

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 10 JANUARY 2012
1.30 PM**

Bourges/Viersen Rooms - Town Hall

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 22 November 2011 1 - 8**
 - 4.2 6 December 2011 9 - 26**
- 5. Development Control and Enforcement Matters**
 - 5.1 11/00885/FUL - Land to the North of the Village Hall, Guntons Road, Newborough, Peterborough 27 - 38**
 - 5.2 11/01808/FUL - 9 Exeter Road, Millfield, Peterborough, PE1 3QL 39 - 46**

Committee Members:

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

Substitutes: Councillors: Winslade, Ash and Shabbir

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk



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 as soon as possible.

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, Transport and Engineering 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 22 November 2011

Members Present:

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

Officers Present:

Lee Collins, Area Manager Development Management
Vicky Hurrell, Principal Development Management Officer
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Stokes and Councillor Martin.

Councillor Winslade was in attendance as substitute.

2. Declarations of Interest

4.1 Councillor North declared that he was the Ward Councillor for the item, and although he had taken a keen interest in the proposals, he did not have a personal or prejudicial interest.

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

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

4. Development Control and Enforcement Matters

4.1 11/01530/R3FUL – Land to the south of Clayburn Road and adjacent Hampton College, Clayburn Road, Hampton Vale

The application site was approximately 3.9 hectares in size and was used as community playing fields. There was a small area of shrub planting to the north and a foul water pumping station. The remainder was grassed. Football pitches had been laid out, as had a cricket square, although this was not currently in use. The land dropped from the north of the site to the south.

The site was located to the south of Clayburn Road, on the northern side of which there were three storey residential dwellings. There was a vacant plot at the north east end of the road where planning permission had recently been granted for a new autism unit with assisted living accommodation.

Adjoining the site to the east was a vacant parcel of land (originally intended for use as a cemetery) and a shelterbelt. Beyond the shelterbelt was the A15 London Road. At the current time there was no through route from Clayburn Road to the A15 but a new junction, which would also serve the development area of Hampton Leys which lay to the east of the A15, was currently being constructed.

To the west of the application site was the Hampton Community College, Hampton's secondary school. The site was comprised of two storey school buildings, car parking (which was accessed from Clayburn Road), landscaping and playing fields. Phase 1 of the school was complete and phase 2 works, which already had consent, were due to commence in the (the phase 2 works would enlarge the school from four forms of entry to seven forms of entry).

To the south was a continuation of the open space with playing pitches laid out and an attenuation pond. Further south, beyond the attenuation pond, were residential properties.

The application was comprised of the following key elements:-

- The construction of a new two storey building with a maximum height of some 10 metres within which there would be;
- A new primary school with approximately 420 places;
- Community facilities comprising of a reception area (accessed separately from the primary school), offices, sports hall, library, changing facilities, a dance studio and a 40 station gym.
- Provision of informal outdoor soft play and hard play areas;
- Provision of outdoor sports pitches for the school and community. It was proposed to layout one full size adult football pitch (65 metres x 105 metres), one medium football pitch (45 metres by 75 metres), one mini football pitch (37 metres by 55 metres) and a cricket square (27.44 metres by 27.44 metres);
- Alterations to the existing car parking access into the adjoining Hampton Community College to create an 'in' and 'out' and creation of a new vehicular access to the primary school from Clayburn Road;
- Alterations to the layout of the Hampton Community College car parking area which currently had 86 parking spaces and creation of new additional parking spaces. 186 spaces were proposed to serve the existing college, new primary school and new community facilities;
- Additional traffic calming measures along Clayburn Road;
- Provision of 40 cycle parking stands;
- Associated new fencing; and
- New electricity substation adjacent to Clayburn Road.

The Principal Development Management Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, highway impacts including parking, the design and layout, the impact on neighbour amenity, landscaping and ecological impacts and flood risk and drainage. The recommendation was one of approval.

Members were advised that the application site had consent for community use, therefore the application represented an alternative use and consideration had to be given to this. There were a number of issues associated with this including:

- The loss of the playing field. Sport England had been consulted and had concluded that the community benefits, due to the overall sporting facilities which would be delivered as part of the application, would ultimately outweigh any detriment caused by the reduction in the overall area available for community pitches;
- S106 agreement. It was acknowledged that the community facilities proposed as part of the application would not meet all of the obligations set out in the original Hampton S106 agreement. The S106 agreement would therefore need to be reviewed with appropriate changes made to it, taking into account changing circumstances. Members were advised that this point was not of concern for them whilst debating the application;
- Highway impacts including car parking. There had been a number of issues raised by local residents with regards to traffic flows to the site as a result of development. A Transport Statement had been submitted which considered the likely additional traffic flows to the site; the conclusion being that the existing network including the junctions had sufficient capacity to accommodate the development. This conclusion was accepted by the Highways Department. Officers had also agreed, in principle, a scheme of traffic calming along Clayburn Road.
- Car parking. There were currently 83 parking spaces available on the site and the application proposed 186 for the secondary school, primary school and community facilities. This provision was below the maximum permissible by the Local Plan, it was considered that the provision was acceptable;
- Design. Some concerns had been raised with regards to the 'simple and unimaginative' design of the building, however Officers did not consider the design to be unacceptable or inappropriate for the location;
- Neighbour amenity. There had been a number of concerns raised by local residents and these were outlined in the committee report. Whilst Officers did acknowledge that the proposal would change the outlook of the properties opposite, the minimum separation distance was 33 metres and this was considered acceptable. Conditions had been proposed to set noise levels and construction management. Concerns around increased traffic noise along Clayburn Road had also been highlighted and Officers did accept the application would increase the intensification of the use of the road but the impact was not considered to be unacceptable;
- Landscape and ecology. There were no specific ecological or landscaping issues on the site; and
- Drainage. A flood risk assessment had been submitted by the applicant which confirmed that the development was in accordance with the Hampton Surface Water Drainage Strategy (2002), therefore the Environment Agency had raised no objections or issues.

Members' attention was drawn to additional information contained within the update report. The cricket club had emphasised the importance of the cricket square being laid early on in the development programme due to the bedding in period. The applicant had been made aware of this request and was in the process of reviewing the programme in light of these comments. Clarification had also been given to the club on a number of other points including car parking and fencing. A number of detailed comments had also been made by the club which had been passed to the applicant with regards to internal specifications.

Changes to conditions C2 and C22, were recommended and these changes were outlined to the Committee.

The Highways Officer addressed the Committee and advised that a lot of time had been spent looking at the issues which could result from development on the site. There were no concerns with regards to the capacity of the road and issues in relation to school drop offs and parking could be managed by a Travel Plan. This would help to reduce the number of vehicle trips and would, alongside the additional traffic calming measures, help to keep the site manageable.

Councillor Sheila Scott, Ward Councillor, addressed the Committee on behalf of both herself and Councillor David Seaton, Ward Councillor, and responded to questions from Members. In summary the issues highlighted to the Committee included:

- This was an extremely important development for Hampton as an additional primary school was desperately required
- The application would directly impact on 20 – 30 houses and would block the view of these houses across green fields
- Although the application would have an impact on these houses, the benefit for the community as a whole would be great
- The two areas of concern for Ward Councillors in relation to the existing residents were Clayburn Road and the conditions relating to building works
- Clayburn Road was a narrow road and it always had cars parked on one side. The road was to be the main exit onto the A15 and measures for the interests of local residents therefore needed to be taken
- There were a number of children living in the area and they needed to be protected from the additional traffic
- The hours of construction work needed to be addressed to protect the local residents
- The community benefit was important but the current resident's interests also needed to be protected
- The traffic calming measures

Mr Peacock-Smith, a local resident, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- There were a number of local residents whom opposed the development
- There were two main elements to the objection and these were the location of the development and the issues around traffic
- Hampton did need additional primary schools however it felt as if the proposal had a number of facilities bolted on in order to entice the residents of Hampton into thinking that this was a positive move forward
- The original proposal for the site, in 2005, was for a single storey changing facility located in the middle of the site
- A subsequent planning application, around 2007, was for a two storey building set back into the field
- The current application was 10 metres high and 30 metres away from the properties on Clayburn Road. This would take over the entire site
- The committee report seemed to minimise the impact that the development would have on local residents
- The construction would completely block the view of the residents opposite
- The residents of Clayburn Road felt that the proposal should be one of compromise
- The committee report did not wholly address alternative locations for the school

- Due to the nature of the proposed building and the surrounding fences, the perception the development would convey would be that the site was for school use only
- Traffic was a contentious issue and the report alluded to the fact that Clayburn Road would be able to cope with the increase in traffic. This was not believed to be true by the local residents
- The current car parking provision at the school was not sufficient, going forward there was concern that there would still not be enough spaces
- With the provision of community facilities, it was anticipated that other road users would take up the parking spaces currently used by residents
- The traffic currently utilising the road was residential traffic and the school traffic for the secondary school
- A restriction on construction hours was requested by residents. There should be no work on the site before 8.00am Monday to Friday and 9.00am at the weekend

In response to issues raised by the speakers, the Principal Development Management Officer outlined the proposed parking provision and advised that a new access was to be implemented from Clayburn Road. This would create a loop which parents could use to drop their children off. With regards to the request to set the construction hours, it was suggested that they be set at 7.00am to 6.00pm Monday to Friday, and 8.00pm to 1.00pm on a Saturday, with no working on a Sunday or Bank Holidays. This was consistent with other construction timings. Construction noise levels could also be set if the Committee wished this to be addressed.

The Highways Officer addressed the Committee and stated that the width of Clayburn Road was adequate for the vehicles it was carrying. Members were further advised that solutions were being looked into to address the issue of parking in Hampton.

A query was raised as to whether there were to be any pedestrian crossings located along Clayburn Road. The road was set to become busier and there would be vast numbers of children crossing the road to get to both the primary and secondary schools and the community facilities. Members further commented that the implementation of a 20mph speed limit outside both of the schools should also be facilitated. In response, the Highways Officer advised that there were no proposed pedestrian crossings for Clayburn Road.

Members expressed concern at the lack of a crossing and sought clarification as to whether a crossing could be conditioned. In response, the Highways Officer advised that a crossing could be conditioned, however the implementation of barriers and guard rails would also be required to encourage people to use the crossing. Members were further advised that it would be prudent to identify whether a crossing was required in the first instance and if it was, a scheme could be requested identifying the type of crossing required.

The Legal Officer advised Members that if they were minded to approve the application with the proviso that further work was required to be undertaken on the provision of a crossing, delegation could be given to the Chairman and Ward Councillors for them to look at any works undertaken, to ensure that they were happy with the outcome prior to any determination being made.

Following debate, a motion was put forward and seconded to approve the application, subject to the amended conditions C2 and C22 as detailed in the update report and the implementation of a further two conditions. The first condition to deal with the hours of

construction, which were to be 8.00am to 5.00pm Monday to Friday, and 9.00am to 1.00pm on Saturday, with no work taking place on Sundays or Bank Holidays. The second condition was to deal with the necessity of a pedestrian crossing being implemented, subject to the specified formulaic approach being undertaken. A follow up discussion was then to be held with the Chairman and Ward Councillors prior to a determination being made. The motion was carried by 8 votes, with 1 abstaining.

