

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 11 JUNE 2013

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

- | | | |
|-----|--|---------|
| 3. | Minutes of the Meeting held on 23 April 2013 | 3 - 8 |
| 4. | Development Control and Enforcement Matters | |
| 4.1 | 13/00347/HHFUL - 15 Kirby Walk, Netherton, Peterborough, PE3 9UD | 9 - 18 |
| 4.2 | 13/00424/HHFUL - 9 Grafton Avenue, Netherton, Peterborough, PE3 9PD | 19 - 26 |
| 4.3 | 13/00530/FUL - 85 Mayors Walk, West Town, Peterborough, PE3 6EY | 27 - 40 |
| 5. | Twelve Month Appeal Performance | 41 - 62 |
| 6. | Neighbourhood Planning - Applications to Designate Neighbourhood Areas (Deeping Gate Parish Council, Glinton Parish Council, Northborough Parish Council and Peakirk Parish Council) | 63 - 70 |



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.

Emergency Evacuation Procedure – Outside Normal Office Hours

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Committee Members:

Councillors: L Serluca (Chairman), C Harper (Vice Chairman), J Goodwin, N North, G Simons, M Todd, N Shabbir, Sylvester, S Lane and D Harrington

Substitutes: Councillors: P Kreling, S Martin and C Ash

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

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 23 APRIL 2013**

Members Present: Councillors Serluca (Chairman), Casey (Vice Chairman), Hiller, Todd, Stokes, Shabbir, Lane and Harrington

Officers Present: Nick Harding, Group Manager Development Management
Jez Tuttle, Senior Engineer (Development)
Sarah Hann, Acting Senior Engineer (Development)
Carrie Denness, Senior Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors North and Sylvester.

2. Declarations of Interests

There were no declarations of interest.

3. Minutes of the Meeting held on 19 March 2013

The minutes of the meeting held on 19 March 2013 were approved as a true and accurate record.

4. Development Control and Enforcement Matters

4.1 13/00417/FUL – Demolition of the existing building and erection of health centre (use class D1), with associated car parking. Newark Court, 5-7 Newark Avenue, Dogsthorpe, Peterborough

The application site was approximately 0.47 hectares in area and comprised a vacant single storey building and associated car parking and access road. The building was previously used by 'Best Deal 4 Baby' providing opportunity for the exchange of unwanted baby items albeit this use was never permitted and the lawful use of the building was for B1 offices. In addition, part of the site area was formed by garden land associated with No.5 Newark Avenue, a residential dwelling.

The site was located within a predominantly residential area, with residential dwellings enclosing the site to the north, south and east. There was a variety of built form in the surrounding area, with a mix of size and style of dwellings along Newark Avenue, Eastfield Road and Derby Drive. To the north of the site was modern backland development, comprising 4 no. flats. To the south-west of the site was an established children's day nursery (Class D1).

The application sought planning permission for the demolition of the existing building and bungalow (No.5 Newark Avenue) and construction of a new two storey medical centre (Class D1) comprising:

- 8 no. consulting rooms;
- 3 no. treatment rooms;
- 2 no. Healthcare Assistant/Phlebotomy rooms;
- 4 no. rooms for District Nurses, Health Visitors and District Midwife;
- Ancillary office and staff accommodation; and
- Pharmacy (100 square metres of floor area)

The total gross internal floor area of the proposed surgery extended to 992.7 square metres. In addition, the proposal included improvement to the existing vehicular access, provision of 55 car parking spaces (28 of which resulted from the change of use of part of the garden associated with a dwelling) and associated landscaping. The proposed new accommodation would provide replacement facilities for four GP practices located in the surrounding areas - Welland, Dogsthorpe, Parnwell, Burghley Road/Church Walk.

The proposal had been amended following refusal at Committee of application reference 12/01429/FUL. This application was refused for the following reason:

R1 The proposal provided a level of car parking on site which was less than that which was considered necessary to serve the scale of development, even taking into account the anticipated mode of transport of staff and customers visiting the site. Whilst some overspill parking could take place on street, such was the level of the shortfall in on site parking, that highway safety and the free flow of traffic on Newark Avenue was likely to be compromised. The proposal was therefore contrary to the provisions of Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) which sought to ensure that new development did not have an unacceptable impact on the highway network and provided appropriate and deliverable parking provision.

The current application sought to address the above reason for refusal by increasing the level of parking proposed on site from 41 spaces to 55 (an increase of 14 spaces). In order to provide this increased parking provision, the demolition of the existing bungalow known as No.5 Newark Avenue was also included as part of the application proposal.

The Group Manager Development Management addressed the Committee and gave an overview of the proposal. It was advised that the previous concerns highlighted by the Committee had been addressed and the recommendation was to grant the application subject to the imposition of relevant conditions.

Members' attention was drawn to additional information contained within the update report where it was highlighted that there had been five additional letters of objection received and one letter of support received from Councillor Adrian Miners, a Dogsthorpe Ward Councillor. There was also a propose revision to Condition C15 in relation to the windows on the site.

Councillor Pam Kreling, Park Ward Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted included:

- The demolition of the bungalow, to make way for additional car parking spaces, was a good step;
- There were concerns regarding noise levels and security issues, particularly in relation to the neighbouring properties;
- The highways network needed to be drastically improved;
- The proposal would have a significant impact on highways safety and had the potential to become an accident black spot;
- The traffic situation was already an issue; the proposal would only increase the traffic flow.

Councillor John Shearman, Park Ward Councillor, addressed the Committee and responded to questions from Members. In summary the concerns highlighted included:

- The previous parking issue had been satisfactorily addressed;
- Since the last meeting, a number of concerns had been raised to Councillor Shearman by local residents, including overlooking of residential properties and the potential increase in traffic.

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

- Mr Singh lived in a neighbouring property and felt extremely strongly about the proposal and the impact it would have on the surrounding area;
- The proposal was not a 'local facility', for those people who only lived locally, this was in contradiction to C14 of the Core Strategy;
- There would be an increase in traffic at the junctions during peak periods. The traffic was already a major concern;
- There were a number of schools in the area, hence a number of school children walking to and from school across the entrance to the proposal;
- The traffic issues in general needed to be further addressed;
- There were 55 proposed spaces on the site, this was akin to a small supermarket and was wholly unacceptable for the locale;
- The car park may be utilised by parents dropping off and picking up their children from school. How would this be prevented?
- Mr Singh's garden backed onto the car park, there would be an increase in noise, litter and general disturbance;
- The proposal would have a security impact on Mr Singh's property;
- There were more appropriate sites available for the proposal;
- There had been a number of accidents in the vicinity and Mr Singh had witnessed people being knocked off their bikes.

Mr Stuart Walker, the Consultant for the Applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- The previous application had been refused due to the lack of onsite parking. This had been remedied with the proposed demolition of the bungalow to make way for additional spaces;
- The practicalities around demolishing the bungalow would be addressed;
- There would be security fencing along Newark Avenue, CCTV provision and low level lighting. Further discussions could be held if these provisions were felt to be inadequate;
- The CCTV would cover the entire car park area;
- The practice would be responsible for managing traffic coming in and out of the site.

In response to points raised by the speakers, the Group Manager Development Management advised that with regards to the construction phase, in particular in relation to the demolition of the bungalow, Condition 9 as detailed in the committee report stated that a Construction Management Plan (CMP) was to be submitted prior to any construction on the site.

In relation to security concerns, the proposal allowed for 1.8 metre deep landscaping before the security fencing, this could be increased and he was happy to liaise with the local residents on this point.

Regarding the concerns raised in relation to overlooking, it was advised that the proposed principle elevation windows facing residential properties would be obscure glazed and would not open more than 30cm wide.

Members sought clarification from the Highways Officer as to the impact the proposal would have on the surrounding highways network and whether there could be any improvements made to mitigate against this impact. In response it was advised that there were no improvements that could be undertaken. Mini roundabouts had been discussed, however the imposition of such a roundabout would give priority access to the site, and this was not the desired outcome. Traffic modelling had been undertaken and it had been calculated that an additional 30 vehicles would travel to and from the site during peak hours. This was not considered to be an unacceptable additional strain on the highways network.

Following questions and debate, it was commented that the Applicant had addressed the previous concerns expressed by the Committee. It was further commented that the Applicant's willingness to cooperate, and talk to neighbours about their concerns, was to be commended. The security measures proposed were of a high standard and overall the application was of a high standard. A motion was put forward and seconded to approve the application, subject to the imposition of the conditions as detailed in the committee report, the revision to Condition C15 as per the update report and an informative stating that the Applicant would consult with the neighbours in relation to the boundary details, with Officers being given delegated authority to make any changes. The motion was carried by 6 votes, with 1 voting against and 1 not voting.

RESOLVED: (6 for, 1 against, 1 not voting) to grant the application, as per Officer recommendation, subject to:

1. The conditions numbered C1 to C14 as detailed in the committee report;
2. The amended condition C15 relating to the windows on the site, as detailed in the update report;
3. An informative stating that the Applicant would further discuss boundary details with the neighbours and Officers being given delegated authority to make any requested changes.

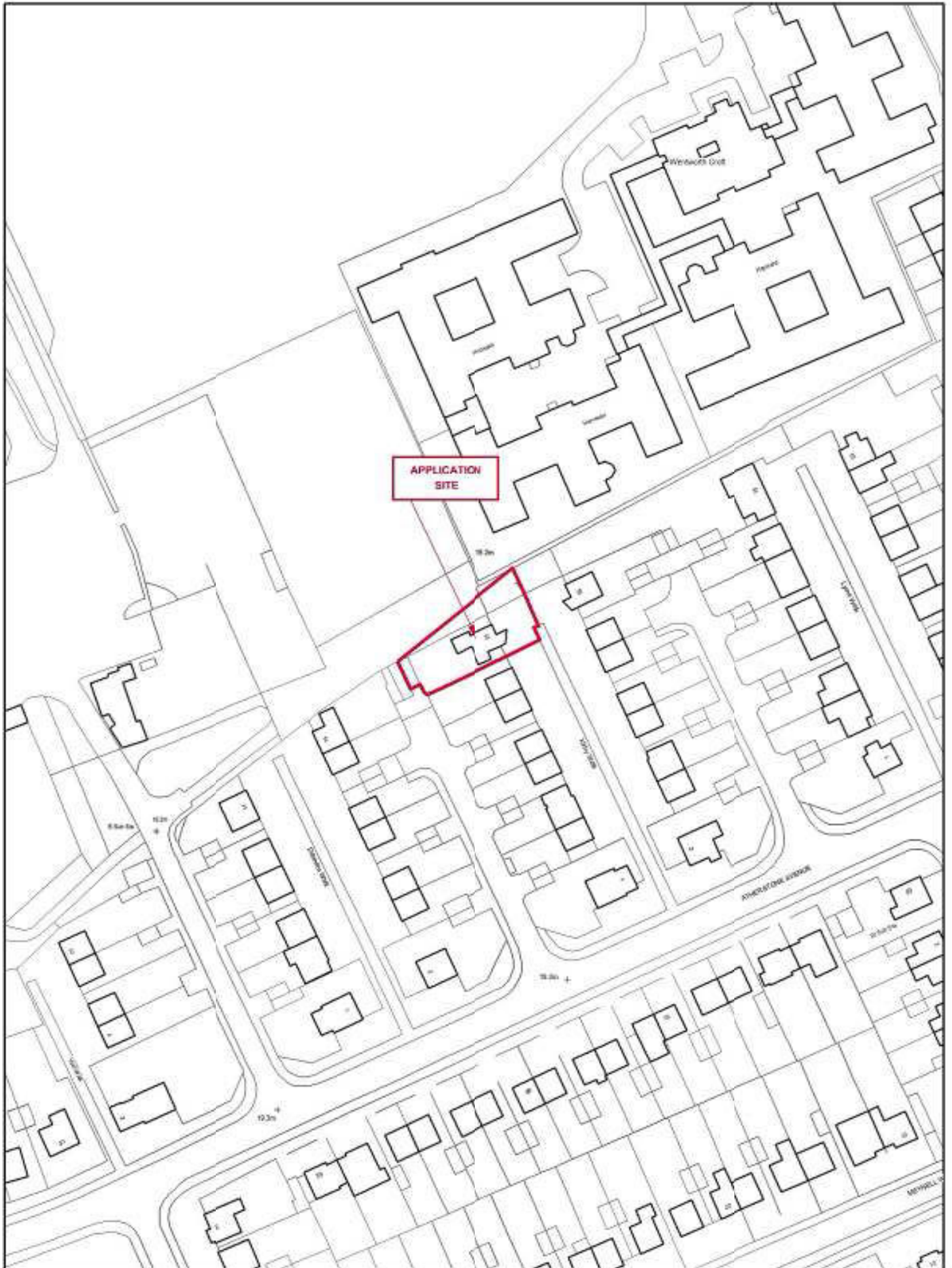
Reasons for the decision:

