid by the developer) for affordable housing via a section 106 agreement.

18. By removing the centrally set 15-unit threshold for affordable housing, complete control will be given to local councils. This will allow greater flexibility for local councils to seek optimum solutions for their local areas.

### **x. Removing rural exception sites policy**

19. Current policy allows local councils to set 'rural exception site' policies which allocate and permit sites solely for affordable housing in perpetuity for local people in small rural communities. This is where housing would not normally be considered appropriate due for example to policy constraints, such as Areas of Outstanding Natural Beauty. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. However, currently, the rigid requirement for sites to be only for affordable housing limits local councils' options for meeting the full range of housing needs. This can lead to local councils being discouraged from taking a wider view on the need for housing in those rural areas and considering the balance to be struck between the benefits of meeting housing needs and maintaining current constraints.

20. The Government's objective is to maintain the focus on affordable housing but give local councils greater flexibility to set out their own approach to delivering housing, including allowing for an element of market housing where this would facilitate significant additional affordable housing to meet local requirements. To ensure development is sustainable, rural housing that is distant from local services should not be allowed.

### **xi. Protecting community facilities**

21. Government's Coalition Agreement included a commitment to help support important community facilities and services. In line with this, the proposed policy strengthens the current policy by asking local councils to consider the availability and viability of community facilities as part of the plan making process and to develop policies to safeguard against their unnecessary loss. This policy is applied to all community facilities and not just those within defined local centres and villages.

22. Strengthening the current policy to apply to all community facilities would provide local councils and communities with greater control over how they can most appropriately protect important community facilities. The policy cannot prevent unviable businesses closing but it can send a strong signal of the importance the local community attach to the continuation of a community asset and encourage innovation and diversification to maintain viability. However, the proposed policy might impose modest additional costs on local councils as they would need to develop an understanding of the availability and viability of community facilities within their areas. Costs may also be incurred by developers in instances where they need to produce evidence to demonstrate

a building or development previously used by a community facility is no longer required or viable for community use.

## **xii. Green Belt**

23. Core Green Belt protection will remain in place. Four changes to the detail of current policy are proposed:

i. Development on previously-developed Green Belt land is already permissible if the site is identified in the local plan as a major developed site – it is proposed to extend this policy to similar sites not already identified in a local plan;

ii. Park and Ride schemes are already permissible – it is proposed to extend this to a wider range of local transport infrastructure;

iii. Community Right to Build schemes will be permissible if backed by the local community.

iv. The alteration or replacement of dwellings is already permissible – it is proposed to extend this to include all buildings.

In all cases, the test to preserve the openness and purposes of including land in the Green Belt will be maintained.

v. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances.

vi. The appropriateness of existing Green Belt boundaries should only be considered when a Local Plan is being prepared or reviewed. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.

## **xiii. Green infrastructure**

24. The objective is to secure more and greater coherence of strategic networks of green infrastructure<sup>2</sup> by planning positively for their creation, protection, enhancement and management. This will help support the natural environment, as well as providing green space for the use of local communities, supporting sustainable development and preserving green space for the use of future generations.

25. The preferred option would encourage local planning councils to take a more strategic approach to green infrastructure and give them a better understanding of the existing green infrastructure network and its functions in their area. This should contribute to better decisions being made about the protection and management of green infrastructure.

## **xiv. Green Space designation**

26. The preferred option would be to introduce a new protection for locally important green space that is not currently protected by any national designation, giving greater discretion and decision-making powers to local councils and local communities reflecting the fact that some land is particularly valued by communities and requires additional protection. The new protection through a new designation<sup>3</sup> would fill the gap where land was important locally – for example for local amenity – but where a national designation would not apply.

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<sup>2</sup> 'Green infrastructure' is a strategic network of multi-functional green space, both new and existing, both rural and urban, which supports natural and ecological processes and is integral to the health and quality of life in sustainable communities. The Natural England definition of green infrastructure includes high quality green spaces and other environmental features, encompassing varied space such as urban parks, domestic gardens, waterways and churchyards.

<sup>3</sup> The draft NPPF uses the term Local Green Space (paras 130-132).



## **xv. Clarification on which wildlife sites should be given the same protection as European sites**

27. The Habitats Regulations apply specific provisions of the Habitats Directive to candidate Special Areas of Conservation, Special Areas of Conservation and Special Protection Areas which require special considerations to be taken in respect of such sites. Local councils are required to have regard to the Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system.

28. As a matter of policy, the Government has in the past chosen to apply the provisions which apply to European sites to Ramsar sites and potential Special Protection Areas, even though these are not European sites as a matter of law. This is to assist the UK Government in fully meeting its obligations under the Birds Directive and Ramsar Convention.

29. To ensure that its obligations in respect of the Habitats Directive, the Birds Directive and the Ramsar Convention are fully met in future, and to reduce the risk that any consents granted when a site is being considered for classification would subsequently have to be reviewed (and either revoked or modified at potentially very significant cost) after classification, the Government is proposing to clarify that the provisions which apply to European sites should as a matter of policy also apply to:

- possible Special Areas of Conservation;
- proposed Ramsar sites; and
- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

30. This will provide certainty for local councils, developers and others about how to treat possible European sites, and should therefore ensure that a consistent approach is taken. This should contribute to better decisions being made about the protection of biodiversity, and reduce the risk of local councils paying compensation for any planning permissions that are revoked as a result of a site becoming classified as a European site.

## **xvi. Decentralised energy targets**

31. The Government expects local councils to continue to support decentralised energy but does not need to require local councils through national planning policy to set council wide decentralised energy targets. The Government is committed to the zero carbon initiative, which is looking to reduce carbon emissions from new development. The increasing standards under the zero carbon initiative will help to drive decentralised energy, reducing the need for council wide targets. If local councils wish to set their own targets they can, and the policies in the Framework would not prevent such targets provided in their implementation they do not make development unviable.

## **xvii. Proactive approach to identifying opportunities for renewable and low carbon energy**

32. The objective is to ensure that the planning system contributes effectively to the delivery of the Government's energy and climate change policy. The preferred option expects local authorities to consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. Where developers bring forward proposals outside opportunity areas mapped in a local or neighbourhood plan they are asked to demonstrate that the proposed location meets the criteria used in plan making. This should provide transparency, and bring greater predictability to the planning application process.

## **xviii. Historic environment:**

33. The heritage section of the Framework incorporates – and streamlines - the existing policies contained in Planning Policy Statement 5. It does not alter those policies or create new ones. Certain policies in Planning Policy Statement 5 have been omitted from the heritage section and are incorporated, more appropriately, in other sections of the Framework. These are:-

- Part of policy HE1 (Heritage Assets and Climate Change)
- Policy HE2 (Evidence Base for Plan-making)
- Policy HE4 (Permitted Development and Article 4 Directions)

One policy - HE5 (Monitoring Indicators) - from Planning Policy Statement 5 has not been incorporated as a specific policy within the Framework. All other Planning Policy Statement 5 policies have been condensed and included within the heritage section. Some of the detail of these policies in Planning Policy Statement 5 is considered to constitute guidance rather than policy and could more suitably be issued as such.