RESOLVED: (8 for, 1 abstention) to approve the application, as per officer recommendation subject to:

1. The amended condition C2 as detailed in the update report
2. The amended condition C22 as detailed in the update report
3. An additional condition relating to construction timings, those being 8.00am to 5.00pm Monday to Friday, 9.00am to 1.00pm on Saturdays and no working on Sundays or Bank Holidays
4. An additional condition to deal with the necessity of a pedestrian crossing being implemented along Clayburn Road
5. The conditions numbered C1 to C22 as detailed in the committee report and as updated in the update report
6. The informatives numbered 1 to 7 as detailed in the committee report

Reasons for decision:

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

- The requirement for a new primary school and community facilities within Hampton was accepted. Although the application would result in some loss of playing field the new sporting facilities to be provided would result in an overall enhancement of sporting provision. The principle of development was therefore considered to be acceptable in accordance with the Secretary of States letter dated August 2011, Policy LT3 of the Adopted Peterborough Local Plan (First Replacement) and Policies CS18 and CS19 of the Core Strategy 2011
- The design of the new building was considered to be appropriate and through the imposition of a condition the development made a contribution toward the Council's Environment Capital objectives. It therefore was in accordance with Policies CS10 and CS16 of the Adopted Core Strategy
- Although the proposal would change the setting and outlook of the existing dwellings on Clayburn Road it was not considered that the impact upon residential amenity would be unacceptable. The proposal was therefore in accordance with Policy CS16 of the Core Strategy 2011
- The additional traffic created by the development could be accommodated within the existing road network. The proposed cycle parking, car parking and access arrangements were considered to be sufficient. The school/community facilities would also be supported by a Travel Plan to encourage access by non car modes. This was in accordance with Policy CS14 of the Core Strategy 2011
- The impact on existing trees and ecology was considered to be acceptable. New landscaping would be planted and a new habitat area created. The proposal was therefore in accordance with Policies LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and Policy CS21 of the Core Strategy 2011
- The development would not result in increased flood risk as it was in accordance with the Strategic Hampton Surface Water Drainage Strategy (2002). It could also be adequately drained. The proposal was therefore in accordance with Policy U1 of the

Adopted Local Plan, Policy CS22 of the Adopted Core Strategy and Planning Policy Statement 25' Development and Flood Risk'.

13.30 – 14.41
Chairman

This page is intentionally left blank

Minutes of a Meeting of the Planning and Environmental Protection Committee
held at the Town Hall, Peterborough on 6 December 2011

Members Present:

Councillors – North (Chairman), Casey, Hiller, Simons, Stokes, Todd, Winslade, Harrington and Ash

Officers Present:

Simon Machen, Head of Planning, Transport and Engineering Services (item 5.2)
Nick Harding, Group Manager, Development Management
Michael Freeman, Senior S106 Officer (Item 5.2)
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Serluca, Lane and Martin.

Councillors Winslade and Ash were in attendance as substitutes.

2. Declarations of Interest

- 5.1 Councillor Todd declared that she was an allotment owner/renter from Peterborough City Council but this would in no way affect her decision.
- 5.1 Councillor North declared that he knew both the proposer and objector to the Hampton Vale Allotments, but this would in no way affect his decision.
- 5.2 Councillor Harrington declared that he had a personal prejudicial interest in the item.
- 5.3 Councillor Hiller declared that the agent for the item, Mr Dadge, was a resident of his ward and a member of Northborough Parish Council, but this would in no way affect his decision.
- 5.3 Councillor North declared that he possibly knew one of the applicants, but this would in no way affect his decision.
- 5.4 Councillor Stokes declared that 39 Dunblane Drive was in her ward but this would in no way affect her decision.

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

Councillor Harrington declared that he would be making representation as Ward Councillor on item 5.1, Land to the North of the Village Hall, Guntons Road, Newborough, Peterborough.

4. Minutes of the Meeting held on 8 November 2011

The minutes of the meeting held on 8 November 2011 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 11/00786/FUL – Use of land for allotments involving the enclosure of the site and engineering works for the layout of the allotments and provision of an access from VT25 (to replace the existing allotment site VG10 approved and allocated as part of the Hampton Vale development brief December 2005)

As part of the open space provision contained within the approved Hampton Vale Development Brief, tranche VG10 was allocated for use as allotments. To date, no detailed application for the layout of the site had been submitted and the site remained undeveloped. Following Peterborough City Council's Housing Review 2010, in which developers were invited to put forward proposed land for residential development, O&H offered an area of approximately 6.47 hectares for housing. The proposed land was located to the south west of Hampton Vale, adjacent to the Western Peripheral Road and included part of the approved allotment site, VG10. The proposed housing site had been accepted in principle, and allocated as SA3.47 as part of the Site Allocations process and included within the Site Allocations Development Plan Document (DPD). Although the Site Allocations DPD had not been formally adopted it had been through the public examination process and it was anticipated that it would be adopted in February 2012, hence it carried significant weight in the decision making process.

Given that part of the approved allotments site was now envisaged for housing land and in recognition that a replacement allotment site was required to serve Hampton Vale, O&H had offered an alternative site, of the same overall size (1.2 hectares), which formed the basis of the planning application. As the application site fell partially outside of the application boundary for the Outline planning approval for the 1993 Hampton Township and the land covered by the approved Hampton Vale Development Brief a Full planning application had been submitted.

Permission was sought for the use of land adjacent to and north of VG10, and between the approved route of the western peripheral road and tranches VT22, VT24 and VT25 as allotments. The site extended to approximately 1.2 hectares (1.27 hectare including the access road) of previously undeveloped land. The Orton Pit Special Area of Conservation (SAC) was located to the west of the site.

It was proposed that the site would be subdivided into 52 plots. 300mm of topsoil would be brought onto the site. It was proposed that the site boundaries were flanked by a combination of 1.8 metre high railings to the open space to the west and 1.8 metre high feather edged timber fence, where the site adjoined the allocated new housing site (SA3.47).

Access into the site would be via VT25, a partially developed housing tranche to the east of the application site. It was proposed that where the access road crossed the new housing site (SA3.47) it would initially be of a temporary construction and formally laid out in due course as the residential development was completed. 32 car parking spaces were proposed to serve the development.

The proposals would also result in a change to the layout of the approved Surface Water Attenuation (SWA) pond, agreed as part of the planning permission for the Western Peripheral Road. This amendment would need to be agreed as part of a non

material/material amendment to the approved planning application for the Western Peripheral Road (ref: 04/01900/FUL).

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, the impact of the development on the character of the area, the impact of the development on neighbour amenity, highways implications, ecological implications, and a number of other issues. The recommendation was one of approval.

Members' attention was drawn to additional information contained within the update report and it was advised that an additional condition to provide cat proof fencing along the application site boundaries was sought in order to protect the newts in the adjacent nature reserve. An amendment to condition C1 was also sought to change the timescale from three to five years for commencement of the development. An additional informative was also sought to advise of the need to revise the existing S106, which required the provision of allotments, to reflect the new siting and to ensure that when the housing development came forward there was a S106 relating to the provision of the new allotments.

Councillor John Amps, Parish Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The Parish Council did not oppose the construction of the allotments, however the proposed site offered no benefit to local residents
- Community space would be lost and a lot more housing would be provided in the area
- The original site, VG10, was ideally located for easy access by the local community and would act as a natural extension to the green boundary of Hampton Vale
- The proposed re-siting of the allotments seemed to be for the sole purpose of implementing further housing to the detriment of local residents
- Hampton had already lost a considerable amenity area for the construction of the new primary school
- The original site was readily accessible from the Morris Homes site VT22 and VT25 which was currently under development
- If the allotments remained on the original site, they would not be subjected to the future issues with dust and fumes permeating from an adjacent construction site
- The allotment site would face further upheaval in the future if any further works were undertaken on the adjacent road or housing development site
- The committee report did not full address the Parish Council's concerns
- The original site had been stable for a number of years and was ideal for the location of the allotments
- The local residents were not being made aware that the provision of the allotments would mean the loss of a substantial amount of green boundary
- In the longer term, should the triangular plot of 150 homes be developed there would be additional pressure placed on limited Hampton community resources
- The Parish Council felt that the local community would be better served by the allotments being in their original location, VG10

Mr Roger Tallwin, the Applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The current application was only for the allotments, not the future housing development
- It had been agreed that the provision of the allotments would be 1.2 hectares to serve the residents of Hampton, to act as a buffer to the western periphery road, to act as a buffer to the Orton Pit Nature Reserve and to form part of the open space requirements of Hampton Vale
- The whole area was currently bare clay therefore top soil and fertiliser would form part of the development
- Because of the road moving, the allotments had been able to be relocated and it was believed that the proposed location was a better fit
- The allotments would be provided for the Hampton Vale residents, therefore there would be a decrease in parking issues as the residents would be able to walk to the allotments
- The Hampton Hargate Allotment Association had been consulted with and they had expressed no objection to the proposed number of car parking spaces

The Planning Officer addressed the Committee in response to queries and issues raised by speakers with regards to the change in use of the site and the perceived lack of parking provision. It was advised that Officers were of the opinion that there were no issues with either of these points.

The Highways Officer addressed the Committee in response to the speaker's points and confirmed that the parking provision, although perhaps not to the numbers desired, was considered acceptable.

Concerns were highlighted with regards to the lack of parking on the site, however it was noted that people would also walk and bike to the site.

After further debate, it was commented that allotment provision for this site was to be commended and a motion was put forward and seconded to approve the application subject to the imposition of an additional condition in relation to the provision of cat proof fencing, the revised wording to condition C1 in relation to the timings for commencement of development and the additional informative in relation to the S106 all of which were outlined in the update report. The motion was carried unanimously.

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

1. The conditions numbered C1 to C5 as detailed in the committee report
2. The informatives numbered 1 to 3 as detailed in the committee report
3. A revision to condition C1 to extend the permission to 5 years instead of 3 years
4. An additional condition relating to the provision of cat proof fencing to read:
Notwithstanding the submitted information, and prior to the commencement of the development, details of the proposed boundary treatments to serve the allotment site should be submitted to and approved in writing by the Local Planning Authority. The boundary treatments should thereafter be implemented on site prior to the first use of the allotment in accordance with the approved details and subsequently retained as such in perpetuity.
Reason: In the interests of neighbour amenity and in order to ensure an appropriate boundary treatment adjacent to the Orton Pitt SSSI and SAC located to the west of the application site in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD.
5. An additional informative to read:

The applicant was reminded that any subsequent application for the development of site allocation SA47 of the Site Allocations DPD would require the S106 Agreement linked to the development to include a schedule in relation to the provision of the revised allotment site prior to the completion of the housing development on site (suitable trigger to be agreed). For the avoidance of any doubt the applicant would also be required to vary the original S106 Agreement linked to the Outline Hampton application (91/P0556) at the time of the submission of the application for the housing development, as the allotments would no longer be delivered in connection with this development.