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

- the proposed medical centre would replace existing facilities which were no longer fit for purpose in an area centrally located to the catchment that would be served and the principle of development was therefore acceptable, in accordance with the National Planning Policy Framework (2012) and Policy CS6 of the Peterborough Core Strategy DPD (2012);
- whilst the proposed pharmacy was located outside any identified local or district centre, the use complemented the proposed medical centre and would allow for shared trips by users, in accordance with the National Planning Policy Framework (2012);
- the proposed building would not appear unduly incongruous or result in unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any danger to highway safety and was accessible by a range of modes of transport, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- sufficient car parking was proposed to meet the demands generated by the development, in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012);
- no unacceptable harm to the amenity of neighbouring residents would result from the proposed development, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in harm to or loss of unidentified archaeological assets, in accordance with the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable loss of existing landscape features, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012); and
- the development made adequate contribution towards the infrastructure demands it would generate, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).

1.30pm – 3.30pm
Chairman

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LOCATION PLAN 13/00347/HHFUL

15 Kirby Walk, Netherton, Peterborough PE3 9UD

Scale NTS **Date** 28/5/2013 **Name** AA Department Planning Services

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PETERBOROUGH



CITY COUNCIL

PCC GIS

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Application Ref: 13/00347/HHFUL

Proposal: Double storey side, single storey side and front porch

Site: 15 Kirby Walk, Netherton, Peterborough, PE3 9UD
Applicant: Mr Andy Barker

Called in by: Cllr Arculus

Reason: Case deserves committee consideration

Agent: Mr Mark Pellegrini
 Town & Country

Site visit: 07.05.2013

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings:

The application site is a detached dwelling of standard brick and tile construction located at the end of a pedestrian walk, with no through routes. The application site lies on a large plot with an open front garden and fully enclosed rear garden. The property has been previously extended with a single storey extension to the rear. Parking for the property is to the rear, accessed via a separate access.

There are 3 trees in close proximity to the dwelling. Two trees are located within the front garden, a conifer and maple, the latter benefits from a tree protection order. The crown of a large sycamore tree overhangs the application site. None of the trees are likely to be affected by the proposals.

The dominant character of the area is of plain, brick and tile, semi detached dwellings with small enclosed porches and render bands at ground floor level, front to back dual pitch roofs and brick piers at the extremities of the frontage. The application site is mirrored by a single identical property directly opposite the application site.

Proposal:

Permission is sought for:

- The erection of a single storey side extension measuring 1.97m wide by 3.6m metres deep.
- A front porch measuring 2.7m wide by 1.69m deep and
- A 4.67 wide by 7.3 metre deep two storey side extension, with a dual pitch roof measuring 4.7 metres above ground level at the eaves and 6.6 metres at the apex.

The proposed extensions will increase the number of bedrooms from 3 to 4.

2 Planning History

Reference	Proposal	Decision	Date
11/01761/HHFUL	Single storey side, double storey side and front porch	Application Refused Appealed - Refused	12/12/2011
12/01743/HHFUL	Two storey side and single storey side extensions and front porch	Application Refused	10/01/2013

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

4 Consultations/Representations

Landscape Officer (08.04.13)

There are 2 TPO trees growing adjacent to the site which should be given due consideration.

Although there does not appear to be any direct conflict, I would advise that any consent granted have a suitably worded condition attached regarding an Arboricultural Method Statement to ensure that the trees are considered during the development stage - storage of materials etc. Please contact me if you require wording.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 1

Total number of objections: 0

Total number in support: 0

The response received asks that whilst the work is being carried out access to and egress to a neighbouring property and garage is left clear.

5 Assessment of the planning issues

The main considerations are:

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- Trees
- Car Parking
- Other matters

N.B. This application is a resubmission of application number 11/01761/HHFUL. This application was refused by the City Council. The decision was appealed and the inspector concluded that the two storey side extension would unacceptably dominate the existing dwelling. In particular the inspector noted that the large expanse of roof would appear as a bulky addition. The proposed extension would be out of proportion with and unbalance the appearance of the existing dwelling within the streetscene and that the symmetry with the dwelling opposite would be lost (See appendix 1 for full inspector's decision).

The revised proposal now before committee reduces the width of the two storey extension refused under application number 11/01761/HHFUL by 20cm to 4.677 metres and introduces a set back of 40cm and a ridge height 20cm lower than that of the host dwelling.

However it should be noted that the revised scheme is 10cm wider than the 4.57 metre extension proposed under application number 12/01743/HHFUL which was also refused but was not appealed by the applicant (this application include the 40cm set back and 20cm lowered ridge height also proposed under the current application). Application 12/01743/HHFUL was refused for the following reasons:

The proposed two storey side extension by reason of its width and roof form would be overly wide, unbalanced and out of proportion with the host dwelling. The resulting dwelling would also be out of scale with the proportions of the property opposite which is of identical proportions. As such the resulting dwelling would appear overly dominant and incongruous within the street scene to the detriment of the character of the area.

The impact of the proposal on the character of the area

The proposed alteration to the porch will result in a structure with an acceptable juxtaposition between the front facing gable of the porch roof and the main house roof. The porch is only slightly larger than could be constructed under permitted development allowances. For these reasons the Local Planning Authority considers this element acceptable.

The proposed two storey side extension in combination with the single storey side extension would increase the frontage width of the property from 6.2 metres to 13 metres. The resulting property would be wider than the 12 metre frontage that comprises the width of the semi detached pairs that make up the majority of the walk and the 6.2 metre width of the identical property opposite and as such the resulting dwelling is likely to appear out of place in its surroundings.

The proposed extension would therefore result in a property that was out of scale and proportion with the simple compact proportions of its neighbours adjacent and opposite and would become a dominant incongruous feature within the street scene and as such it is considered that the proposal does not respond appropriately to the character of the sites surroundings, this is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011.

The 4.67 metre width of the two storey side extension would appear out of proportion against the 5.9 width of the original house; the gable roof of the proposed extension contributes further to this bulky, unbalanced appearance and would result in the two storey side extension appearing as overly dominant when compared to the host dwelling. It is considered in this instance the extension would need to be made far more subservient in order to preserve the essential character of the property, given that the dwelling opposite is identical to the application site dwelling. The proposal would lead to a loss of this symmetry created by the application site and its opposite neighbour which form a visual stop at the end of the walk.

The Local Authority appreciate that the dwelling benefits from some screening, however this is not sufficient to mitigate the concerns in respect of the design of the proposals. Whilst the Local Authority is of the opinion that a two story extension would be acceptable if it was correctly designed and slightly reduced in terms of its overall bulk so that it is proportional to the original dwelling the current proposal does not overcome the concerns of both the LPA and the inspector in that the proposed extensions roof is still unacceptably bulky and that the extension is still disproportionately wide when compared to the host dwelling.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

When considered as a stand alone element the single storey side extension is considered to be of acceptable scale and design. The front facing wall of the extension has been set back from the front wall of the main dwelling by 35cm and is set in 90cm from the nearest shared boundary. As such the side extension is unlikely to cause harm to the amenity of the occupiers of neighbouring dwellings through overshadowing or overbearing impact it is suitably subservient.

It is considered that due to the location of the property, at the end of a Walk, with no immediate neighbours adjacent to the location of the two storey extension that this element would have no impact upon the amenity of the occupiers of neighbouring dwellings.

Trees

The proposal is unlikely to impact upon the protected tree which could be adequately protected by hedges fencing during the construction phase. The Landscape Officer has raised no objection to the proposal other than seeking clarification that the root protection area of the trees is protected during construction.

Car Parking

The proposal increases the number of bedrooms from 3 to 4; under current policy this does not require provision of additional parking facilities.

Other Matters

No objections have been received in relation to the proposal, 1 letter was received requesting that the egress of a near neighbour not be blocked during construction of the development. This could not form the basis of a refusal of the application and it would be unreasonable to request that a construction management plan be submitted by the applicant. An informative could be appended to the permission reminding the applicant of their duty that the egress be kept clear during construction.

6 Conclusions

The front porch and single storey side extension elements of the proposal are acceptable, however the two storey side extension is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

The proposed two storey side extension by reason of its width and roof form would be overly wide, unbalanced and out of proportion with the host dwelling. The resulting dwelling would also be out

of scale with the proportions of the property opposite which is of identical proportions. As such the resulting dwelling would appear overly dominant and incongruous within the street scene to the detriment of the character of the area.

7 Recommendation

The case officer recommends that planning permission is **REFUSED**

R 1 The proposed two storey side extension by reason of its width and roof form would be overly wide, unbalanced and out of proportion with the host dwelling. The resulting dwelling would also be out of scale with the proportions of the property opposite which is of identical proportions. As such the resulting dwelling would appear overly dominant and incongruous within the street scene to the detriment of the character of the area. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 and PP2 of the Peterborough Planning Policies (DPD) 2012 which states;

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

PP2 - Planning permission will only be granted for development where the layout, design and appearance of the proposal;

a) Would make a positive contribution to the quality of the built environment (in terms of its location, size, scale, massing, density, proportions, materials and design features); and

b) Would not have a detrimental effect on the character of any immediately adjoining properties or the surrounding area.

Copy to Councillors Arculus, Dalton and Maqbool

Appendix 1



The Planning
Inspectorate

Appeal Decision

Site visit made on 19 March 2012

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 April 2012

Appeal Ref: APP/J0540/D/12/2171173

15 Kirby Walk, Netherton, Peterborough, PE39UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Barker against the decision of Peterborough City Council.
 - The application Ref 11/01761/HHFUL was refused by notice dated 12 December 2011.
 - The development proposed is a single storey side, double storey side extension & front porch.
-

Decision

1. The appeal is dismissed insofar as it relates to the double storey side extension. The appeal is allowed insofar as it relates to the single-storey side extension and front porch and planning permission is granted for a single-storey side extension and front porch at 15 Kirby Walk, Netherton, Peterborough, PE3 9UD in accordance with the terms of the application, Ref 11/01761/HHFUL and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans on drawing number 222-01.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding streetscene.

Reasons

3. The appeal dwelling lies at the end of a residential walkway. The dwellings are of uniform semi-detached design with the exception of the two dwellings at the end: the appeal site dwelling and the one opposite. These detached dwellings have mirrored front elevations of similar design. I consider that the similar appearance of these two dwellings creates a well-defined visual stop at the end of the walkway and thus these dwellings make a positive contribution to the character and appearance of the surrounding area.