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 proposed replacement allotment site was of an acceptable size and location that would meet the obligation contained within the original S106 Agreement for the Hampton development. The development would not therefore result in any loss of open space provision or prejudice the delivery of allotments to serve the Hampton vale community. The development was therefore acceptable in principle and was in accordance with the provisions of Policy CS19 of the adopted Peterborough Core Strategy DPD and the Policy LT3 of the adopted Peterborough Local Plan (First Replacement) 2005
- The proposal by reason of the nature of the development, its layout and relationship to neighbouring dwellings would not result in an adverse impact on the character of the area or neighbour amenity. The proposal was therefore in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD
- Access, turning and a sufficient level of on site car parking could be provided to serve the development. The proposal would not therefore result in any adverse impact on the adjacent road network and was considered to be in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD
- The proposal would not result in adverse implications on the landscape or ecological character of the site. The proposal was therefore in accordance with Policy CS19 of the adopted Peterborough Core Strategy DPD and Policy LNE9 of the adopted Peterborough Local Plan (First Replacement) 2005.

Councillor Harrington left the meeting.

The Committee was asked to determine whether agenda item 5.2, which contained exempt appendices containing information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by Paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when the appendices were discussed, or whether the public interest in disclosing the information outweighed the public interest in maintaining the exemption.

The Committee voted 7 for, 1 against, to exclude the press and public from the meeting if the exempt appendices were discussed.

5.2 11/00885/FUL – Development of 18 dwellings, associated access and parking at land to the north of the village hall, Guntons Road, Newborough, Peterborough

The proposal was to construct 18 dwellings, made up of 6 x 4-bed houses, 2 x 3-bed houses, 9 x 2-bed houses and 1 x 2-bed bungalow. The houses would be varying 2

and 2-and-a-half storey, and a mix of detached, semi-detached and terraced. The access road would be directly off Guntons Road and would run to the south of the existing development on Harris Close. The access into Harris Close would be closed and a connection put in from the new access road. Because of the need to secure this closure of the access, a change to the 'red line' of the application had been made recently and this was the subject of re-consultation with residents.

The proposal was a redesign of an original 13-unit scheme and Members were requested to note that as the scheme had commenced, the permission had been implemented and as such could not expire. Plots 4-8 and Plot 11 were unchanged from the previously approved scheme. Members were also requested to note that the closure of Harris Close was an integral part of the previously approved development and also of the Harris Close development.

The item had previously been considered by Members of the Planning and Environmental Protection Committee on 8 November 2011. Members resolved to defer the item until the next committee and for a financial appraisal to be attached for Members as a confidential background paper.

It had also suggested by Members that discussion should take place between the Parish Council and the Developer regarding giving up some of the garden from plots 9-11 for use by the parish hall. It was considered that this may be a compromise which could be agreed if it was confirmed that no Section 106 could be reasonably secured.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of development, flood risk, highway safety and access, residential amenity, sustainability, the impact on protected and other trees and Section 106 contributions. The recommendation was one of approval.

Members' attention was drawn to the update report and it was advised that Councillor Harrington had also put forward some alternative development appraisal figures which concluded that the site would be profitable and in his opinion S106 contributions could be made by the developer. The developer had also written in and stated that they had not met with the Parish Council as they did not feel that the proposal to decrease some of the gardens to make more room for the village hall was acceptable for the reasons outlined in the update report.

Councillor David Harrington and Councillor Ward, Ward Councillor and Parish Councillor, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- There were no objections in principle to the development
- Figures had been presented to the Committee detailing the viability of the scheme
- The developers appraisal was produced with a template and the figures could be classed as assumptions or reasonable forecasts
- The development was against Core Strategy Policies CS8, CS12 and CS13
- Newborough had always had good property prices and there was a demand for living in the village
- It was unfortunate that the developers had not taken the time to speak to the Parish Council
- The development was very one way, and the village would not get anything out of it

- Why had the site been taken on by the developers if it was known that it would make a loss?
- There should be affordable houses on the site
- Consideration should still be given to moving the fences of three of the properties in order to extend the village hall green space
- The development should provide for some funding for the village

Mr Sam Metson, the Agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The Committee had confirmed at the previous meeting where the application had been heard that it was satisfied with all aspects of the proposal other than the S106 position which required further exploration
- Concerns raised with regards to the lack of financial contributions towards the village were appreciated
- The site was being brought forward in very difficult economic times and this would be of benefit to the village
- The transfer of the portion of land to the village hall had been considered however had been rejected as it was felt that it would further de-value the site and add to the viability concerns
- There was no policy reason to prevent the application from being granted
- Work had been undertaken alongside the S106 Officers over the last two years to present an application which could be supported
- The development of the site would benefit Newborough and would provide high quality new housing to meet identified need
- The scheme provided for all onsite infrastructure required to meet local need
- The proposal represented an investment in Newborough

The Planning Officer addressed the Committee in response to queries and issues raised by speakers with regards to the S106 contribution for the land north of Harris Close and the lack of provision of affordable housing on the site due to the viability of the proposal.

Members expressed concern at the lack of S106 contribution, especially towards education needs. It was commented that the application should be deferred once again to allow for an open book process to be produced for the development as approving without an S106 would set a dangerous precedent going forward.

The Chairman addressed the Committee and advised that he considered it appropriate to further discuss the two different sets of appraisal figures which had been submitted. The press and public were excluded from the meeting.

Whilst in exempt session, both sets of appraisal figures were studied and discussed. The Council's Senior S106 Officer was present and addressed the Committee and presented his views, as did the Head of Planning, Transport and Engineering Services.

Following discussion, the press and public were allowed back into the meeting.

After brief debate, a motion was put forward and seconded to defer the application pending a meeting between the Head of Planning Services and the applicant in order to establish whether an S106 of some sort could be made by the applicant. The motion was carried unanimously.

RESOLVED: (Unanimously) to defer the application to a future meeting.

Reasons for decision:

The Committee felt that it was important for the best interests of the residents and taxpayers of the city to be taken into account. Allowing development without S106 contributions could set an unacceptable precedent going forward and it was not considered, in this instance, that the applicant could not provide some form of financial contribution.

The meeting was adjourned for ten minutes.

Councillor Harrington re-joined the meeting.

5.3 11/01520/OUT – Construction of care village, comprising of care home, assisted living, supported living and extra care accommodation - use class C2 pursuant to demolition of 219 to 221 Peterborough Road, (outline with matters of appearance, landscaping and layout reserved) at land to the rear of 207-239 Peterborough Road, Stanground, Peterborough

The application sought outline planning permission for a ‘care village’ comprising a 50-bed care home, a 40-bed dementia care unit, 22 supported living units, 22 assisted living units and 29 extra care/residential units. Access and scale were to be considered as part of the proposal; matters of appearance, landscaping and layout were reserved to a later stage. A general indicative layout as to how the development would be accommodated had been submitted and included 2/3 storey development to the rear (west) of the site, 2 storey development to the east and to the rear of nos. 223 to 237 Peterborough Road and single storey development where units would abut tight to the boundaries of 217, 217a and 223 Peterborough Road. Access to the site would be gained by the demolition of nos. 219 and 221 Peterborough Road and a new 2 storey unit would front the site. The site would include landscaped areas and walkways and would include features such as vegetable, water and small sensory gardens.

The proposal would also include an administrative centre including an on site GP and other related medical services including a visiting chiropodist, optical, health care and well being councillors, care assistants, specialist doctors, nurses, and ancillary staff to service the various units. It was also proposed that within the development there would be a small convenience shop, coffee bar/lounge, hairdressers, laundry service, fitness suite, IT suite and a multi functional room for use solely by residents. Some accommodation would also be provided for ‘overnight stays’ for relatives or visitors. A mini bus service would be provided with disabled access for trips and visits and will co-ordinate home shopping.

The application site was approximately 1.46 ha and was located on land to the rear of properties 207-239 on the west side of Peterborough Road. The site formed the central section of an allocated site for residential development within the Peterborough Site Allocations Submission Document DPD (ref. SA3.40), however part of the site was currently designated as green wedge under the Adopted Peterborough Local Plan (First Replacement) 2005. The site was overgrown and contained grassland, scrub and bramble. Directly to the north of the site were a number of brick built derelict kennels and outbuildings. The western boundary lay adjacent to the former Stanground landfill site and land designated as Green Wedge, beyond which was the new Stanground By-pass (Stanham Way). To the north and south there was currently open land and this land formed part of the site allocation discussed above. The

character along Peterborough Road was comprised of ribbon development mainly detached properties of varied styles including two storey dwellings, chalet bungalows and single storey. Land opposite the site and on the eastern flank of Peterborough Road formed the Stanground south development. The site was on a main transport route with a regular bus service to and from the city. A Grade II listed windmill was situated approximately 50 metres to the south of the site.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the acceptability of the use in principle specifically the scale and density of the development, highway implications including access and parking, the impact on the setting of the listed building, the character of the area and the impact on neighbouring amenity, the implications for wildlife and landscape and the provision of infrastructure requirements. The recommendation was one of approval.

With regards to the listed building, Members were advised that views would be uninterrupted except from one specific point, there would also be a good quality tree landscape introduced behind the mill for when it was viewed from Peterborough Road.

It was further advised that a request for affordable housing had been put forward by the Housing Strategy Team, however this request was not considered acceptable by Officers as the site was an integrated secure development, which should not be broken up.

S106 contributions were to be made to the Police, Bereavement Services and the improvements of local footways and cycle ways and in addition, real-time bus timetable information was to be provided also.

Mrs Kisby, a local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The main reason for objecting to the application was that it was south of Stanground newt ponds, home to a colony of great crested newts
- There were three tests set out in Regulation 53 of the Habitat's Regulation 2010. These were outlined to the Committee
- There had been no survey undertaken on the site to detect for newts
- Newts had been found in the area and this was one of their most popular breeding grounds
- The application should be refused until the Committee was satisfied that all legal requirements were met in relation to the newts

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

- It was forecast that there was to be an 83% increase in the over 85's in the forthcoming 16 years
- The scheme was proposed to offer accommodation for people of varying ages
- The application proposal created new habitats with sensory gardens and raised beds for growing vegetables etc
- The issues which had been raised by the previous speaker had been covered in depth at the public hearing, by the Inspector
- The Ecological Officer was content with the works undertaken
- The ponds were some distance away from the application site

- The application was a resubmission of a previous application and all previous issues had been addressed
- The site would be an asset for the city

The Planning Officer addressed the Committee and advised that the Wildlife Officer had identified shortcomings in the original submitted ecology report in that it did not mention the nearby ponds. A search had been conducted for newts at the correct time of year and none had been found, hence the reason why no mention had been made in the original report. This issue had been subsequently addressed and the Wildlife Officer was happy to remove his original objection, subject to the imposition of a condition relating to the provision of additional habitat on the development site.

Members questioned whether the Planning Officer was satisfied with the proposed access into the site and in response he advised that Officers were satisfied and that the access should be a single one, with no through route due to the nature of the development.

Following debate, Members commented that the outline application was well conceived. 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 conditions numbered C1 to C31 as detailed in the committee report

Reasons for decision:

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

- The site formed part of a site allocation for residential development within the Site Allocations Submission Version DPD and would provide efficient and effective use of land
- The proposal would provide for the residential needs of the elderly population
- The scale of the development would respect the character and appearance of the surrounding area
- The development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings
- The proposal provided adequate parking provision within the site and would not result in any adverse highway implications
- The proposal did not have an unsatisfactory impact on any ecological feature or trees of significant value
- The proposal made satisfactory and justified off site provision towards improvement to the cycleway network and a contribution towards the social and physical infrastructure demands that it will place on the city

Hence the proposal was in accordance with Policies DA16, H15, H16, LNE9, LNE10, T9 and T10 of the Adopted Peterborough Local Plan (First Replacement), Policies CS2, CS10, CS8, CS12, CS13, CS14, CS16, CS17, CS21 and CS22 of the Adopted Peterborough Core Strategy and PPS1, PPS3, PPS5, PPS9.