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4. The proposal includes a two-storey side extension, which would be positioned in line with the main front elevation and with a gable roof joining the existing roof at the same ridgeline height. It would be some 4.9 metres wide. The main part of the existing dwelling is some 5.9 metres wide. Due to the width, height and lack of set back, I consider that the proposed extension would unacceptably dominate the existing dwelling. In particular, the large expanse of roof would appear as a bulky addition. The proposed extension would be out of proportion with and unbalance the appearance of the existing dwelling within the streetscene. The symmetry with the dwelling opposite would be lost.
5. For the reasons stated above, I consider that the proposed two-storey side extension would have an adverse effect on the character and appearance of the surrounding streetscene. This would be contrary to Policy CS16 in the Peterborough Core Strategy (2011) where this policy seeks for new development to respond appropriately to the character of an area.
6. In reaching my conclusion on this matter, I have had regard to all other matters raised including the extension to a nearby property at the end of a walkway at 15 Lyme Walk. From my observations, this example is distinctly different to the proposal before me. In particular, the ridge height of that extension is lower than the ridge of the original part of the dwelling. Lyme Walk does not benefit from the symmetry of design of two end dwellings and thus does not have the distinctive streetscene of Kirby Walk.
7. The proposal includes a single-storey side extension in front of an existing side extension and alteration to the front porch. The Council has not raised concern with regard to these extensions and from my observations, due to their design and small size; I consider that they would be acceptable.
8. As the proposed single-storey extension and porch alteration could be constructed independently from the proposed two-storey extension, I consider it reasonable to issue a split decision allowing these to be constructed.
9. Apart from a standard time condition, the Council has suggested a condition with regard to matching materials. In the interest of visual amenity, I consider such a condition to be reasonable and necessary. Otherwise than as set out in this decision and conditions, it is necessary that a condition be imposed to ensure that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

J Cheesley

INSPECTOR

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LOCATION PLAN 13/00424/HHFUL

9 Grafton Avenue, Netheriton Peterborough PE3 9PD

Scale NTS **Date** 28/5/2013 **Name** AA Department Planning Services

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Application Ref: 13/00424/HHFUL

Proposal: Proposed two storey and single storey extensions

Site: 9 Grafton Avenue, Netherton, Peterborough, PE3 9PD

Applicant: Mr R Saghir

Agent: Mr Robert Gooding
GOOD-DESIGN-ING LTD

Referred by: Group Manager – Development Management

Reason: High number of neighbour representation have been received that object to the proposal.

Site visit: 23.04.2013

Case officer: Mr M A Thomson

Telephone No. 01733 453478

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

Recommendation: **GRANT** subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site is a two storey detached dwelling with detached single garage and off street parking for three vehicles. The street scene is comprised of detached and semi-detached two storey properties with off-street parking.

Proposal

The applicant seeks consent to erect:

- A single storey extension with a floor area of 5.5m (d) x 8.9m (w) and proposes to stand at 2.3m to eaves and 3.4m to ridge. An existing conservatory would be re-used, which has a floor area of 3.5m (d) x 3.2m (w) and proposes to stand at 2.3m to eaves and 3m to ridge. Combined, the single storey rear extension and conservatory would have a total depth of 9 metres.
- A two storey rear extension would have a floor area of 3.8m x 6.65m and proposes to stand at 4.8m to eaves and 6.8m to ridge.
- A first floor side extension would have a floor area of 2.2m (w) x 4.5m (d) and proposes to stand at 4.9m to eaves and 6.6m to ridge. Due to officer concerns with this part of the scheme, this element has now been removed from the proposal.

The conservatory is constructed out of UPVC; the remaining works would be constructed out of matching materials.

First floor side windows are proposed to serve existing bedrooms.

2 Planning History

No relevant planning history

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

4 Consultations/Representations

a) Internal/External Consultees

No objections have been received

b) Local Residents/Interested Parties

Initial consultations: 6

Total number of responses: 8

Total number of objections: 8

Total number in support: 0

8 letters of objection have been received raising the following concerns;

- The size and scale of the proposal is excessive, substantial and inappropriate to the character of the road; the proposal would form overdevelopment of the plot and would erode from the gaps currently afforded between properties in the area;
- Proposal would create a detrimental and overbearing impact on neighbour amenity;
- The proposal would result in a loss of privacy and light to neighbour windows, garden and driveway;
- Impact on the privacy to No.10 Grafton Avenue opposite;
- Noise and smells associated from future occupiers using the kitchen
- Set a precedent
- Increase in the number of bedrooms would result in parking problems
- Could create a House of Multiple Occupation
- Development would harm Grafton Avenue, an oasis of peace in this busy city.
- Devalue property

A consultation on the revised plans which remove the first floor side extension has taken place and at the time of writing this report 2 objections have been received making the following points:

- Rear extension causing shading to toilet window and landing window which in turn provides natural light to the bathroom and bedrooms, blocking of natural light to the kitchen and downstairs landing, loss of light to rear room . lounge
- Risk of rain water draining on to our property
- Considers that having a pitched roof on the single storey extension would be out of character. Would prefer to see a flat roof. A flat roof would also be less restrictive of light
- The first floor bedroom would result in overlooking
- Outlook from rear living room would overbearing given the nature and proximity of the two storey rear extension
- Original concerns regarding poor appearance, loss of light and precedent remain .

5 Assessment of the planning issues

Design and Layout

The proposed single storey element would wrap around the dwelling and would reuse an existing conservatory. The two storey element would extend across the rear of the original dwelling and sit below the original eaves and ridge level. Further to receiving representation it is recognised that the proposed extensions are large and it is acknowledged that there would be fleeting views from Grafton Avenue, however, further to receiving amended plans, which omits a first floor side extension, it is considered that as these single storey extensions would be located at the rear of the property the proposal would not be visually prominent within the street scene.

Letters of representation express the view that the proposal constitutes overdevelopment of the plot as the scheme is substantial, inappropriate and excessive for a narrow plot. Further to receiving amended plans the single storey side extension would be set back 3.6m from the front of the dwelling, which is considered to be sufficiently set back as to not result in a terracing effect on the street scene.

The proposal is not considered to result in an unacceptably adverse impact on the character or appearance of the host building or street scene, it would maintain gaps between properties and it is not considered to be overbearing on the character of the area or constitute overdevelopment of the

plot. As such the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), NPPF (2012) and PP2 of the Peterborough Policies DPD (2012).

Amenity of existing and future occupiers

No. 7 Grafton Avenue (next door to the application site) is a two storey semi-detached dwelling with detached flat roof garage in the rear garden and abutting the shared boundary with the application site. No. 7 has a number of side windows, two at ground floor and two at first floor that are obscure glazed. As such it is not considered that the proposed extensions would have an unacceptably adverse impact by way of loss of light or outlook to these openings.

The outlook to No. 7's ground floor rear facing window (kitchen) is predominantly obscured by the existing garage. The first floor window is obscurely glazed and appears to serve a bathroom. The proposed two storey rear extension is not considered to result in an unacceptably adverse impact as no. 7's kitchen window already suffers from a poor outlook and levels of natural light given the juxtaposition of No. 7's garage. Further, given the juxtaposition of No.7's primary amenity space the proposed extensions would not result in a detrimental loss of light to No 7's primary amenity space.

No.11 Grafton Avenue located next door to the application site is a two storey detached dwelling with a detached single storey garage on the shared boundary. No 11 has a side facing ground floor door (obscure glazed) and a landing window at first floor. On the rear elevation of No 11, the nearest windows serve a kitchen at ground floor and a bathroom above.

The kitchen window currently looks out onto the rear garden and side wall of the existing garage within the garden of No 11. As the proposed extension would be situated due north and set 1m from the shared boundary it is not considered that the two storey extension would result in an unacceptably adverse loss of light or outlook, nor would it result in an unacceptable loss of light to No. 11's primary amenity space. Whilst the single storey extension and conservatory would be visible from No.11's property, the detached garage would largely screen the proposal.

A letter of objection stated the proposal would result in overlooking from the first floor side extension to No. 10 Grafton Avenue located on the opposite side of the street. The first floor side extension has now been omitted.

The scheme proposes two first floor side facing windows which would serve bedrooms. To overcome issues of overlooking a condition shall be attached advising that these shall be top opening only, obscurely glazed up to a level of 1.7m above internal floor level.

It is acknowledged that the application site is located within a residential area, therefore it is considered reasonable to attach a condition which would limit hours of construction to minimise disturbance to neighbours.

No. 9 has a rear garden depth of 31 metres; once the proposed scheme is implemented it would have a garden depth of over 20 metres. This is considered proportionate to the size of the dwelling, representative of the context of the area and sufficient to serve the amenity of future occupiers.

A letter of objection stated that the proposal would result in noise and smells from the proposed kitchen area; it should be highlighted that noise and smells associated with residential kitchens are common place within a residential area.

On balance the proposal is not considered to result in an unacceptably adverse impact on the amenity of adjacent or future occupiers and accords with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 and PP4 of the Peterborough Policies DPD (2012).

Access and Parking

The number of bedrooms would increase from 3 to 5 bedrooms; however the property would retain the ability to park two vehicles. Referring to Policy PP13 and Appendix A of the Peterborough

Policies DPD it states for dwellings with four or more bedrooms, two parking spaces should be provided. Two spaces can be provided; therefore the proposal is in accordance with Policy PP13 of the Peterborough Policies DPD (2012).

Other Matters

House of Multiple Occupation - The application has been submitted on a Householder Application form; as such it is accepted in good faith that the proposed works would be to create a family home. Further to Circular 08/2010 planning permission is no longer required to change the use of a residential property (C3) to a House of Multiple Occupation (C4); it would therefore be unreasonable for the Local Planning Authority to attach a condition restricting this permitted change.

House Prices - The Local Planning Authority are legally prevented from considering house prices as part of any planning application.

Precedent – A letter of representation raised that the proposal if approved would set a precedent. To confirm each application is determined on its own individual merit and responds to issues of site context.

6 Conclusions

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

- the design of the extension would not result in an unacceptably adverse impact on the appearance of the dwelling or visual amenity of the street scene;
- the design of the extension would not result in an unacceptably adverse impact on neighbouring amenity and would provide sufficient amenity space and living conditions for future occupiers;
- the proposal would not result in a highway safety hazard and can accommodate sufficient off street parking

Hence the proposal accords with Policy CS16 of the Peterborough Core Strategy (2011), the NPPF (2012) and Policies PP1, PP2, PP3, PP4 and PP13 of the Peterborough Policies DPD (2012)

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** 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 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 3 Notwithstanding the submitted information, the proposed first floor side elevation windows shall to a height of 1.7m (measured from the floor level) be non opening, level 3 obscure glazed and retained in that form in perpetuity.

Reason: In the interests of protecting neighbour amenity in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C4 Clearance and construction work shall only occur between 08:00-17:30 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of protecting neighbour amenity and accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012)

Copy to Councillors Arculus, Dalton and Maqbool



LOCATION PLAN 13/00530/FUL

85 Mayors Walk, West Town, Peterborough PE3 6EY

Scale NTS **Date** 28/5/2013 **Name** AA **Department** Planning Services



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Application Ref: 13/00530/FUL

Proposal: Construction of single storey front extension to public house and external alterations to create shop fronts. Change of use of ground floor to form A1 retail and A5 takeaway units, including the installation of extraction equipment. Change of use of existing hotel rooms, construction of first floor side extension, and installation of dormer windows to form three x 2 bed apartments and first floor commercial unit. Construction of second floor extension to side to form 1 x 3 bed and 1 x studio apartments. Change of use of garden area to parking, and reinstatement of parking provision at front - part-retrospective

Site: 85 Mayors Walk, West Town, Peterborough, PE3 6EY

Applicant: Sugar Properties Ltd

Agent: David Turnock Architects

Referred by: Head of Planning, Transport and Engineering Services

Reason: Previous application was considered by Planning and Environmental Protection Committee

Site visit: 08.02.2013

Case officer: Miss L C Lovegrove

Telephone No. 01733 454439

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

Recommendation: **GRANT** subject to relevant conditions and the entering into of a S106 legal agreement

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site comprises a two storey semi detached former public house located within an identified Local Centre. The site occupies a prominent position within the streetscene at the junction of Mayors Walk with Alderman's Drive and Nicholl's Avenue and benefits from a double frontage. The existing building is unique within the locality, with architectural detailing including double storey brick and timber bay windows, projecting gable roofs and stone cills and lintels. Parking is provided within a single storey garage to the rear of the site, adjacent to No. 165 Alderman's Drive.