5.4 11/01598/HHFUL – Construction of ground and first floor side extension at 39 Dunblane Drive, Orton Southgate, Peterborough, PE2 6SW

The proposal was to extend the existing side garage by bringing the front wall forward by an additional 1.65 metres to within 250mm of the front of the main house, and extending the roof upwards. The proposed new roof would have a pitch the same as that of the main house; the ridge would be set 1.5 metres below that of the main house and to the rear of it. This would then allow for a long roof slope at the front which would terminate in an eaves line just above the lintels of the garage doors, which was at about the same level as the ground floor door and window lintels. There would be two dormers in this roof slope.

The house dated from the 1990s, and was part of a large residential development on former Showground land. The area was residential with houses of various designs. No 39 was the northernmost house of a row of detached houses. The row was laid out so that, although the houses were of varying designs, there was a pattern of houses with gaps between. These gaps were achieved by using single or one-and-a-half storey garages, and by setting elements back from the main building line.

The dwelling subject of the application was a two storey dwelling with rooms in the roof, with a single storey, shallow roofed garage to the side, separating it from No 37 to the south. The garage was currently set back from the front wall of the main house.

Dunblane Drive stopped immediately to the north of No 39, however there was a link in place which would be opened once the development area to the north was occupied. There was a private drive serving the four houses at the top of Dunblane Drive.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the impact on neighbour amenity, the impact on the street scene and parking issues. The recommendation was one of refusal.

Members were advised that the proposal would have a detrimental effect on sunlight in the neighbouring bathroom window and would also result in a terracing effect, thus having a detrimental impact on the street scene.

Councillor Sue Allen, Ward Councillor, addressed the Committee on behalf of the Applicant, and responded to questions from Members. In summary, the issues highlighted to the Committee included:

- A meeting had been held of the Parish Council to discuss this application. Three objecting residents of the road behind Dunblane Drive had been present and they felt that the house would be overdeveloped, there would be problems with traffic and that the kitchen would be made into a preparation kitchen, leading to overpowering smells of Indian food. The Parish Council had decided to object to the proposal on these grounds
- The applicant had accommodated the objections, firstly by removing the kitchen extension, the height of the extension to the garage had also been reduced
- The neighbour from number 37 had no objections to the plans
- The Parish Council had subsequently withdrawn their objection due to the changes made to the application by the applicant
- There was a gap of 9.6 metres from the back of the applicant's house to the fence and a further gap in between the fence and the houses behind
- There had never been any traffic flow problems along the street

- There was no set pattern in construction with the houses along the street
- The applicant had a family of five adults and four children, and some of these children were still sharing bedrooms
- The applicant believed it was more cost effective to build an extension rather than moving home
- Comments from the applicant's architect in support of the application were read out
- 37 Dunblane Drive was the last house on the street with a gap in between it and the neighbouring property
- A letter from the resident of 37 Dunblane Drive was read out in support of the application

Following debate, Members commented that the massing of the development would be inappropriate for the street scene and other ways of adding additional accommodation to the property should be explored. A motion was put forward and seconded to refuse the application. The motion was carried by 6 votes, with 3 voting against.

RESOLVED: (6 for, 3 against) to refuse the application, as per officer recommendation and:

1. The reasons for refusal as detailed in the committee report

Reasons for decision:

It was considered that the bulk of the proposed extension would have a detrimental impact on the street scene and the public realm, in particular by creating an unbroken mass of building and infill of the existing gap, thus disrupting the pattern of this part of the street.

The proposal would also result in a loss of light to the north-facing gable window of No 37 Dunblane Drive.

5.5 11/01704/FUL – Use of land for one extended gypsy family, composed of two static caravans and one touring caravan, at land opposite 3 Hurn Road, Werrington, Peterborough

The proposal sought planning permission for the erection of two static caravans for residential occupation. The application details had stated that the lengths of the caravans would be between 8.6 metres and 9.8 metres (depending upon exact model chosen) and a width of 3.8 metres. A third caravan, 6.5 metres by 2.29 metres, was to be used as a shared family room facility. All three caravans were to be used by one extended family. A foul water treatment plant was also proposed. The site area was approximately 0.07 hectares and was 'L' shaped in plan form. The vehicular access was proposed directly opposite no.3 Hurn Road and was shown with a width of 8 metres. Entrance gates were to be set approximately 6 metres from the edge of Hurn Road. The two 'living' caravans were to be located approximately 26 metres and 32 metres from Hurn Road. They were to be positioned at right angles to each other and immediately adjacent to each other. The family room caravan was to be located at the very rear of the site approximately 50 metres from Hurn Road. Parking provision was shown for five vehicles and a 6 metre diameter turning circle was identified within the access road. The 'living' caravans were proposed at a distance of approximately 43 metres from the nearest line of the London to Edinburgh mainline railway and the family room would be approximately 40 metres.

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

The original application for the development ref: 10/00412/FUL had been withdrawn by the applicant as a result of a refusal recommendation to Committee by the Head of Planning, Transport and Engineering Services. It was considered that the occupation of the site, in very close proximity to the mainline London to Edinburgh railway, would not provide for a satisfactory living environment for occupiers of the site given the exposure to high noise levels from the passing trains. No measures had been proposed in that application to mitigate against the noise from the trains.

Since that application there had been two further planning applications. Planning applications ref: 10/01065/FUL and 11/01320/FUL both proposed two noise barriers to protect the living environment for occupiers. Both applications were refused as it was considered initially by Members on 23 November 2010 (application ref: 10/01065/FUL) and then by Officers on 13 October 2011 (application ref: 11/01320/FUL) that the proposed acoustic noise barriers, due to their height, length and siting, would stand out as incongruous, dominant and alien features within the immediate rural setting to the detriment of the character and appearance of the countryside.

The applicant had deleted both noise barriers. As an alternative to the barriers the applicant proposed to: -

- 1 – Clad the mobile homes to improve their sound resistance
- 2 – Re-site the amenity space 6 metres further away – the static caravans along side 1.8 metre high fence surrounding the amenity space are to act as a sound barrier
- 3 – Install either a noise reduction strip/triple glazing to the static caravan windows
- 4 – Install trickle ventilators – with a mechanical option for warmer months to the static caravan windows
- 5 – Add to existing boundary planting

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

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that the main issues for consideration were the principle of the proposed development on the site, the landscape impact, highways issues, drainage issues, archaeology, noise affecting residential amenity, the residential amenity of the occupiers of close by existing properties and the access to local services. The recommendation was one of approval.

Members were advised that the Environmental Health Officer had considered the proposal in light of the new idea of insulating the caravans themselves and in his view,

this did have the potential to be successful, therefore no objection had been raised against the application. A suggested condition was sought in order to obtain the details of the noise insulation system, so that adequate living standards could be maintained within the caravans. The same was true for the proposed ventilation system.

The development had been assessed against Core Strategy Policy 9 in the Adopted Core Strategy Document and these criteria were outlined to the Committee. It was highlighted that Officers were satisfied that the criteria could all be successfully accommodated.

Members' attention was drawn to additional information contained within the update report. A letter of objection had been submitted by Mr Stewart Jackson MP, additional information had been submitted by the agent in support of the application and further objections had been received from the Neighbourhood Council and Councillors John Fox, Judy Fox and Stephen Lane. All of the letters of objection were included in the update report in full.

In summary, the proposal was a revised proposal, and instead of having a physical structure to contain the noise from the railway it was proposed to insulate the caravans themselves. This proposal appeared to address the concerns as previously outlined by the Committee itself and Officers.

The Chairman addressed the Committee and advised that a request had been submitted by the agent, Mr Barry Nicholls, to extend his speaking time from five to ten minutes. The Committee were requested to vote on the extension and this was approved unanimously.

The Chairman further advised that the objecting speaker, Mr Carter, would also receive ten minutes.

Councillor Harrington left the meeting.

Councillor Colin Burton, Councillor Darren Fower and Mr Alan Smith, Ward Councillors and representative of the Werrington Neighbourhood Council, addressed the Committee jointly and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The measures outlined in the committee report, which were to be taken to reduce sound and noise issues, seemed deliberately vague
- Trains passing by on the site would cause not only noise, but ground vibration and caravans would be adversely impacted. There were no details outlined to state how this issue would be combated other than to say that the noise mitigation barriers would help. However, the noise mitigation barriers were no longer part of the application
- The application was in contravention of Policy CS9
- One of the planning policies stated that development should not be allowed in the open countryside. Why was this any different?
- The previous application had been refused due to fence having a detrimental impact on the character and appearance of the countryside. Wouldn't two static caravans have the same detrimental impact?
- The proposal would affect the amenities of the neighbouring properties
- The neighbours views across open fields would be taken away
- The lack of utility services to the application site would undoubtedly mean that generators would be used, this would have a great impact on the neighbours

- Earlier in the year, the City Council had decided that Hurn Road was not a preferred option for a travellers site as part of the Peterborough Site Allocation Development Plan
- Two caravans had moved onto the site in August 2011 and enforcement action was initially to be taken by Officers. This had been put on hold pending the outcome of the current application
- The application was in contravention of Policies CS16, CS20, CS9 and CS19
- Hurn Road formed part of the Green Wheel cycle network and the introduction of more vehicles using this road would have a detrimental impact upon cyclists
- Had any work been undertaken on newt activity on the site?
- An appeal had already been lodged against the outcome of the previous refused application
- The application would have a substantially detrimental impact on the well established small community and would introduce unacceptable changes to the character and appearance of the area
- Part of the site was in ownership of the applicant, although it was questionable whether it was inside the curtilage of the application site
- Trains passed by on a regular basis, roughly twice in a fifteen minute period
- The existence of a security fence in between the site and the railway line was disputed

Councillor Harrington re-joined the meeting.

Mr Len Carter, a local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The proposal would create a precedent for such developments in the area
- There would be a loss of amenity in that the nature of the area would be changed, taking away the rural aesthetic appeal of the neighbourhood
- There was only a distance of 30 feet or so from the boundary of the cottages to the proposed perimeter boundary
- The availability of sewage disposal was inadequate and septic tanks positioned so close to the nearby water course would prevent a danger of pollution
- A hard standing area for parking was proposed, however the nature of this hard standing had not been outlined
- Would the occupants of the site be afforded the same waste collection service as the present local residents, if so, would they be required to pay Council Tax?
- The application was in contravention of Policy CS9
- The area was a prime location for a large residential development in the future, this proposal would impact that
- Were the residents to rely on generators? If so, this would cause a noise nuisance to the adjacent properties
- Hurn Road was a single road with limited traffic levels
- The site was not secure due to the lack of fences
- Was the growth rate of the boundary fauna going to be satisfactory?