Proposal

The application seeks planning permission for the following:

- Construction of a single storey front extension and external alterations to create new shop fronts;
- Change of use of ground floor to either retail shop (Class A1), professional/financial services (Class A2), restaurant/café (Class A3), retention as a drinking establishment or A5 takeaway unit, including the installation of extraction equipment;
- Change of use of existing hotel rooms and construction of a first and second floor side extension, including the installation of dormer windows, to form 3 no. 2-bed apartments, 1 no. 3-bed apartment, 1 no. studio apartment and commercial unit; and
- Change of use of the garden area to provide car parking and reinstatement of parking provision to the front.

The change of use of the ground floor to Classes A1, A2 or A3 does not require the benefit of planning permission (including any potential subdivision to create additional units within these classes).

It should be noted that works have already commenced on site and accordingly, the application is part-retrospective.

This application scheme has been amended following refusal of planning application reference 12/01119/FUL by Members on 19th February 2013 for the following reasons:

- R 1 The application site is not of a sufficient size to accommodate the level of development proposed. The site cannot accommodate sufficient car parking provision for both the retail/commercial and residential uses or sufficient private outdoor amenity space for occupants of the residential units. As such, the application proposal represents overdevelopment of the site and is therefore contrary to Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2, PP3, PP4 and PP12 of the Peterborough Planning Policies DPD (2012).*
- R 2 The application proposal fails to provide adequate car parking for the number of residents and customers that will result from the proposed development. As such, the development is likely to result in cars parking on the already congested surrounding public highway network, in locations which will impede the free flow of traffic. The proposal will therefore result in a danger to highway safety which is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).*
- R 3 The submitted drawings contain insufficient detail for the proposed shop fronts and as such, it cannot be established if the proposed design is appropriate for the host building, given its original character in the streetscene. The proposal is therefore contrary to Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) which seek to ensure that new development makes a position design contribution to the locality.*

The scheme has been amended following this refusal in the following ways:

- Reduced width, altered elevation and altered fenestration treatment to the eastern elevation along Aldermans Drive and retention of single storey garage drive-through;
- Improved shop front design including kick plate and slimline lighting;
- Reduction in the number of units by 1 (from 6 units to 5), thereby reducing the number of proposed bedrooms by 2 (from 12 bedrooms to 10); and
- Introduction of first floor commercial office unit (floor area approximately 38 sqm).

2 Planning History

Reference	Proposal	Decision	Date
12/01119/FUL	Erection of single storey front extension to public house and external alterations to create shop fronts. Change of use of ground floor to form A1 retail and A5 takeaway units, including the installation of extraction equipment. Change of use of existing hotel rooms, raising the existing public house roof and installation of dormer windows to form three residential dwellings. Erection of first and second floor extension to side to form two residential dwellings. Change of use of garden area to parking, and reinstatement of parking provision at front - part-retrospective.	Application Refused	22/02/2013

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Peterborough Core Strategy DPD (2011)

CS02 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

CS12 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

PP11A - (a) Shop Frontages (including signage)

Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

PP11B - (b) External Shutters

Permission will only be granted where there is demonstrable need in terms of crime; the property is not listed or within a conservation area; the shutter is designed to a high standard and is perforated.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations

Requests for planning obligations whether CIL is in place or not are only lawful where they meet the following tests:-

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

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

Transport & Engineering Services (17.05.12)

Objection – The proposal fails to provide sufficient parking/cycle parking for the residential units and the proposed vehicular access to the rear of the site is of insufficient width, with no provision of vehicle-to-pedestrian or vehicle-to-vehicle visibility splays. The removal of the frontage parking will not address the lack of vehicle to pedestrian visibility as the main obstructions are the boundary wall and telegraph pole to the front of 165 Aldermans Drive. The proposal would result in conflict between users of the site and the nearby signalised junction and accordingly would result in a danger to highway safety. The Local Highways Authority would rather see no parking on site than have insufficient parking accessed via a substandard access.

Landscape Officer (09.05.13)

No objection – The proposal does not appear to impact upon any landscape features worthy of retention.

Environment and Pollution Control Team

No comments received.

Environmental Health (Food) (01.05.13)

No objections - The proposed kitchen must comply with Chapters I and II of Annex II to Regulation 852/2004. In addition, all food businesses are required to be registered with the Local Authority.

Archaeological Officer (13/05/2013)

No objections – Subject to condition .

Planning Obligations Officer

A contribution of £4,000 plus a 2% monitoring fee is required.

Local Residents/Interested Parties

Initial consultations: 29

Total number of responses: 2

Total number of objections: 2 plus a 29 name petition

Total number in support: 0

2 Neighbour objections received (1 from the Anglia Co-operative) on the following grounds:

- Mayor's Walk is on a busy through-route for Peterborough and is a heavily congested area - the problem is exacerbated by buses frequently passing through and HGV drivers using the route for safety training - Any development which increases activity in the area will make the traffic situation even worse.
- Inadequate car parking
- unsafe car parking specifically an inappropriate location for the entrance/exit point to the two parking areas, width of access and its proximity to traffic lights and pedestrian crossing - don't think any parking should be allowed
- safety of road users and pedestrians - a nearby pre-school and school heighten the need for caution over road safety and increased traffic.
- this application does not add anything new to an area already supporting a number of businesses

and convenience-type outlets

Councillor Newaz has submitted a petition containing 29 signatories objecting to the proposal for a Takeaway

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking and highway implications
- Impact upon neighbour amenity
- Amenity provision for future occupants
- Developer contributions

a) Principle of development

The original building has a lawful use as a public house, falling within Class A4 of the Town and Country Planning (Use Classes) Order (as amended). In accordance with the Town and Country Planning (General Permitted Development) Order (as amended), the change of use proposed on the ground floor to either retail shop (Class A1), professional/financial services (Class A2), restaurant/café (Class A3) or retention as a drinking establishment would not require the benefit of planning permission and accordingly, the principle of these uses is already acceptable. With regards to the proposed hot food takeaway use (Class A5), it is considered that given the location of the application property within an identified Local Centre, such a use would be appropriate and would serve to enhance the vitality of the centre.

With regards to the proposed extension and conversion/extension at first and second floors to provide residential apartments, it is considered that the provision of well-designed residential units is appropriate. The provision of additional residential units within identified centres is supported by adopted policy, which highlights the benefits of residential intensification as a way of improving the vitality and viability of Local Centres. On this basis, the principle of the proposed development is acceptable, in accordance with Policies CS2 and CS15 of the Peterborough Core Strategy DPD (2011).

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

First/second floor extension and dormer windows

At present, the frontage of the application property along Alderman's Drive decreases from two storey to one and a half and single storey form. It is proposed to construct a first and second floor extension above these single storey elements and raise the height of the roof accordingly. The window arrangement of the proposed extension follows a traditional form and the size and style of windows is sympathetic to the original building. In addition, the proposal is set back from the principal elevation of the existing two storey building and accordingly, the ridge height of the roof is lower. It is considered that this assists in reducing the overall mass of the development and ensures it appears a subservient element. Overall, the design of the proposal reflects and respects the character and appearance of the original building through the use of appropriate architectural detailing and will therefore not appear incongruous or at odds within the streetscene. As such, it is considered the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Shop front design

It is considered that the revised design of the proposed shop fronts is sympathetic in size, architectural proportion and detailing to the host property and the introduction of kick boards will result in a more traditional appearance. Whilst much of the original building at ground floor would be lost, it is considered that the re-use of the building for alternative uses such as retail,

café, financial/professional services and hot food takeaway would contribute towards the vitality and viability of the Local Centre and accordingly, any harm resulting from the loss of the historic features of the property is outweighed by this benefit. The proposed shop fronts would not appear incongruous within the streetscene and advertising has been incorporated into the overall design to ensure it appears integral to the frontages. It is proposed to restrict deemed advertisement consent on the entire property which would require the submission of applications for any fascia or projecting advertisements. This will allow the Local Planning Authority greater control and ensure that all future advertisements are sympathetic to the traditional character of the property. On this basis, it is considered the proposal would not result in any significant harm to the character, appearance or visual amenity of the locality and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP11 of the Peterborough Planning Policies DPD (2012).

c) Parking and highway implications

The application proposal seeks to retain two parking spaces immediately to the front of the building along Alderman's Drive. In addition, it is proposed to replace the existing single garage adjacent to the boundary with No.165 Alderman's Drive and introduce a drive through element providing vehicular access to the rear yard area where it is proposed for five parking spaces to be provided. In accordance with the adopted parking standards set out in Policy PP13 of the Peterborough Planning Policies DPD (2012), the proposal should provide a minimum of 9 parking spaces for the proposed residential apartments and 1 space for the office unit. The proposed seven parking spaces falls below this level and this issue is further exacerbated by the inadequacy of two of the proposed spaces and poor access to the 5 spaces at the rear.

The two spaces adjacent to the footway along Alderman's Drive are unacceptable owing to the conflict that would result to both pedestrians and drivers at the junction with Mayor's Walk. Whilst these spaces, albeit unauthorised, are currently used, they result in vehicles reversing over the footway and on to the carriageway at a busy signalised junction, resulting in a danger to highway safety. Furthermore, owing to the proposed changes to the building, the spaces would prevent safe access to the proposed ground floor unit(s). As such, it is considered appropriate for these spaces to not be provided. Accordingly a planning condition is recommended requiring the developer to submit measures to prevent the parking of vehicles on the forecourt area.

The proposed vehicular access to the five parking spaces at the rear of the site is of insufficient width. In addition there is no provision of vehicle-to-pedestrian or vehicle-to-vehicle visibility splays. The removal of the frontage parking will not address the lack of vehicle to pedestrian visibility as the main obstructions are the boundary wall and telegraph pole to the front of 165 Aldermans Drive. The proposal would result in conflict between users of the site and the nearby signalised junction and accordingly would result in a danger to highway safety.

The Local Highways Authority (LHA) object to this application. The LHA advise that they would rather see no parking on site than have insufficient parking accessed via a substandard access.

Whilst it is acknowledged that the access, visibility and parking are sub standard, it is considered that the scheme is acceptable. Specifically the site is located within an identified Local Centre and the surrounding locality is well served by services, facilities and public transport. It also needs to be remembered that the current use of the site is as a public house with hotel rooms which have the potential to attract a significant number of car-born customers. Also, given the limited number of on site parking spaces the number of movements on and off the site would not be likely to be significant. In order to promote alternative modes of transport for occupants of the flats, cycle parking provision is required and this may be secured by condition. On this basis, and notwithstanding the comments of the Local Highway Authority, the proposal is considered in accordance with Policy CS14 of the Peterborough Core Strategy

DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012). Further members are reminded that they did not refuse the previous application ref: 12/01119/FUL on highway safety/parking grounds.

d) Impact upon neighbour amenity

Overlooking impact

It is considered that the window arrangement of the proposed flats at first and second floors has been designed to prevent any issues of overlooking to neighbouring properties. Whilst the proposal would result in facing primary habitable windows to No.165 Alderman's Drive, sufficient separation distance is maintained to ensure no loss of privacy for neighbouring occupant's results.

Noise and fumes from extraction equipment

It is noted that the proposal would result in the erection of two extraction flues – serving both the proposed hot food takeaway and another unit. No details have been provided regarding these extraction flues and as such, it is considered necessary to impose a condition requiring full details of extraction equipment to be submitted to and approved in writing by the Local Planning Authority prior to installation. This will ensure that any installed equipment will not result in an unacceptable impact to the amenity of neighbouring residents or occupants of the proposed flats. On this basis, the proposal is considered to be in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Crime and anti-social behaviour

It is acknowledged that hot food takeaways can result in increased incidents of crime and anti-social behaviour, leading to noise disturbance to neighbouring residential properties. Given the site's location within an identified Local Centre, it is considered that the provision of some element of hot food takeaway in the locality would be appropriate. However, in order to mitigate against significant issues of anti-social behaviour, it is considered appropriate to restrict the level of floorspace for such a use. The application proposal seeks permission for a mixed use of the entire ground floor to include A1, A2, A3, A4 and A5 uses which is not considered appropriate. As such, it is proposed to secure by condition that only 20% of the total ground floor area of the application site be allowed for hot food takeaway use. On this basis, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

e) Amenity provision for future occupants

It is considered that the proposed apartments provide an adequate level of internal space for the living and storage needs of prospective occupiers. The flats are of a sufficient floorspace to accommodate an acceptable level of accommodation in terms of living and bathroom areas. In addition, all rooms are considered to provide an adequate level of daylight and natural sunlight, along with privacy to primary habitable rooms such as bedrooms and living areas. It is noted that the proposal does not provide any private outdoor amenity area as the existing garden is proposed to be provided for car parking. Whilst such an area of outdoor space is generally required, given the nature of the proposed residential units and their location within an identified centre, in this instance it is considered that the lack of outdoor space would not result in harm to the amenities of future occupiers. Accordingly, the proposal is considered to be in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

f) Developer contributions

In accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011), all new development is required to make a financial contribution towards the infrastructure demands it generates. The City Council has adopted a tariff approach to such contributions and in accordance with the Peterborough Planning Obligations Implementation Scheme SPD (2010), the application scheme requires a contribution of £4,000 plus a 2% monitoring fee of

£80. The Applicant has agreed to enter in to such an obligation and the legal process is currently ongoing.

6 Conclusions

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

- the provision of residential units is appropriate and supports the vitality and viability of the identified Local Centre, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011);
- the introduction of a hot food takeaway within the application site would support the vitality and viability of the identified Local Centre and is an appropriate use within the locality, in accordance with Policy CS15 of the Peterborough Core Strategy DPD (2011);
- the proposed extensions, alterations and new shop fronts will not result in any unacceptable harm to the character, appearance or visual amenity of the streetscene, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012);
- the proposal will not result in any unacceptable harm to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- the proposal will not result in any unacceptable impact upon the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal provides an adequate level of amenity for future occupants, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012); and
- the development has made a financial contribution towards the infrastructure demands generated, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011).

7 Recommendation

The case officer recommends that planning permission is **GRANTED** subject to the following conditions and the entering into of a S106 legal agreement:

- C 1 Within one month of the date of this decision, details of the following materials shall be submitted to and approved in writing by the Local Planning Authority:
- External walls
 - Roofing
 - Rainwater goods
 - Windows and external doors
 - Cills and lintels
 - Shop fronts

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 Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012).

- C 2 Notwithstanding the submitted drawings, prior to first occupation of any unit hereby approved, measures to prevent the parking of vehicles on the forecourt area off

Alderman's Drive shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and prior to occupation of any unit.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 3 Prior to first occupation of any residential unit, an enclosed and secure cycle shelter to accommodate 10 cycles shall be installed on site in accordance with details submitted to and approved in writing by the Local Planning Authority. That area shall thereafter be retained for the purpose of cycle parking in connection with the use of the approved residential units in perpetuity.

Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C 4 Prior to first occupation of any residential unit, details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided prior to the first occupation of any residential unit and shall be retained thereafter for the storage of refuse and recycling bins only.

Reason: In order to ensure that adequate bin storage space is available and to protect the visual appearance of the street scene in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 5 No extraction flue shall be installed until full details of the filtration and/or extraction equipment to be installed have been submitted to and approved in writing by the Local Planning Authority. Details shall include the nature and location of filtration equipment to be used (including Sound Power Level data) and the efflux velocity of air discharged from the ducting. Development shall be carried out in strict accordance with the approved details.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 6 Notwithstanding the submitted drawings, the A5 (hot food takeaway) use hereby approved shall not exceed 20% of the total ground floor area of the building.

Reason: To protect the amenities of neighbouring occupants and the vitality and viability of the Local Centre, in accordance with Policies CS15 and CS16 of the Peterborough Core Strategy DPD (2011).

- C 7 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended), no advertisement shall be erected on any elevation of the building other than those expressly authorised by any future advertisement consent from the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, in accordance with Policy PP11 of the Peterborough Planning Policies DPD (2012).

- C 8 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C 9 Prior to the first occupation of the mixed use development; the area shown for the purposes of parking/turning on drawing number AP0201; shall be drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. That area shall thereafter be retained for the purpose of the parking/turning of vehicles in connection with the mixed use in perpetuity.

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

If the S106 has not been completed 20th June 2013 without good cause, the Head of Planning, Transport and Engineering Services be authorised to refuse planning permission for the reason stated below:

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

Copies to Councillors Arculus, Dalton and Maqbool

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 5
11 JUNE 2013	PUBLIC REPORT

Cabinet Members responsible:	Cllr Hiller (Housing, Neighbourhoods and Planning)	
Contact Officers:	Nick Harding (Group Manager, Development Management)	Tel. 454441
Reporting Officer:	Andrew Cundy (Area Manager, Development Management)	Tel. 453470

TWELVE MONTH APPEAL PERFORMANCE

R E C O M M E N D A T I O N S	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : April 2013
That the Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service's performance at appeals and identify if there are any lessons to be learnt in terms of appeal outcomes. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference No. 2.6.1. of part 3, section 2, of the Constitution "To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers".

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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3. MAIN BODY OF REPORT

- 3.1 The number of appeals lodged has fallen this last 12 months from 37 to 33 compared to the previous twelve months. A total of 39 appeals have been determined which is 12 greater than the previous twelve months.

	2009/10	2010/11	2011/12	2012/13
Appeals Lodged	52	50	37	33
Method of Appeal				
a) Householder	5	20	11	7
b) Written Reps	42	29	24	21
c) Informal Hearing	2	1	2	4
d) Public Inquiry	3	0	0	1

	(01/04/09 – 31/03/10)	(01/04/10- 31/03/11)	(01/04/11- 31/03/12)	(01/04/12- 31/03/13)
Appeals Determined	56	61	28	39
Appeals Dismissed	41	38	14	26
Appeals Allowed	12	20	10	10
Split Decision	1	1	2	3
Appeals Withdrawn	2	2	2	0
Success Rate	73%	62%	50%	67%
Householder	3	20	11	8
Written Reps	47	37	16	26
Informal Hearing	2	0	1	5
Public Inquiry	4	4	0	0

3.2 In the last twelve months the Council's decision was upheld in 67% of the cases.

3.3 The table in **Appendix 1** gives a summary of the appeal outcomes in the last 12 months with a commentary where there is scope for service improvement.

5. IMPLICATIONS

5.1 Legal Implications

The proposed changes have been prepared and will be consulted on in accordance with guidance issued by national government. There are no legal implications.

5.2 Financial Implications

This report itself does not have any financial implications. However, in the event that the Council or appellant has acted unreasonably in terms of the planning decision or appeal, an award of costs may be made against or in favour of the Council.

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	11/01320/FUL - Land Opposite 3 Hurn Road, Werrington, Peterborough Use of land for one extended gypsy family comprising of 2 static caravans and 2 touring caravans	Delegated	Dismissed	The application was refused because of the appearance of the acoustic barrier needed to protect the caravans from the noise from the railway. The inspector concluded that the barriers by reason of their overall length and height would appear as incongruous features in the surrounding landscape. The inspector added that the proposed barriers would be particularly intrusive due to their artificial appearance, exacerbated by the need to have two. The inspector felt that it would take some years before the planting on the mounds matured sufficiently to screen the earth and fencing and even then, the planted mounds would appear rather alien to the relatively flat surrounding area.	No
2	11/01704/FUL - Land Opposite 3 Hurn Road Werrington Peterborough Use of land for one extended gypsy family composed of 2 static caravans and 1 touring caravan	Committee (T)	Allowed	The inspector concluded: 1 - that the appearance and character of the site would undoubtedly change. The inspector noted that the site is close to a small enclave of development including the railway line, housing, telecoms equipment and the A15 by-pass bridge and that the he did not consider that the development would unduly detract from the rural qualities of the surrounding area. 2 – that there would undoubtedly be increased activity and vehicle movement over and above that which currently occurs on this site, however the additional vehicle movements from one residential pitch are unlikely to be substantial or sufficient to be of detriment to the living conditions of nearby properties. 3 – that given the distances that would be retained between the existing properties and the residential area proposed there would be no unacceptable loss of privacy or overlooking Officer Commentary Cost were awarded because Committee added additional refusal reasons compared to an earlier refused scheme which was only refused on grounds of the impact of the appearance of an acoustic barrier	A claim of approx £31,000 has been made but only a part payment of £23,000 has been made. We are in dispute regarding further payment