Mr Barry Nicholls and Mr Chase Wilson, the Agent and the Applicant, addressed the Committee jointly and responded to questions from Members. In summary the issues highlighted to the Committee included:

- A technician had developed a cladding system that was similar to a timber frame house, it would add another 300mm to the external and was colour and feature optional to blend in with the surrounding environment

- The site was next to a mainline and the site next door had galvanised palisade fencing with a large galvanised bridge
- The site entrance was not towards the end of the site but mid way so would therefore not affect the houses adjacent
- The landscaping had been done sensitively and parking provision had been made rather than people parking on the grass
- The field had horses grazing on it previously
- There had been no significant findings in relation to newts on the site
- The water pressure was low, but considered acceptable
- The site was intended to be served by mains electricity, taking away the need for generators
- Applications of this sort tended to be quite contentious
- The application had no objections from Highways, Archaeological, Wildlife, Environmental Health, and Landscape Officers
- The application was for a small family on a contained site, set back from Hurn Road and adequately screened
- The home will be rate paying with full services provided
- The first application had been refused for reasons which had now been addressed
- The application was intended for permanent residency
- Issues with traffic were not perceived and the comings and goings of vehicles would be just like any other family

The Planning Officer addressed the Committee and responded to queries and issues raised by the speakers in relation to the granting of permission for gypsy and traveller sites in the countryside, the number of caravans allowed on site, landscape impact, sewage disposal and vehicle movement.

Members queried what the outside of the caravans would look like with the added noise insulation. In response the Planning Officer advised that there was a condition proposed which would require the detail of the external appearance of the caravans to be submitted for approval.

Following debate, Members commented that the development was a contentious one, as these developments always tended to be and although the application site was not located in an area of the district identified as have the best landscape, the immediate area did have a rural quality that afforded a visual pleasing amenity. The development would impact greatly on the residents of Hurn Road and vigilance needed to be paid as to how the site was managed going forward. A motion was put forward and seconded to refuse the application, citing Policies CS9, CS16 and CS20, all of which alluded to the amenity loss of existing residents. The motion was carried by 6 votes, with 2 voting against.

It was noted that as Councillor Harrington had left the meeting part the way through the item, he was not permitted to vote on the application.

RESOLVED: (6 for, 2 against) to refuse the application, against officer recommendation.

Reasons for the decision:

The proposal by reason of the formation of the access and large areas of hard standing areas and the stationing of static and touring caravans would result in a significant change in the appearance of this part of the open countryside. As such the

proposal did not recognise or enhance the qualities of the local landscape and therefore the proposal was contrary to the provisions in Policies CS9 and CS20 of the Peterborough City Council Adopted Core Strategy DPD (2011) which sought to ensure new development was sensitive to its landscape setting

The proposal was likely to result in a relatively significant amount of new additional human activity (including vehicle movements of a non-domestic nature), in an area of open countryside. This would impact detrimentally on the level of amenity currently enjoyed by the nearby residents. The proposal was therefore contrary to the provisions of Policies CS9 and CS16, which both sought to protect the resident's amenity from the adverse impacts of new development.

The meeting was adjourned for ten minutes.

5.6 11/01786/HHFUL – Construction of first floor front extension at 1 Thomas Close, Bretton, Peterborough

Permission was sought for a first floor front extension. The proposal was to enclose the existing first floor balcony to create an internal room, proposed for use as a lounge. It was proposed that the extension would have a hipped style roof and would incorporate three large first floor windows to the front elevation and one large first floor window to the north side elevation. It was proposed that the extension would be clad with white PVC.

The application dwelling was a large detached two storey property situated in a prominent position within the street scene to the corner of Thomas Close and Huntsman Gate. The property had been significantly extended, with the creation of a first floor extension above the original garage and a front porch extension with a first floor balcony above. The dwelling had a hipped roof and was constructed from brick and tile. A hard paved driveway was located to the front of the dwelling that provided two in-curtilage car parking spaces. The property had an open front curtilage, with grassed front lawn flanked by trees to the north and west site boundaries.

The application site was located within a modern residential development comprising of large detached two storey properties. The design of the nearby properties varied but there were a number of dwellings that were the same design as the application dwelling, prior to its earlier extension.

An earlier application (ref: 11/01434/FUL) for the same development was withdrawn on 27 October 2011 following discussions with the applicant regarding amending the design of the extension in order to address Officer concerns about the likely adverse impact of the extension on the character of the area. There had been no change to the resubmitted application.

The Planning Officer addressed the Committee and gave an overview of the proposal. Members were advised that 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 refusal. Members were advised that the recommendation of refusal was due to the out of character windows proposed.

Following questions to the Planning Officer in relation to the windows, a motion was put forward and seconded to refuse the application. The motion was carried unanimously.

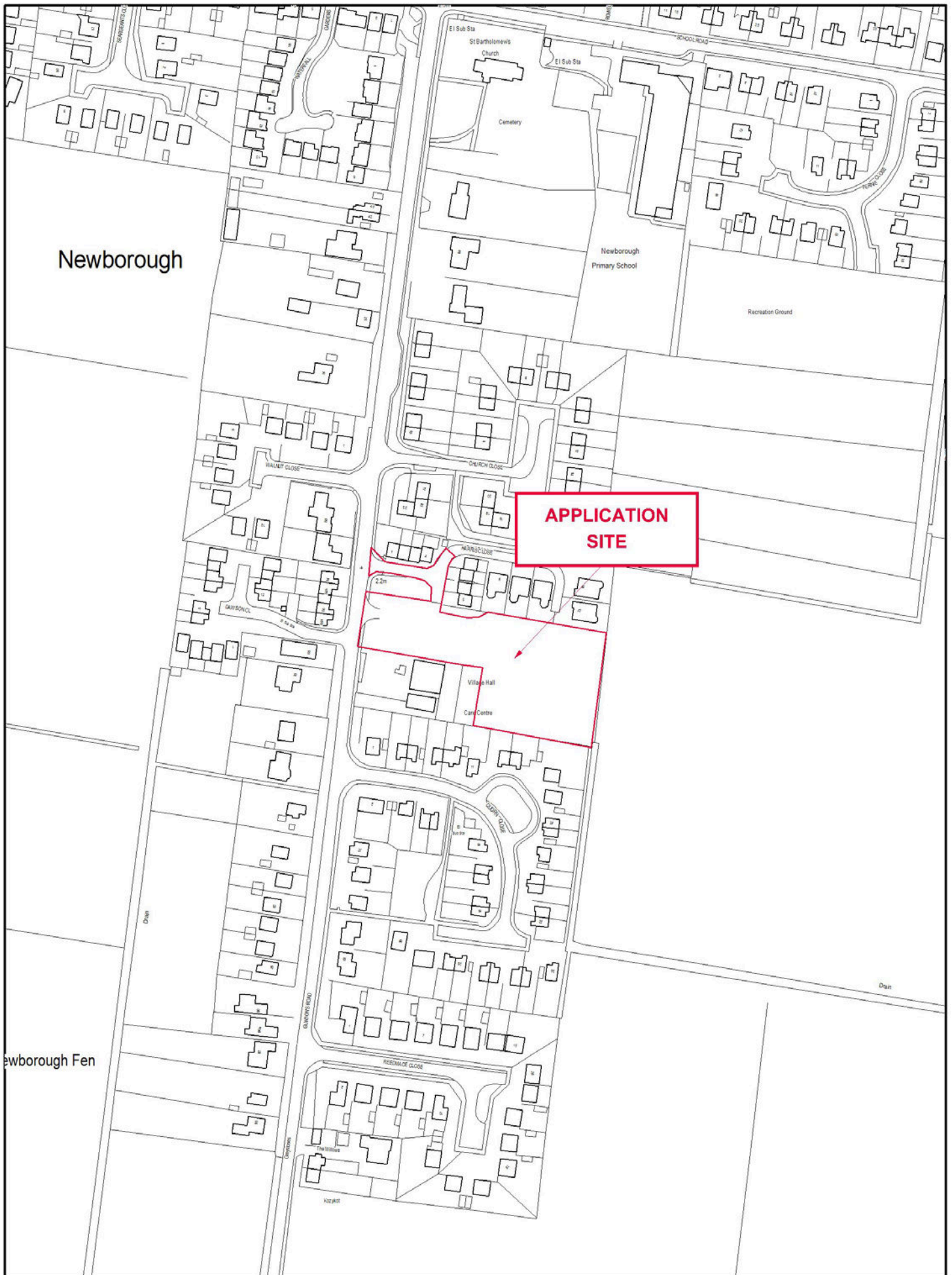
RESOLVED: (Unanimously) to refuse the application, as per officer recommendation and:

1. The reason for refusal as detailed in the committee report

Reasons for the decision:

The proposal was unacceptable as the development by reason of the proposed materials, design, size and location of the proposed fenestration would appear out of keeping with the character of the host dwelling and result in a detrimental impact on the character and appearance of the street scene.

13.30 – 17.46
Chairman



LOCATION PLAN 11/00885/FUL
 Land to the North of the Village Hall, Guntons Road

Scale NTS **Date** 22/11/2011 **Name** AH **Department** Planning Services

© Crown copyright and database right 2011. Ordnance Survey. 100024236.

PCC GIS



This page is intentionally left blank

11/00885/FUL: DEVELOPMENT OF 18 DWELLINGS, ASSOCIATED ACCESS AND PARKING AT LAND TO THE NORTH OF THE VILLAGE HALL, GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH

VALID: 21 JUNE 2011

APPLICANT: WEST REGISTER (REALISATIONS) LTD

AGENT: BIDWELLS

REFERRED BY: CLLR HARRINGTON

REASON: LACK OF S106 PROVISION

DEPARTURE: NO

CASE OFFICER: JANET MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The principle of development
- Flood risk
- Highway safety and access
- Residential amenity – future occupants and neighbours
- Sustainability
- Impact on protected and other trees
- Section 106 contributions

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.

Core Strategy Policies

CS8: Meeting Housing Needs. This policy seeks to secure a variety of housing to meet local needs, including affordable housing.

CS10: Environmental Capital. Development must make a clear contribution to the Environment Capital aspirations.

CS11: Renewable Energy. Applications for renewable energy facilities will be supported. A proportion of the energy supply for new developments is expected to be gained from renewable or low-carbon sources.

CS12 and CS13: Infrastructure. These policies require that development makes a contribution towards related infrastructure requirements, in accordance with the Planning Obligations Implementation Scheme where appropriate.

CS14: Transport. Development should make transport provision for the needs it will create, in accordance with the Transport User Hierarchy.

CS16: Urban Design and the Public Realm. High quality and inclusive design is required, taking into account the disposition of buildings, the quality of the public realm, addressing vulnerability to crime, accessibility, safety, adaptability, and neighbour amenity.

CS21: Biodiversity and Geological Conservation. Inter alia, features beneficial to biodiversity should be incorporated into new development.

CS22: Flood Risk. Development should be informed by a Flood Risk Assessment, and Sustainable Urban Drainage systems should be used on all suitable sites.

Saved Local Plan Policies

Policy H10 designates Newborough as a Limited Rural Growth Settlement where the development of windfall sites comprising small estates, housing groups and infill, will be permitted.

H15: Residential Density. Development should be at the highest appropriate density for the site.

H16: Residential Design and Amenity. Requires suitable provision of privacy, amenity space, quiet and light.

T8: Connections to the Existing Highway Network. Planning permission will only be granted if the vehicular access is to a suitable highway.

T9: Cycle Parking Standards. Cycle parking should be provided in accordance with the adopted standards.

T10: Car and Motorcycle Parking Requirements. Should be provided in accordance with the adopted standards.

LT1: Open Space in New Residential Development. Open space should be provided on all developments of more than 9 dwellings.