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
3	11/00776/FUL - 47 Burghley Road Peterborough Change of use from residential and increase of ground floor area to beauty salon including new shop front and disabled access	Delegated	Dismissed	The site is not located within any of the 'shopping centres' that have been identified by the City Council. The inspector concluded that the proposal would draw customers away from the existing centres and that it would cause material harm to the vitality and viability of these centres.	No
4	11/01245/FUL - Freestanding Barn Elms Farm Great North Road Wittering Conversion to 3 bedroom dwelling with separate garden area and car parking	Delegated	Dismissed	The inspector concluded that the proposal would be harmful to the special architectural and historic interest of the building and its relationship with those surrounding and it would not provide acceptable living conditions for its occupiers.	No
5	11/01246/LBC - Freestanding Barn Elms Farm Great North Road Wittering Conversion to 3 bedroom dwelling with separate garden area and car parking	Delegated	Dismissed	The inspector concluded that the proposal would be harmful to the special architectural and historic interest of the building and its relationship with those surrounding and it would not provide acceptable living conditions for its occupiers.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
6	11/00439/WCPP - 41 Exeter Road Millfield Peterborough Variation of condition C3 (number of pupils and hours) of planning application 04/01418/FUL - Continued use of day room as Madrassa	Delegated	Dismissed	<p>The inspector concluded that the existing condition is necessary and meets all the other requirements in Circular 11/95. If the condition was varied the use would be harmful to the living conditions of the neighbouring residents. Specifically the variation of condition would more than double the number of children that could be at site at any one time. This would mean that in the 15 minute change over period there could be up to 50 children arriving or departing from the site and many parents and carers. The inspector stated that this would be likely to generate a level of noise and disturbance on a regular basis.</p> <p>Further the inspector considered that the use would be an over intensification of the permitted use that would not be consistent with a residential area such as this</p>	No
7	11/01560/FUL - Spring Forward 93 Eastfield Road Eastfield Peterborough Extension and Installation of new shop window and change of use of shop from A1 to A5 hot food take away - Resubmission	Delegated	Dismissed	<p>The inspector accepted the assertion of the police that these uses frequently result in noise and disturbance late at night as a result of disputes between customers often under the influence of alcohol. The inspector concluded that the proposal would exacerbate the problem of anti social behaviour already evident in the area. The inspector added that in the absence of parking the proposal would mean that many of the customers would arrive on foot and this would increase the likelihood of harmful noise, disturbance and litter.</p>	No
8	11/01588/FUL - Bahar Food Store 64 - 66 Dogsthorpe Road Peterborough Extension and alterations to shop front, construction of canopy and installation of roller shutters (retrospective)	Delegated	Dismissed	<p>The inspector stated that the canopy is a bulky heavy structure which is prominent in the street scene. The inspector felt that because of its bulk it caused a significant break in views along the street. The inspector concluded that steel shutters can create a perception that an area has a high risk of crime which is not the case here and this combined with the forward position of the shutters and their width would create a prominent and hostile frontage when the shutters are down.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
9	12/00836/FUL - Ghousia Foods Ltd Shop At 281 Lincoln Road Peterborough Construction of detached store room and chiller unit - Revised application	Delegated	Allowed	Given its positioning (front area of 1 St Martin's Street closest to the appeal building was used for parking, the main outdoor area associated with the same property extends some distance to the rear, and the gap of 5 metres between the side wall of the subject building to the kitchen window) the inspector considered that the size and scale of the storage shed does not cause undue harm to the neighbours living conditions. Further the inspector concluded that when rendered and painted, as indicated in the application form, it would not appear out of place or any more disruptive in the streetscene than the existing walls of the commercial property extending to the corner of St Martin's Street.	No
10	11/01966/FUL - 1315 Lincoln Road Peterborough Conversion of detached dwelling to three two-bed flats including two storey front extension and single storey rear extension and demolition of garage	Delegated	Dismissed	The inspector concluded that there could be a conflict between vehicles and pedestrians particularly young children because of a car parked in a parking space would obstruct visibility. Further the inspector concluded that the proposal would not provide a convenient area of private garden or outdoor amenity space with reasonable privacy. The inspector added that the outlook for occupiers of the flat with the lounge and kitchen facing the flank wall of No 1317 would be poor because they would be close to that blank wall.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
11	11/01761/HHFUL - 15 Kirby Walk Netherton Peterborough Single storey side, double storey side and front porch	Delegated	Split Decision Dismissed the double storey side extension. Allowed single storey side and front porch.	The inspector concluded that the proposed two storey side extension would unacceptably dominate the existing dwelling. In particular, the large expanse of roof would appear as a bulky addition. The inspector added that the proposed extension would be out of proportion with and unbalance the appearance of the existing dwelling within the streetscene and that the symmetry with the dwelling opposite would be lost. With regards to the single storey side and front porch the Council has not raised concern. The inspector concluded that as these two extensions could be constructed independently from the proposed two storey extension that it is reasonable to issue a split decision. NB A revised application for the development is on the agenda for this meeting.	No
12	11/01547/FUL - 83 - 85 Cromwell Road Peterborough Change of use to hand car wash and valeting facility Extension to the rear of the garage to create a store and office above (Retrospective)	Delegated	Dismissed	The inspector accepted that this facility would bring benefits in terms of employment and provision of services and found no reason, subject to conditions, to reject the scheme on amenity grounds. Notwithstanding the inspector stated that: <ul style="list-style-type: none"> • there would be poor visibility from the proposed access • the applicant had not demonstrated that vehicles could circulate freely within the site. The inspector added that these shortcomings would lead to a point of conflict at the site access particularly in relation to cycle traffic. The inspector concluded that there are sound reasons to reject the scheme based on the need to reduce accidents.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
13	12/01052/HHFUL - 84 Wisbech Road Thorney Peterborough Extension to the rear of the garage to create a store and office above (Retrospective)	Delegated	Dismissed	The inspector states that the development <ul style="list-style-type: none"> • has resulted in the further incremental erosion of this open character • appears as a harmful intrusion within the Conservation Area were openness represents one of its defining characteristics • the extension with a much increased volume and footprint swamps the host building Further the inspector states that the stark appearance of the development, with its timber finish and flat roof allied to its scale, has resulted in an incongruous relationship with the listed building to the detriment of its setting.	No
14	11/00774/OUT - 124-126 Gladstone Street Peterborough Demolition of existing Public House and construction of 7 x 1 bed flats	Delegated	Dismissed	The Inspector was not convinced that the site could accommodate seven residential units without harming the character and appearance of the area. Specifically: <ul style="list-style-type: none"> • the indicative layout and elevations would not be in character with the linear two-storey properties in the street • the frontage buildings would stand out as taller in the street and the single storey building would create a cumbersome tight arrangement at the rear • much of the remaining garden area is shown as being laid out for parking which would completely erode the open character of the long gardens • the layout indicated would be a cramped and unsatisfactory arrangement 	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
15	11/01363/OUT - 44 Ashcroft Gardens Eastfield Peterborough The construction of two additional two bedroom properties each with parking space and garden. Access made off Reeves Way	Committee	Dismissed	<p>The inspector stated that the dwellings would be very close to the side boundary with the access to the front which would result in a much more cramped appearance. The Inspector argued that the proposal would fail to respect the prevailing and consistent grain of development in the area.</p> <p>In addition the inspector considered that the back gardens of the proposed dwellings would be only about 7 metres deep and thus the outlook from the upper floor windows would intrude significantly on the privacy of the garden at 42 Reeves Way. The inspector also added that the side elevation of one of the dwellings would be only about 10m from the rear facing windows off 44 Ashcroft Gardens and thus the proposal would be rather overbearing in the context of the generally well spaced character of nearby development. The inspector attached significant weight to the Council's POIS strategy and states that it would be wrong to allow the appeal in the absence of a completed planning obligation.</p>	No
16	12/00082/FUL - 94 Norman Road Eastfield Peterborough Conversion of dwelling into two dwellings consisting of:- one three-bed dwelling, one two bed dwelling with two storey and first floor extensions	Delegated	Dismissed	<p>The inspector concluded that the proposed side extension would have a materially detrimental effect on the character and appearance of the host dwelling and the street scene. Specifically the proposed extension would extend almost to the shared boundary with No. 92 and that this would result in the appeal property appearing squeezed on its plot.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
17	<p>12/00595/FUL - Vine Farm Barnack Road Bainton Stamford Sub-division of existing property to create 2 dwellings; 1. Main House, part of rear outbuildings, garden and parking area and access onto Bainton Rd; 2. The Barn, Annexe and part of rear outbuildings garden and parking area and access onto Ufford Rd, dividing the garden using wooden fencing</p>	Delegated	Split Decision Dismissed the appeal insofar as it relates to provision of separate parking areas and the associated fence. Allowed insofar as it related to division of the existing property to form 2 dwelling, the provision of separate gardens and alterations to outbuilding	<p>The inspector considered the separation of the parking areas with fencing would appear contrived and that this element of the proposed works would cause significant harm to the setting of the Farmhouse and the Barn.</p> <p>The inspector considered that the outhouse has little if any architectural or historic importance. The inspector added that the alterations have no effect on its external appearance, and cause no harm to its character or the setting of the principal listed buildings.</p> <p>The inspector stated that the two houses would be of a size and degree of separation that they could contain the residential uses without causing significant harm to the robust character of the buildings or their surroundings.</p> <p>The inspector stated that the doorway was a relatively recent introduction to provide communication between the two parts of the building when the ancillary accommodation was formed. The inspector added that its blocking up would restore the arrangement of what must have clearly been physically separate spaces and accordingly considered that the restoration of the original plan should be seen as a modest enhancement.</p> <p>The inspector concluded that the proposed development, excluding the provision of separate parking areas would effectively ensure the continued use and maintenance of these historic buildings which in his view should be regarded as a public benefit rather than a purely private benefit as argued by the Council. The proposals apart from the provision of separate parking areas would preserve the character and appearance of the Bainton Conservation Area.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
18	12/00297/FUL - Land To Rear Of 37 And 39 Lincoln Road Glington Peterborough Construction of 1 x 2 bed bungalow	Delegated	Dismissed	The inspector considered that the proposed dwelling would occupy an uncharacteristically small plot in comparison to the majority of nearby dwellings and that this would give an impression of a cramped overdevelopment of the site area. Further the widening of the access would create an incongruous visual relationship. The inspector added that the increased use of the access would result in additional comings and goings that would interfere with the quiet enjoyment, the occupiers of nearby dwellings, would reasonably expect from their homes	No
19	12/00028/FUL - 51 Park Road Peterborough Re build garden wall (Part retrospective)	Committee	Dismissed	The inspector considered that the proposal would lead to substantial harm to the character and appearance of the Park Conservation Area which is not necessary to achieve substantial public benefits that outweigh that harm or loss. The inspector added that the retention of the wall with the gap allowing vehicular access without adequate visibility splays would cause harm to highway safety, because pedestrians, particularly young children, could not be properly seen by drivers. NB Enforcement action is pending. A proper wall design has been agreed and it is anticipated that the wall will be built correctly soon.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
20	11/01383/FUL - 171 Mayors Walk West Town Peterborough Construction of a detached two bed dwelling – Resubmission	Committee (T)	Dismissed	<p>The inspector concluded due to the shallowness of the remaining plot of no. 171 and as the development stands markedly forward of the building line that it would cause harm to the character and appearance of the area.</p> <p>The inspector added that the development would be harmful to the living conditions of the occupants of both 169 and 171 Mayor's Walk due to the effect on outlook and sunlight. It would also provide a somewhat unsatisfactory amenity space for the occupants of the dwelling.</p> <p>The inspector was not satisfied that the proposal would be consistent with the environmental and social elements of the definition of sustainable development because of its effect on the character of the area and living conditions. The inspector added that the NPPF stresses the importance of good design, not just in terms of visual appearance but in terms of making places better for people.</p>	No
21	11/01892/HHFUL - 62 Lincoln Road Northborough Peterborough Construction of two storey rear and side extension and single storey front extension	Delegated	Dismissed	<p>The inspector concluded that the proposal would have an unacceptably harmful effect on the character and appearance of the host dwelling, neighbouring properties and the surrounding area. Specifically that the proposed extension would result in an unbalanced window arrangement with a clumsy expanse of blank wall to the side of the smaller first floor window and that the proposed front extension would appear unacceptably clumsy and incongruous in the row.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
22	12/00681/HHFUL - 98 Middleton Bretton Peterborough Construction of new garage and front porch	Delegated	Dismissed	The inspector found no harm as a consequence of the proposed porch. Notwithstanding the inspector concluded that there would be material harm to the character and appearance of the area as a result of the proposed garage and fencing. The inspector considered that the size, scale and proportions of the proposed garage and its proximity to the footway mean that it would be seen as a bulky and unduly intrusive feature in the street scene. The inspector added that there would be material harm to the green and open character and appearance of this part of the estate as a consequence of the proposed garage and, to some extent the enclosure of land behind.	No
23	12/00423/HHFUL - 5 Werrington Park Avenue Werrington Peterborough Construction of two storey rear extension and first floor side extension	Delegated	Allowed	The proposal would not result in a development out of character with the original house nor with the rest of the area. The inspector was of the view that the extension would preserve the character of the Werrington Conservation Area.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
24	11/01801/ADV - 45 Thorpe Road Peterborough The proposed is a permanent signage which will advertise the nearby offices and related business	Delegated	Allowed	The inspector did not accept that this form of signage would be inappropriate on the forecourt of the premises and on the basis of the other signage in the area it would not be too large. The inspector added that the proposed signage would be of appropriate size and style and would not be harmful to visual amenity.	No
25	11/01254/FUL - 62 Park Road Peterborough Change of use of a first floor office unit to create a studio apartment. Including the replacement of external fire escape doors with glazed units to match existing windows	Delegated	Allowed	The inspector concluded that whilst the standard of daylight would be less than satisfactory, the proposed residential unit would provide an acceptable overall standard of amenity. The inspector considered that the generous amount of accommodation and the floor to ceiling height relieves the living space from any sense of oppressiveness and that the internal layout of accommodation and decoration could help address the daylight issue.	No
26	12/00137/HHFUL - 21 Suttons Lane Deeping Gate Peterborough Dining/porch extension single storey (revised)	Delegated	Dismissed	The inspector concluded that the proposed extension would have a materially detrimental effect on the character and appearance of the host dwelling and, owing to its prominent position, to the street scene of Suttons Lane. Specifically the proposed extension would appear as an incongruous and poorly proportioned addition to the dwelling.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
27	11/01925/OUT - Long Meadow Farm Glinton Road Milking Nook Peterborough Proposed demolition of existing building, erection of permanent agricultural dwelling and reinstatement of access	Delegated	Allowed	The inspector considered that as this is a relocated profitable unit, that as a significant amount of investment has taken place at the farm and as the company is well established that he could justify exception to the requirement of PP7 © which requires such a unit to have been in operation for 3 years. In this case the main building has been in operation for almost 2 years.	No
28	11/01785/FUL - 222 Thorpe Road Peterborough Construction of one 'prestige' five-bed dwelling and replacement garage	Delegated	Allowed	The inspector concluded that the proposal would not have any unacceptably harmful effects on the character and appearance of the surrounding area. In addition the inspector considered that the proposal would not have any unacceptably harmful effects on the living conditions of the occupiers of nos.220 and 222 Thorpe Road by reason of increased noise arising from vehicles accessing the proposed dwelling. The inspector was not persuaded that the infrastructure contributions offered by the applicant were necessary in order to make the development acceptable in planning terms or that they were so directly related to the development that they satisfy the second part of the National Planning Policy Framework test	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
29	11/01779/FUL - 222 Thorpe Road Peterborough Proposed construction of 1 five-bed and 1 six-bed 'prestige' dwellings and replacement garage to existing dwelling	Delegated	Dismissed	Despite the fact that the proposed development would not be readily visible from publically accessible areas the Inspector was satisfied that when viewed from surrounding properties and from within the site the visual effect would be sufficient to cause significant harm to the character and appearance of the surroundings contrary to Policy CS16 of the Peterborough Core Strategy. Given the degree of separation between the existing houses and the proposed access drive the inspector considered that the nuisance caused would not be sufficient to justify a refusal of planning permission.	No
30	12/00078/FUL - 1A Peterborough Road Crowland Peterborough Change of use of former barn to a 2 bedroomed dwelling (retrospective)	Delegated	Dismissed	Prior to its conversion the building was in use as a workshop and for storage and not in agricultural use. The inspector concluded that the proposed dwelling is contrary to paragraph 55 of the National Planning Policy Framework that advises that isolated new homes in the countryside should be avoided unless there are special circumstances. The inspector stated that there were no special circumstances in this case. The inspector added that the sustainable aspects of the development were insufficient to overcome the isolated location of the dwelling. The inspector also stated that contributions for infrastructure improvements to be secured by a section106 agreement, other than in relation to waste management and bereavement services fail the tests in the Framework.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
31	11/01808/FUL - 9 Exeter Road Millfield Peterborough Change of use from residential to mixed use as a residential and teaching establishment for Arabic and Religious instruction on weekdays only - Retrospective	Committee	Dismissed	<p>The inspector concluded that the proposed change of use could have a harmful effect on the living conditions of occupiers of neighbouring properties generated from the mixed use of the property. Specifically that there could be considerable activity caused by a number of children and their parents arriving and leaving the premises on a daily basis during the week leading to a high level of noise and disturbance than would be expected from a residential property.</p> <p>The inspector added that the use would adversely impact on the free flow of traffic and highway safety. Specifically the use of the site for holding regular teaching classes could put extra demand for parking spaces which could in turn put pressure on the free flow of traffic in Exeter Road. Combined with the traffic generated by the nearby school in Dogsthorpe Road and the Madrassa further along Exeter Road the inspector considered the mixed use could be harmful to highway safety.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
32	12/00609/HHFUL - 12 Main Road Etton Peterborough Proposed single storey side and rear extensions with additional living space in roof	Committee (T)	Allowed	<p>The inspector concluded that the extensions have been sensitively designed and would blend in satisfactorily with the host property. The inspector accepted that the building's character would inevitably change, but this would not be harmful and the proposal would represent a sympathetic addition that would satisfy the design objectives of Policy CS16.</p> <p>Due to its sympathetic design, and in view of the separation distance, the inspector considered that the proposal would not impact unfavourably on the setting of the listed Corner Cottage and at the same time would preserve the character and appearance of the Conservation Area.</p> <p>Finally the inspector stated that the proposal would not appear overbearing nor in any other way materially harm the living conditions presently enjoyed by the occupiers of No 14.</p>	No
33	12/00918/HHFUL - 3 Hundreds Road Crowland Peterborough Replace existing conservatory with traditional sun lounge, side and rear extensions to existing single garage comprising oil tank and garden store adjacent to side of existing garage and rear extension to create shower room, gym and games room	Delegated	Allowed	<p>The inspector concluded that the proposed extensions reflect the modern design of the current farmhouse and would not be significantly more visible in the landscape than the existing structures. On that basis the inspector stated that they would maintain the essential open nature of the area with its isolated Victorian and modern farmsteads, and would not be harmful to the character or appearance of the general countryside around Crowland.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
34	<p>12/01102/FUL - Store Adjacent To 29 Hankey Street Peterborough</p> <p>Change of use to storage of shop goods with proposed alterations including reposition of entrance, installation of roller shutter, increased wall height, addition of roof, rendering and painting of elevations - Resubmission</p>	Committee	Dismissed	<p>The inspector stated that the proposal would not have an adverse impact upon highway safety or on street parking congestion and that the use of the occupiers of No. 29 would not be harmed through noise and disturbance.</p> <p>Notwithstanding the design was however considered to be unacceptable within this primarily residential area, that it would both impact on the outlook from nearby properties and have a harmful effect on the character and appearance of the area.</p>	No
35	<p>12/00209/FUL - Land To The Rear Of 55-57 Cromwell Road Peterborough</p> <p>Construction of a single 2 bedroom dwelling</p>	Delegated	Dismissed	<p>The inspector concluded that the proposed dwelling would amount to the inappropriate development of residential garden land that would result in material harm to the character and appearance of the surrounding area. The inspector added, given the generous size of the proposed dwelling that the garden space would not be adequate to serve the needs of the occupiers. Further the inspector shared the Council's concern that the area of garden remaining to serve no. 57 would be unacceptably small and this would further increase the pressure on the limited public open space in the area.</p> <p>The inspector noted that both of the existing dwellings would be deprived of in-curtilage parking provision and the applicant has not demonstrated that the surrounding roads would have the capacity to accommodate more vehicles such that the inspector considered the proposal to be detrimental to highway safety.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
36	11/01584/FUL - Land South Of A47 And East Of Great North Road Wansford Peterborough One extended gypsy family consisting of access, parking, two caravans and two communal facility blocks	Delegated	Dismissed	The inspector concluded that the proposal would cause unacceptable harm to the landscape of the Nene Valley. The inspector added that only moderate weight could be given to the need for Gypsy and Travellers sites in the district and that the applicants personal circumstances were not compelling such that they could be of limited weight.	No
37	12/00792/TRE - 41 Werrington Park Avenue Werrington Peterborough Fell T4 Horse Chestnut, T5 Lime, T6 Horse Chestnut (listed as a Lime), T7 Lime - TPO 2.1986	Delegated	Split Decision Dismissed in respect of T4 Horse Chestnut and T5 and T7 both Limes and allowed in respect of T6 Horse Chestnut	The inspector states that the trees as a group provide a significant contribution to the amenity of the local area. The inspector added that there are no compelling reasons why three of the trees should be removed. Notwithstanding the inspector concluded that T6 Horse Chestnut is being suppressed by the other trees, that it is not an outstanding tree and that its removal will reduce shading to the garden. A replacement tree is required to be planted within the garden area	No
38	12/00737/WCPP - 3 High Street Maxey Peterborough Removal of C4 of planning permission 02/01260/FUL to allow residential annex to be used as a separate one-bed dwelling	Delegated	Allowed	The inspector concluded that the degree of harm to the conservation area would be limited due to the separation of the curtilages and the garden arrangements and that due to the use of a shared driveway and the proximity of the buildings such changes would not be discernible from the general street scene The inspector added that there would be no significant impact upon the amenities of the occupiers of the existing dwelling or the proposed dwelling and that there would be no significant impact upon highway and pedestrian safety.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
39	12/00252/FUL - Coneygree Lodge Coneygree Road Stanground Peterborough Conversion of existing redundant Care Home to 2 x 1 bed flats and 9 x 2 bed maisonettes, and construction of 3 x 2 storey 3 bed dwellings	Delegated	Dismissed	<p>The inspector found that the visibility from the proposed vehicular access would be adversely obstructed by a bus shelter and that the poor visibility would be further compounded were there to be a bus parked at the bus stop.</p> <p>In addition the Inspector stated that there was insufficient evidence regarding infrastructure capacity in relation to the proposal in order to enable full consideration to be given to whether the submitted planning obligation would meet the tests in paragraph 204 of the National Planning Policy Framework.</p>	No