LNE9: Landscaping Implications of Development Proposals. Development must make adequate provision for landscaping.

U1: Water Supply, Sewage Disposal and Surface Water Drainage. Development must make provision for suitable drainage.

Material Planning Considerations

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

PPS1: 'Delivering Sustainable Development'

PPS3: 'Housing'

PPG13: 'Transport'

PPS25: 'Development and Flood Risk'

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

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

In addition Circular 05/2005 states the following principles:

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

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

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

Draft National Planning Policy Framework

3 DESCRIPTION OF PROPOSAL

The proposal is to construct 18 dwellings, made up of 6 x 4-bed houses, 2 x 3-bed houses, 9 x 2-bed houses and 1 x 2-bed bungalow. The houses will be varying 2 and 2-and-a-half storey, and a mix of detached, semi-detached and terraced. The access road will be directly off Gunton's Road and will run to the south of the existing development on Harris Close. The access into Harris Close will be closed and a connection put in from the new access road. Because of the need to secure this closure of the access, a change to the 'red line' of the application has been made and a further period of neighbour consultation undertaken.

The proposal is a redesign of an original 13-unit scheme and it should be noted that as this scheme has commenced, the permission has been implemented and as such cannot expire. Plots 4-8 and Plot 11 are unchanged from the previously approved scheme. It should also be noted that the closure of Harris Close was an integral part of the previously approved development and also of the Harris Close development.

Report Update

The item was considered by Members of the Planning and Environmental Protection Committee on 8th November and the 6th December 2011. Members resolved to defer the item at the 8th November committee in order to consider the financial appraisal submitted to the Local Planning Authority by the Developer. It was also suggested by Members that discussion should take place between the Parish Council and the Developer regarding giving up some of the garden from plots 9-11 for use by the parish hall. This, it was considered, may be a compromise that can be agreed if it is confirmed that no Section 106 can be reasonably secured. However, no such discussion was entered into. The matter was deferred again at the 6th December 2011 meeting. This was as a result of Members careful consideration of the financial appraisal. Members considered that the Developer was in a financial position to make a contribution towards the application site and as such deferred the item to allow planning officers to discuss this further with the Developer directly.

A meeting has now been held between the Head of Planning, Transport and Engineering and the Developer's Agent. At the meeting the Agent agreed to make a contribution of £15,000 towards the provision of new or improved community facilities (to be defined in agreement with the Parish Council) within the village. It is proposed that the sum would be payable on first occupation of the 15th dwelling and that any money unspent after 36 months shall be returned. The contribution is being made by the applicant on the basis of a goodwill gesture to the community as the submitted financial appraisal makes it clear that the site is not profitable to develop.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is on the east side of Gunton's Road, to the north and east of the village hall. To the immediate north is Harris Close, and to the east is open countryside.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
02/01721/OUT	Residential development for 11 houses and 2 bungalows (renewal of 66/00001/OUT)	20/06/2003	Consent
06/00948/REM	Residential development comprising 13 dwellings (to include 2 bungalow, 5 terraced houses and 6 detached houses)	19/06/2006	Consent

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Local Highway Authority – No objection. The development is acceptable subject to conditions and informatives.

Archaeologist – No objection. Development unlikely to affect any archaeological remains.

Pollution Team – Noise assessment should be undertaken to assess noise from village hall. Contamination condition and an informative regarding hours of construction work are recommended.

Landscape Officer – Provided that work is carried out in accordance with the Tree Survey, Arboricultural Impact Assessment and Method Statement, no objection, though it is commented that the trees will require ongoing pruning to manage the relationship between T1 and T2, which are sycamores, (not subject to or worthy of a TPO) and Plot 12.

EXTERNAL

Police Architectural Liaison Officer – The rear service footpath to garages behind Plots 4-7, if left ungated is likely to facilitate crime, anti-social behaviour and potentially litter/fly-tipping. A simple solution would be to gate this alleyway with a metal railing type of gate which would enable surveillance down the passage. The gate should be the same height as surrounding fencing, fitted with a self closing mechanism and lock or access control, enabling access, only those residents who require it. The gate should be positioned as close as possible to the front building line of Plot 9.

North Level Internal Drainage Board – No objection. The Board's requirements have been met.

Environment Agency – No objection. The proposed development site is within flood zone 3. The proposed development should only be permitted in this zone if the Sequential Test and if necessary the Exception Test are passed. The Environment Agency has no objection to the proposed development subject to [PCC] applying these tests and being satisfied that the development is acceptable from a flood risk perspective.

Parish Council – Concern that properties are too close to village hall with possible noise pollution. Also trees on the development should be properly protected (they have TPO's) and Newborough Parish Council would like to know what arrangements there are for ensuring responsibility of the trees. Following a further consultation regarding the non contribution to S106 provision and affordable housing, the Parish Council propose that the City Council should try to agree to a contingent payment based upon the actual results of the development once implemented as the economy could improve by the time the dwellings are sold. A S106 payment linked to a profit share should therefore be sought. The Parish Council therefore objects until a suitable agreement is reached to benefit the village either in monetary or other ways.

Newborough and Borough Fen Community Association – We feel that 18 properties are too many to close to the [village] hall which is used each weekday in term time by the playgroup. We have regular evening bookings at the hall and although there is very good soundproofing at the hall there is traffic noise to be considered. The 13 dwellings which were on previous plans were quite sufficient and we had no objection to them.

NEIGHBOURS

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

- The existing plans are not viable for the area
- Newborough attracts families, the existing plan should remain in place to encourage families.
- The latest plan does not cater for this and is replaced by 2 to 2.5 bedrooms.
- This encourages people to stay short term and thus will see a greater turnover of short term residence.
- Also encourages tenancies as has happened in the 2 bed houses in Harris Close.
- The number of dwellings and therefore traffic will increase and cause parking problems.
- The three bed terraces will be overlooking the rear gardens and windows of Harris Close, provision has not been made for any screening.
- Newborough does not need another estate where cars clog up the street.
- Boundary is not shown correctly.
- Concern regarding the stub at the access road to Harris Close, no reference is made to the proposed key clamped hand rail to be installed around the retaining wall. What finishing is

proposed for this part of the road? Will there be bollards as we are concerned that this could create a lay by.

- Is the access road to Harris Close still to be adopted?

COUNCILLORS

Cllr Harrington raised concerns with regards to no S106 obligation provisions to mitigate the impact of the development.

7 REASONING

a) Introduction

This application is for development on a site which commenced under a previous consent. Part of the access road is in place and some works have been done on foundations and slabs. The applicant has explained that the previous developer has ceased business, and they wish to pick up the scheme, although with some changes to provide more but smaller dwellings.

b) Policy issues and the Principle of Development

The site is within the village envelope and is not allocated for any other use. The site is included in the emerging Site Allocations DPD as a committed/suitable housing site. The allocation of dwellings in this document is 13, so the additional 5 units proposed under this application will aid in the provision of housing to support the City Council's Growth Agenda. In principle the proposal is acceptable.

c) Flood Risk

The site is within Flood Zone 3, where development would not normally be permitted. In accordance with the requirements of PPS25, a sequential test has been applied to the proposal. Discussions involving the Environment Agency have concluded that the test should only be applied to the uplift of 5 dwellings, as the site benefits from an implemented consent for 13 dwellings.

The sequential and exception tests are passed as principally:

- There are no sites at less flood risk elsewhere in the village
- The site is allocated for residential development in the emerging site allocations development plan document
- The floor level of the dwellings is set such that it is above the predicted flood level.

d) Highways

The access to the site is off Gunton's Road. The proposed new access is within a few metres of the existing access to Harris Close, which is indicated as (the already completed) Phase 1 of the overall development.

The Local Highway Authority (LHA) has confirmed that the closure of Harris Close will need to be secured before any of the new dwellings can be occupied. This is necessary to avoid having two side streets onto the main road within a few metres of each other, which would not meet with highway policy. Since the initial submission of the application an amended outline plan has been submitted which now includes the access road to Phase I. This would enable a condition to be appended to the consent to ensure that the access to Phase I would be legally 'stopped up' prior to the access to the application site being brought into use.

A further 21 day neighbour consultation has taken place. It has been brought to the attention of the Local Planning Authority that a 'stub' of land at the access to Phase I has been conveyed to the owner of no. 1 Harris Close. Notice has therefore been served on the owner of 1 Harris Close and certificate B of the application form completed. A response has been received from the owner who has questioned whether it is still the intention for Harris Close to be adopted and how the stopping up of the access road to Harris Close would be implemented. It should be noted that the owner of No 1 Harris Close should have been made aware of the proposed closure of the access on purchase of the property as this was an integral part of the planning permission and associated Section 106 agreement for the development.

The LHA has confirmed it is still the intention of the City Council to honour the Section 38 Agreement and adopt the roads of Phase 1 subject to them being completed to a satisfactory standard and will require the 'stub' to be stopped up (both in a legal and physical sense) if phase 2, the application now under consideration, comes forward. It should be noted that the stopping up order is required in order for the LHA to support the current planning application ref: 11/00885/FUL. On completion of the stopping up, the responsibility of the maintenance for the 'stub' of land would remain with the owner.

The proposed 18 dwellings would each be provided with car parking in accordance with the adopted standard. Cycle parking can be accommodated in rear gardens; all dwellings would have a rear access path for movement of cycles and refuse bins.

The LHA has recommended several conditions including some relating to details which can better be agreed at Technical Vetting Stage, and which are therefore not recommended at planning stage.

e) Residential amenity

The proposed dwellings are suitably designed in terms of layout, orientation, and separation. Each dwelling would be provided with a rear garden of adequate size. Most gardens are at least 10m long. The bungalow garden is only 4.5m deep, and is directly to the north of the village hall. This is likely to result in overshadowing to the garden however, the relationship was approved previously, and that approved scheme, having commenced, could be implemented.

The impact on neighbours will be similar to the impact accepted when the previous scheme was approved. In most cases there would not be unacceptable overlooking or overshadowing. A comment has been received about the relationship of the terraced dwellings with the existing housing on Harris Close, stating that there could be overlooking. The front windows of the new houses would be about 22m from the main back wall of the Harris Close houses; again, the relationship is similar to that previously approved.

As the development is very close to the village hall, where there can be evening events generating noise, a condition is recommended requiring a noise assessment to be carried out, and any necessary mitigating measures to be incorporated into the development by way of, for example, trickle or mechanical ventilation.

f) Sustainability

The applicant has not submitted any information to show how the development would contribute towards the Environment Capital agenda, as required by Policy CS10. A condition is therefore recommended, requiring the development to achieve a 10% betterment on the target emissions rate set by the Building Regulations.

g) Impact on trees

There is a small group of trees subject to a TPO on the neighbouring site. These trees are adjacent to the access point of the development site, between it and the entrance to Harris Close. No works are proposed to these trees.

There are two trees to be retained in the south-east corner of the site, and no-dig construction will be required for the driveway within the root protection area.

Provided that development is carried out in accordance with the submitted Method Statement, there will be no unacceptable impact on trees. A condition is recommended to this end.

h) S106 Provisions

Although there is a Policy presumption that development will provide a contribution towards infrastructure provision (which in this case would equate to the sum of £90,000 plus monitoring fee and on-site affordable housing), the Planning Obligations Implementation Scheme (POIS) allows for part or all of the contributions to be waived, in circumstances where this can be justified (inter alia) on the grounds of on-site costs. This requires that the applicant submit financial details for audit by the Council.

In this case the applicant has submitted financial information which has been assessed by the Council's S106 Officers. The submission identified a deficit at the completion of development. The Build Cost Plan, Finance Assumptions, Land sale price and other assumptions in relation to marketing costs, professional fees etc were all assessed and considered acceptable. The Gross Development Value (GDV) of the scheme was identified and the assumed revenue from sales would need to increase in excess of 19% of the GDV in order for the scheme to deliver a surplus at completion. The S106 Officers are therefore satisfied that the proposal is unable to support the provision of Affordable Housing or any other S106 contribution. However as stated above the Developer has now offered a S106 contribution of £15,000.00 towards the mitigation of the proposed development.

i) Other matters raised by Consultees/Neighbours

Security – the provision of a security gate to the alley at the side of plot 9 is recommended to be secured by condition.

Tree Maintenance – the future owner of plot 12 will have responsibility for maintaining those parts of the tree that overhang plot 12.

Parking – there are 30 off street spaces for 18 dwellings. This is considered satisfactory.

No of 2-bed properties – there is no evidence to suggest that an increase in the number of 2-bed properties will have any harmful impact.

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:

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

- The site lies within the village of Newborough which is designated as a 'Limited Rural Growth Settlement'
- The scale, density and design of the development are in keeping with the surrounding built form and village setting
- The site is served with an acceptable access and appropriate parking provision is made within the site
- The proposal would not result in any adverse impact on the amenity of the occupiers of neighbouring dwellings
- The proposal makes a satisfactory and justified financial contribution towards the provision of new or improved community facilities.

Hence the proposal accords with policies H10, H15, H16, LNE9 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS1, CS2, CS8, CS10, CS14 and CS16 of the Adopted Peterborough Core Strategy DPD 2011 and planning policy statements PPS1, PPS3 and PPS25.

9 RECOMMENDATION

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

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C 2 No development shall take place until details of the materials to be used in the external elevations of the dwellings hereby approved 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.

- C 3 The dwellings shall not be occupied until the garages and parking spaces shown on the approved plans have been constructed. The garages and parking spaces shall thereafter be available at all times for the purpose of the parking of vehicles, in connection with the use of the dwellings.**

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD and Policies T9 and T10 of the Adopted Peterborough Local Plan (First Replacement).

- C4 Prior to the commencement of the development a 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 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 construction and other site works;**
- **a scheme for construction access including measures to ensure that all construction vehicles can enter the site immediately upon arrival and adequate space within the site to enable vehicles to turn, park and load and unload clear of the public highway**
- **a scheme for parking of contractors vehicles;**
- **a scheme for access and deliveries including hours.**

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

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

- C5 The visibility splays to the roads serving any dwelling shown on plan no. 683/PL/01 K shall be provided prior to the occupation of that dwelling and shall be maintained thereafter free from any obstruction over a height of 600mm.**

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

- C6 The development shall achieve, as a minimum, an energy efficiency of 10% above the Building Regulations standard at the time of Building Regulations being approved for the development, unless this requires a zero carbon development.**

Reason: In order to deliver energy efficiencies in accordance with Policies CS10 and CS11 of the adopted Peterborough Core Strategy DPD.

- C7 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:

- **Proposed finished ground and building slab levels**
- **Boundary treatments including a gate to the path behind units 4-9**
- **Planting plans for replacement trees, species, numbers, size and density of planting**

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.

- C8 Development shall proceed fully in accordance with the approved Flood Risk Assessment and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.**

Reason: To reduce the risk of flooding and in accordance with Planning Policy Statement 25 'Development and Flood Risk'.

- C9 Construction work shall not begin until a scheme for protecting the proposed development from noise from the Village Hall has been submitted to and approved by the local planning authority; all works which form part of the scheme shall be completed before any part of the noise sensitive development is occupied. The scheme should demonstrate that proposed residential properties will be provided with a degree of noise insulation consistent with that protection afforded to the existing dwellings in the locality**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise), and Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C10 If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval of from the LPA, a Method Statement. This Method Statement must detail how this unsuspected contamination shall be dealt with. Development shall thereafter be carried out in accordance with the approved Method Statement.**

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment in accordance with Planning Policy Statement 23: Pollution.

- C11 Development shall be carried out in accordance with the approved Tree Survey, Arboricultural Implications Assessment and Method Statement.**

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

- C12 Notwithstanding the details hereby approved; plots 3, 4, 8 and 11 shall be built to Lifetime Homes standards.**

Reason: In order to meet the lifetime homes needs and in accordance with Policy CS8 of the adopted Peterborough Core Strategy DPD.

- C13 No dwelling shall be occupied until the roads and footways connecting that dwelling to the existing public highway have been completed to base course level.**

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

- C14 No dwelling shall be occupied until the connecting junction to Harris Close has been provided to an adoptable standard.**

Reason: In the interests of enabling a Highway connection and consequent Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

- C15 On the first occupation of each dwelling, a 'Householder Travel Pack' shall be prepared, supplied and issued to each dwelling. The Pack shall include a covering letter explaining the reasoning behind the packs and a tear-off slip offering either the option of a 3 month public transport ticket or a £50 cycle voucher from a local cycle shop.**

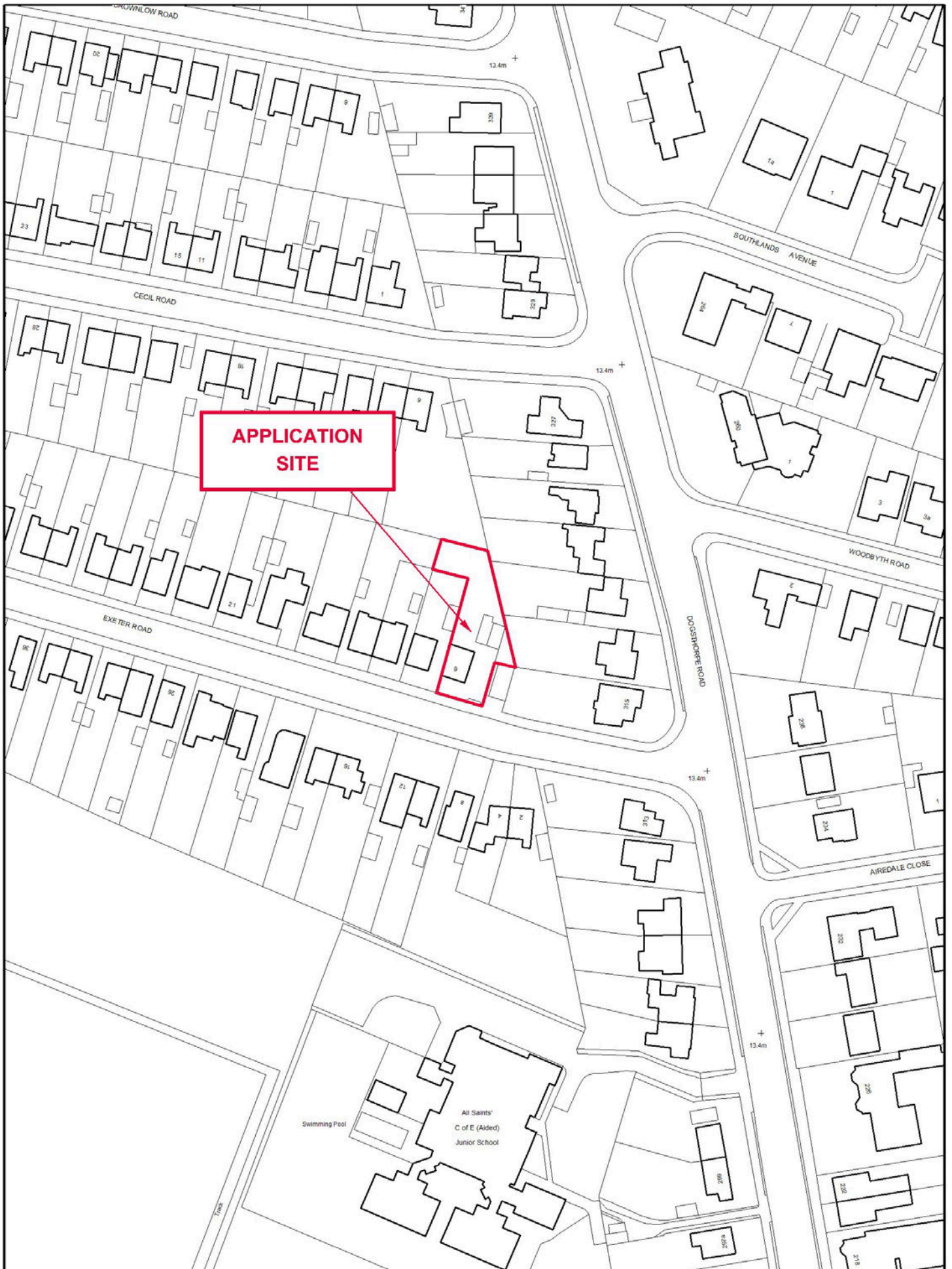
Reason: In order to encourage travel by sustainable modes and in accordance with policy CS14 of the Adopted Peterborough Core Strategy DPD.

- C16 Prior to occupation of any of the dwellings hereby approved the vehicular access serving the development to the north of the site (i.e. Harris Close) must have been legally 'stopped up' under the relevant legislation in accordance with the scheme to be submitted and approved in writing by the LPA.**

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

Copy to Councillor D Harrington

This page is intentionally left blank



LOCATION PLAN 11/01808/FUL

9 Exeter Road, Millfield, Peterborough

Scale NTS Date 20/12/2011 Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

PCC GIS

This page is intentionally left blank

11/01808/FUL: CHANGE OF USE FROM RESIDENTIAL TO MIXED USE AS A RESIDENTIAL AND TEACHING ESTABLISHMENT FOR ARABIC AND RELIGIOUS INSTRUCTION ON WEEKDAYS ONLY (RETROSPECTIVE) AT 9 EXETER ROAD, MILLFIELD, PETERBOROUGH

VALID: 14 NOVEMBER 2011

APPLICANT: MR MAKHTAR

AGENT:

REFERRED BY: HEAD OF PLANNING

REASON: IMPACT ON CHARACTER, NEIGHBOURING AMENITY AND HIGHWAY IMPLICATIONS

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

TELEPHONE: 01733 454438

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

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact on the character of the area and the residential amenity of neighbouring properties
- Highway 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.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement) 2005

CF10 Places of Worship and Religious Instruction – Planning permission will only be granted provided the development would allow safe and convenient access by foot, cycle and public transport and would be sufficiently well related to its catchment population; noise and disturbance would not be detrimental to neighbouring occupiers and would not result in unacceptable congestion or hazard to road safety.

T10 Car and motorcycle parking requirements - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

The Adopted Peterborough Core Strategy DPD

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

CS16 Urban Design and the Public Realm - High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. 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.