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
11 JUNE 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Marco Cereste Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer(s):	Simon Machen - Head of Planning, Transport and Engineering Services Emma Naylor – Strategic Planning Officer	Tel. 453475 Tel: 863881

NEIGHBOURHOOD PLANNING - APPLICATIONS TO DESIGNATE NEIGHBOURHOOD AREAS (DEEPING GATE PARISH COUNCIL; GLINTON PARISH COUNCIL; NORTHBOROUGH PARISH COUNCIL; AND PEAKIRK PARISH COUNCIL)

R E C O M M E N D A T I O N S	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : 11 June 2013
<p>That the Committee agree:</p> <ol style="list-style-type: none"> 1. That Deeping Gate Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment); 2. That Glinton Parish Council's application to designate a neighbourhood area is approved subject to an amendment that includes the whole of the parish area (Option B - approval with minor amendments); 3. That Northborough Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment); 4. That Peakirk Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment); and 5. That none of the four neighbourhood areas should be designated as business areas. 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the receipt of applications from Deeping Gate, Glinton, Northborough and Peakirk Parish Councils for the designation of neighbourhood areas and in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement (page 36).

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of the applications from Deeping Gate, Glinton, Northborough and Peakirk Parish Councils to designate neighbourhood areas. The reasoning behind said recommendations is included within this report. It is expected that the Committee will

determine the four applications following consideration of the recommendations and reasons provided.

- 2.2 This report is for the Committee to consider under its Terms of Reference in paragraph 2.5.1.1 and Schedule 2.5.3 of part 3, section 2, of the Constitution, to exercise the functions of the Council under the Town and Country Planning Act 1990, specifically “Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area).”

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. **CONSIDERATION OF APPLICATIONS**

4.1 The Localism Act 2011

The Localism Act 2011 introduced (into the Town and Country Planning Act 1990) the concept of neighbourhood development plans and neighbourhood development orders. Neighbourhood development plans and orders can be prepared by a ‘relevant body’ (notably a parish council or recognised neighbourhood forum), for a designated neighbourhood area.

Neighbourhood plans and orders are optional. There is no statutory requirement for a plan or order to be prepared for any area.

Following the enactment of the Localism Act 2011, relevant bodies can opt to apply for the designation of an area as a neighbourhood area and, subject to the successful designation of the neighbourhood area, subsequently prepare a neighbourhood plan and/ or order for said area.

4.2 Applications

As parish councils, Deeping Gate, Glinton, Northborough and Peakirk Parish Councils automatically qualify as relevant bodies under section 61G(2) of the Town and Country Planning Act 1990.

The areas proposed in the four applications are summarised below, along with the reasons stated by the Parish Councils as to why the proposed areas are suitable.

Deeping Gate: designation of the whole of the parish area as a neighbourhood area. Reason stated: “the Parish Council believes the most sensible neighbourhood area designation is for the whole of the parish to be designated”.

Glinton: designation of only the village envelope (as defined in the Peterborough City Council Site Allocations DPD 2012) as a neighbourhood area.

Reason stated: “[the village envelope] is the most sensible designation due to the size of the overall parish”.

Glinton Parish Council subsequently submitted a representation during the consultation period requesting that the area should be extended to include the whole of the parish.

Northborough: designation of the whole of the parish area as a neighbourhood area. Reason stated: “the area includes the whole of Northborough parish”.

Peakirk: designation of the whole of the parish area as a neighbourhood area.

Reason stated: “the Parish Council believes the most sensible neighbourhood area designation is for the whole of the parish to be designated”.

4.3 Factors for consideration

The appropriateness of the proposed neighbourhood areas has been considered: consequently, the recommendations outlined at the start of this report are put forward for consideration by the Committee.

In line with section 61 of the Town and Country Planning Act 1990, the following factors have been taken into consideration as part of the assessment of the appropriateness of each area.

- i) Whether the specified area falls entirely within Peterborough City Council's area.
- ii) Whether the specified area, in whole or part, has already been designated as a neighbourhood area, and whether there are any other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reasons provided by the parish council as to why the area is appropriate.
- iv) All representations received during the six week consultation period.
- v) Whether the proposed area should be designated as a business area.

5. CONSULTATION

5.1 The four applications were received on: Deeping Gate, 7 February 2013; Glinton, 11 March 2013; Northborough, 20 March 2013; Peakirk, 4 March 2013. A six week consultation period on the four separate applications ran from 5 April 2013 to 5pm on 16 May 2013. The applications, and the opportunity to comment, were advertised on the Council's website and on all relevant parish notice boards. All adjoining parish councils and South Kesteven District Council (adjoining local planning authority) were notified. Councillors representing the wards containing these parishes were notified.

5.2 During the six week consultation, the following comments were received.

Parish application	Comments
Deeping Gate	<p>1) "I write to commend the initiative in a very general sense - increased participation in the planning process is of course to be welcomed.</p> <p>I have a concern about the narrow geographical breadth of the bid. It may not always make sense for neighbourhood areas to be based only on historic parish boundaries and I ask if thought had been given to the two parishes [Deeping Gate and Northborough] working together to combine forces. The area is of a singular nature and character, with the two settlements linked by common roads and countryside."</p> <p>2) "I fully support the Parish Council's proposal to create a Neighbourhood Plan for the whole of the parish and not just the village envelope.</p> <p>I believe that this will be a positive move and will give local people a better say in how and where development in Deeping Gate takes place. After all we the ones who will have to live with the consequences of any new development."</p> <p>3) "I fully agree with the Parish Council that it should have Neighbourhood status.</p>

	<p>It is far better that local people have a say in how the parish should develop as it is us that have to live with the consequences of any new development.”</p> <p>4) “I totally agree with Deeping Gate Parish Council that we should be a neighbourhood area.</p> <p>I have lived in Deeping Gate for 42 years and believe that all residents have a great knowledge of what planning needs best suit us.</p> <p>We elect our Parish Council to protect our interests and I have great faith in them.”</p>
Glinton	<p>1) “During a meeting held on 16 April 2013 it was resolved by members of Glinton Parish Council to extend the proposed designated [<i>sic</i>] Neighbourhood Area [designation] from the Village Envelope to include the whole of the Parish Boundary.</p> <p>The reason for the change is that Planning Applications are received occasionally for properties that are outside the Village Envelope but still within the Parish Boundary.”</p>
Northborough	<p>1) “I write to commend the initiative in a very general sense - increased participation in the planning process is of course to be welcomed.</p> <p>I have a concern about the narrow geographical breadth of the bid. It may not always make sense for neighbourhood areas to be based only on historic parish boundaries and I ask if thought had been given to the two parishes [Deeping Gate and Northborough] working together to combine forces. The area is of a singular nature and character, with the two settlements linked by common roads and countryside.”</p>
Peakirk	<i>No comments received</i>

6. ANTICIPATED OUTCOMES

- 6.1 It is anticipated that the Committee will determine the four applications to designate neighbourhood areas following consideration of the recommendations and the reasons for these recommendations made herein. The Committee are able to chose one of the following three options for each application: Option A, ‘area approved, without amendment’; Option B, ‘area approved, with minor amendments’; Option C ‘minded to approve an area, but only if significant amendments are made which are subject to a further round of consultation’. The Committee is not permitted in law to reject the proposals outright.
- 6.2 The Committee must also decide whether it is appropriate to designate any of the four areas as business areas.

7. REASONS FOR RECOMMENDATIONS

7.1 Deeping Gate

Recommendation: Option A (approve without amendment)

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form is considered justified.
- iv) Consultation responses (see 5.2):

One of the responses received during the consultation period specifically supported the designation of the whole of the parish. Another representation received expressed concern for the "narrow geographical breadth of the bid" and questioned the option of Deeping Gate and Northborough Parish Councils working together. Two further responses were received which expressed support for the designation of the neighbourhood area. It is considered that the allocation of separate neighbourhood areas in each parish (and thus the preparation of separate neighbourhood plans) is a logical approach which will allow policy distinctions between the two parishes to be made and any differing qualities and issues of the parishes to be addressed if desired. (It is worth noting that the four parishes have expressed that it is their intention to progress through the neighbourhood planning process together, in order to share expertise and resources. Therefore it is envisaged that this will lead to some extent of collaborative working which will address any interrelated matters or issues that arise. It should be noted however that the parishes are not obliged to maintain this intention and may later chose to progress individually).
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the whole of the parish is a logical and appropriate area for designation as a neighbourhood area. As a rural area, it is considered that designation of only part of the parish would lead to a fragmented approach within the area.

7.2 Glinton

Recommendation: Option B (approve with minor amendments). It is recommended that the area is expanded to include the whole of the parish area.

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form does not provide sufficient reasoning for the designation of only the village envelope: while it is implied that the parish area is too large, no explanation is provided as to why the smaller area of the village envelope is suitable and why the parish area is unsuitable.
- iv) Consultation response (see 5.2 above):

Glinton Parish Council submitted a representation on its own application during the consultation period. Its request to extend the neighbourhood area proposal to include the whole of the parish council further supports the notion that the parish area is a logical and suitable area to designate.
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the designation of only the village envelope as a neighbourhood area is not preferable. Due to the rural nature of the area, it is felt that the designation of only part of the parish would lead to a fragmented approach within the area, and may result in some or all of the remaining parish area being excluded from the neighbourhood planning process (i.e. it is unknown whether the parish council will apply to designate any further neighbourhood areas within the parish boundary). In light of this and of the comment received during the consultation period, it is considered that the whole of

the parish is a logical and appropriate area for designation of a neighbourhood area. Therefore it is recommended that the amendment of the area to include the whole parish area is approved.

7.3 Northborough

Recommendation: Option A (approve without amendment)

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form is considered justified.
- iv) Consultation response (see 5.2 above):
The representation received expressed concern for the "narrow geographical breadth of the bid" and questioned the option of Deeping Gate and Northborough Parish Councils working together. It is considered that the allocation of separate neighbourhood areas in each parish (and thus the preparation of separate neighbourhood plans) is a logical approach which will allow policy distinctions between the two parishes to be made and any differing qualities and issues of the parishes to be addressed if desired. (It is worth noting that the four parishes have expressed that it is their intention to progress through the neighbourhood planning process together, in order to share expertise and resources. Therefore it is envisaged that this will lead to some extent of collaborative working which will address any interrelated matters or issues that arise. It should be noted however, that the parishes are not obliged to maintain this intention and may later chose to progress individually).
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the whole of the parish is a logical and appropriate area for designation of a neighbourhood area. As a rural area, it is considered that designation of only part of the parish would lead to a fragmented approach within the area.

7.4 Peakirk

Recommendation: Option A (approve without amendment)

Reasons for recommendation:

- i) The specified area falls entirely within Peterborough City Council's area.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form is considered justified.
- iv) No representations were received during the consultation period in objection to the proposed area.
- v) As the area is not of a predominantly business nature and given the residential occupation within the area, it is deemed that it would be inappropriate to designate the area as a business area.

Summary: It is considered that the whole of the parish is a logical and appropriate area for designation of a neighbourhood area. As a rural area, it is considered that designation of only part of the parish would lead to a fragmented approach within the area.

8. **ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 As outlined in Section 6 'Anticipated Outcomes', the options on which the above recommendations are based and which are available to the Committee during the determination of each of the four applications are:

Option A: 'area approved, without amendment';

Option B: 'area approved, with minor* amendments';

Option C: 'minded to approve an area, but only if significant* amendments are made which are subject to a further round of consultation'.

** Page 36 of the Statement of Community Involvement outlines what is classed as a 'minor' and 'significant' amendment.*

The paragraphs below highlight why it is recommended that the alternative options are discounted.

8.2 **Deeping Gate**

It is recommended that Options B and C are discounted for the following reason:

It is not considered that minor or significant amendments would result in a more appropriate or strategic neighbourhood area and as such it is not considered that an amendment to the area would derive any significant benefits.

8.3 **Glington**

It is recommended that Options A and C are discounted for the following reasons:

It is recommended that Option A is discounted for the reasons outlined in paragraph 7.2.

It is recommended that Option C is discounted because amendment of the proposed area to include the whole parish is classed as a 'minor' amendment in this case and therefore is under the remit of Option B. It is not considered that a significant amendment (to change the area but not to include the whole of the parish) would result in a more appropriate or strategic neighbourhood area and as such it is not considered that a significant amendment to the area would derive any considerable benefits.

8.4 **Northborough**

It is recommended that Options B and C are discounted for the following reason:

It is not considered that minor or significant amendments would result in a more appropriate or strategic neighbourhood area and as such it is not considered that an amendment to the area would derive any significant benefits.

8.5 **Peakirk**

It is recommended that Options B and C are discounted for the following reason:

It is not considered that minor or significant amendments would result in a more appropriate or strategic neighbourhood area and as such it is not considered that an amendment to the area would derive any significant benefits.

9. **IMPLICATIONS**

9.1 The designation of the Neighbourhood Area will have some implications.

9.2 **Legal Implications**

The Council must act in accordance with the legislative requirements regarding neighbourhood planning (introduced via the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 during the processing of applications to designate neighbourhood areas; and in accordance with the consultation and engagement arrangements described in the Peterborough Statement of Community Involvement. These processes have been adhered to. The Committee must approve Option A, B or C for each application, but is not permitted to refuse an application outright.

9.3 **Financial Implications**

There are no financial implications associated with the designation of a neighbourhood area. There are however financial implications associated with the subsequent provision of assistance to the parish councils and delivery of statutory requirements during the preparation and adoption stages of their neighbourhood plans and/ or orders. These will be met from existing budgets.

9.4 **Cross-service Implications**

The designation of a neighbourhood area has implications for the Communications Team: it will be required to prepare and issue a press release detailing the designation/s.

10. **BACKGROUND DOCUMENTS**

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

- 5 written responses to consultation on proposed neighbourhood areas, held on file.