Material Planning Considerations

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

Planning Policy Guidance Note (PPG) 13: Transport

3 DESCRIPTION OF PROPOSAL

The application seeks permission to use part of the dwelling house as a teaching establishment for Arabic and religious instruction on weekdays only. This is a retrospective application as the use commenced in May 2010. The use operates Monday (including Bank Holidays) to Friday providing two sessions between 4.00 pm and 5.00 pm and 5.30 pm to 6.30 pm. The maximum number of children attending each session would be 10.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site contains a two storey detached dwelling which has been extended with a two storey side extension and single storey rear extension. To the rear is an enclosed garden which abuts the rear gardens to properties in Cecil Road and Dogsthorpe Road. The site is close to the entrance of the street on the north side of Exeter Road and the immediate vicinity comprises an established residential character comprising predominantly two storey detached and semi detached properties with in curtilage parking provision. There is space to the front of the property for two vehicles to park clear of the public highway.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00265/FUL	Two storey side and single storey rear extension	21.04.2008	REF
08/00867/FUL	Two storey side and single storey rear extensions - revised	05.08.2008	WDN
08/01305/FUL	Two storey side and single storey rear extension and demolition of garage and conservatory	16.01.2009	PER
09/01380/DISCHG	Discharge of Conditions C2 and C3 of application 08/01305/FUL - Two storey side and single storey rear extension and demolition of garage and conservatory	08.02.2010	COM
09/01452/FUL	Demolition of garage and conservatory and construction of two storey side and single storey rear extensions - retrospective (as built)	03.02.2010	PER
09/01453/FUL	Demolition of garage and conservatory and construction of two storey side and single storey rear extensions - retrospective (Revised)	03.02.2010	WDN
10/01111/FUL	Change of use from residential to mixed use as a residential and teaching establishment - retrospective	11.11.2010	REF

INTERNAL

Head of Transport and Engineering – Recommend Refusal - The Local Highways Authority (LHA) would reiterate comments made previously from planning application 10/01111/FUL. The LHA recommend refusal due to insufficient space within the curtilage to provide parking which would result in the parking in unsafe locations which would be detrimental to highway safety.

EXTERNAL

Millfield and New England Regeneration Partnership – objection - Exeter Road is a residential street, with the properties having covenants preventing them from being used for commercial purposes. There have been various applications to use parts of properties for business purposes. There is already another Madrassa in Exeter Road, which has proved to be a major inconvenience to residents with each day numerous vehicles picking up and dropping off children, causing a nuisance to residents with blocked roads and pavements and the noise of cars and car doors. The number of children would increase and there would be disregard to any conditions laid down. The claim that the children will all arrive by methods other than cars is nonsense. The opening times would cause nuisance to residents, in particular as this is at a time when residents are returning home from work, as well as other people driving down the road during what is effectively the rush hour as most people leave work through part of this period. This Madrassa is a business and not just something for family and friends as alleged. On their own figures there are 2 classes a day with 10 children per class, which makes 20 children, which is clearly a business, as well as the fact the parents are required to sign an application and agreement form. This is a commercial business.

NEIGHBOURS

2 letters of objection have been received raising the following issues:

- No 9 is the first house along Exeter Road and the corner is extremely busy, particularly as it is close to All Saints School, the proposal could impact on the junction with Dogsthorpe Road
- Limited parking within the site and already a number of vehicles parked on the road
- My garage lies adjacent to the site and I have difficulty getting my car out of my garage
- Already sufficient educational establishments nearby including, All Saints School, a Buddhist Centre and Islamic teaching establishment in Exeter Road
- I live next door to a Madrassa and have had to endure years of noise, cars parked across my drive
- The fact the use is operating shows the application process is being ignored
- The majority of children arrive in cars

1 letter of support has been received stating that her child lives nearby and walks to and from the class

7 REASONING**a) Introduction**

The application is a resubmission of a similar proposal submitted last year (ref. 10/01111/FUL) which was refused due to the number of vehicle movements generated by the use and subsequent intensification of a use which would adversely impact upon the general character of the immediate area. The application was also refused because of insufficient space within the site curtilage to provide parking facilities for the combined residential occupancy of the dwelling and the children's teaching establishment resulting in parents delivering and collecting children attending the school having to park within the public highway that would block, by way of parking in unsafe locations, the free flow of traffic within Exeter Road. This is detrimental to highway safety. The previous application proposed the use of a large lounge to the rear of the property to be used for teaching/religious instruction between 5.00 pm and 6.00 pm Monday to Friday and the remainder of the time would be used as a family room. The number of children attending would have been between 10 and 15 at any one time.

The application under consideration again proposes the lounge to be used in the manner indicated in the above paragraph. However, at the site visit the Case Officer was advised that it was the room formerly used as a garage that is being used for teaching/religious instruction, and not the lounge.

Planning History relevant to the application

Temporary planning permission was granted in 2002 (ref. 02/00410/FUL) for the erection of a dayroom for use as a Madrassa at 41 Exeter Road and a permanent consent granted in 2004 (ref 04/01418/FUL). This site lies a few houses to the west of the application site. The permission restricted the use to no more than 10 children at any one time and limited the hours of use to between 3.00 pm to 8.00 pm Monday to Friday and between 9.00 am to 12.00 pm, and 3.00 pm to 8.00 pm on Saturday. A minimum of 15 minutes shall elapse in between a class finishing and the subsequent class commencing.

In 2011 an application was submitted to vary condition 3 of planning consent 04/01418/FUL) to enable up to 25 children to attend the Madrassa at any one time and to remove the 15 minute limit between each class. The application was refused as the proposal would have resulted in a significant increase in the number of children present on the site at any one time and the increase to 25 pupils and removal of the fifteen minute break between classes would result in up to 50 children visiting the site and congregating in the rear garden area of No. 41 Exeter Road, giving rise to an unacceptable level of noise disturbance to nearby residential properties. In addition the increase in pupils would have resulted in additional vehicles visiting the site and would impede the free flow of traffic on Exeter Road.

b) Impact on character and neighbouring amenity

The surrounding character is predominantly residential and the use of the dwelling for teaching/religious instruction for up to 10 children over two sessions would result in a number of comings and goings to the property over a two and a half hour period. It is considered that the use would generate a level of activity which would materially change the general character of the property and would be harmful to the amenity of the occupiers of neighbouring properties in the immediate vicinity.

In addition there is already a Madrassa in close proximity to the site at number 41 Exeter Road. It is considered that the use of an additional dwelling for teaching/religious instruction in such close proximity would further erode the residential character of the street and, through the cumulative impact, significantly increase the adverse impact on residential amenity of the occupiers of properties in this residential street through the general activity of people arriving at and leaving the site and the subsequent increase in vehicular traffic. Hence the proposal would therefore be contrary to policy CF10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policy CS16 of the Adopted Peterborough Core Strategy DPD.

c) Highway implications

There is parking provision for up to two vehicles within the site. Whilst the application states that the children attending the class will walk, use public transport or cycle, it is likely that most children attending the site would arrive by car. This is substantiated by the case officer dealing with the previous application who, from a site visit, witnessed that the majority of children were indeed dropped off by car. This resulted in a large number of vehicles to be parked on the adjoining highway. It is the view of the Local Highways Authority that the proposal would result in vehicles to be parked in unlawful/unsafe locations which would impede the free flow of traffic and create safety issues to all highway users. Hence the proposal is contrary to policy T10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policy CS14 of the Adopted Peterborough Core Strategy DPD.

d) Other Matters

An objector has stated that the properties along Exeter Road have covenants preventing them from being used for commercial purposes. Members will be aware that the issue of restrictive covenants is not a material planning consideration.

8 CONCLUSIONS

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

- The proposed use of the dwelling for teaching/religious instruction would materially change the residential character of the immediate area, particularly when taken with the existing Madrassa in Exeter Road, and would have a significant adverse impact on the amenity of the occupiers of neighbouring properties
- The proposed use would result in an increased number of vehicles waiting on the adjacent public highway which would impede the free flow of vehicular traffic to the detriment of users of the public highway and create a highway safety hazard.

Hence the proposal is contrary to policies CF10 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD.

9 RECOMMENDATION

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

R 1 The use of the dwelling (retrospectively), in part as a children's teaching establishment, would by virtue of the number of children attending and the subsequent level of activity that would be generated, along with the associated numbers number of vehicles accessing the property, adversely impact upon the general character of the immediate area that is dominated by dwelling houses, particularly when taken with the existing Madrassa in close proximity, and would be detrimental to the amenity of the occupiers of those properties. Hence the proposal is contrary to policies CF10 and T10 of the Peterborough Local Plan (First Replacement) 2005 and policy CS16 of the Adopted Peterborough Core Strategy which state:-

CF10 Planning permission for the development of land, or change of use of an existing building, to provide a new place of worship or religious instruction will be granted, provided that:

- (a) the development would provide a safe and convenient access by foot, cycle and public transport, and would be sufficiently well located in relation to its intended catchment population to offer a reasonable prospect of a substantial number of trips by these modes;
- (b) the noise and disturbance likely to be caused by the use of the premises would not be unacceptably detrimental to the amenities of occupiers of nearby properties; and
- (c) the vehicular traffic and pedestrian activity likely to be generated would not be unacceptably detrimental to the amenities of occupiers of nearby properties or be likely to result in unacceptable congestion or hazard to road safety;
- (d) any associated car parking to be provided would not be unacceptably detrimental to the character or appearance of the area.

T10 Planning permission will only be granted for car and motorcycle parking outside the City Centre if it is in accordance with the standards set out in Appendix V. Car and motorcycle parking in the City Centre will be assessed against policy CC15.

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.

R 2 There is insufficient space within the site curtilage to provide parking facilities for the combined residential occupancy of the dwelling and the children's teaching establishment. This results in the vehicles of the parents delivering and collecting children attending the school having to park within the public highway that would block, by way of parking in unsafe locations, the free flow of traffic within Exeter Road. This is

detrimental to highway safety. The proposal is therefore contrary to policies CF10 and T10 of the Peterborough Local Plan (First Replacement) and policy CS14 of the Adopted Peterborough Core Strategy DPD which state:

- CF10 Planning permission for the development of land, or change of use of an existing building, to provide a new place of worship or religious instruction will be granted, provided that:
- (a) the development would provide a safe and convenient access by foot, cycle and public transport, and would be sufficiently well located in relation to its intended catchment population to offer a reasonable prospect of a substantial number of trips by these modes;
 - (b) the noise and disturbance likely to be caused by the use of the premises would not be unacceptably detrimental to the amenities of occupiers of nearby properties; and
 - (c) the vehicular traffic and pedestrian activity likely to be generated would not be unacceptably detrimental to the amenities of occupiers of nearby properties or be likely to result in unacceptable congestion or hazard to road safety;
 - (d) any associated car parking to be provided would not be unacceptably detrimental to the character or appearance of the area.
- T10 Planning permission will only be granted for car and motorcycle parking outside the City Centre if it is in accordance with the standards set out in Appendix V. Car and motorcycle parking in the City Centre will be assessed against policy CC15.
- CS14 The transport strategy for Peterborough is to: (i) reduce the need to travel, especially by private car; (ii) deliver a sustainable transport package capable of supporting a bigger and better Peterborough; (iii) support our UK Environment Capital aspirations; and (iv) assist in improving the quality of life of people.

[...all new development should demonstrate that appropriate and viable opportunities have been taken to achieve (or assist in achieving) the following aims:

Reducing the need to travel, especially by private car ...Supporting proposals to develop and enhance the City Centre and District Centres in order to improve connectivity and reduce the need to travel, especially by private car

Copy to Councillors P Kreling, J Shearman, J Peach